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HOUSE OF REPRESENTATIVES—*Friday, November 18, 2011*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

We come to the end of a week where we have given thanks for the heroism of our astronauts. They answered the call to service of their Nation, and of their race, to leave the comfort of home to expand the horizons of us all.

We have honored as well the elders of both the Senate and this people's House, two men who have served together over a century in this most noble work of representing the people of the United States.

Now we approach a week during which all Americans will gather to remember who we are: a Nation generously blessed not only by You, our God, but by courageous ancestors, faithful allies, and the best good wishes of people everywhere who long for freedom, who would glory in the difficult work of participative government and who do not enjoy the bounty we are privileged to possess.

Bless the Members of this assembly and us all, that we would be worthy of the call we have been given as Americans. Help us all to be truly thankful and appreciative and appropriately generous in our response.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and

lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

NOT SO FAST WITH THE CONFETTI

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, this week marked the passage of an important milestone in American history. But don't just break out the confetti and the fireworks so quickly.

According to the Treasury Department, our national debt just passed \$15 trillion for the first time in history. Mr. Speaker, here is what \$15 trillion looks like. That seems like a lot of money to me. That totals over \$48,000 for every man, woman, and child across the fruited plain.

Now, how did we get here? Through unchecked, excessive spending by the Federal Government.

This addiction to spending somebody else's money has got to stop. We must be bold and cut unnecessary spending. Tough times call for tough actions, and we must even do more.

Congress must pass the balanced budget amendment. Force the government to balance its books just like Americans are supposed to do. We keep digging ourselves into the dark abyss of debt. Maybe we should quit digging before we reach Greece or the bottomless pit of bankruptcy.

And that's just the way it is.

FOREIGN AID

(Mr. PRICE of North Carolina asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, of all the extreme statements we've heard coming out of the Republican Presidential debates in recent weeks, perhaps none is more alarming than the idea that we should "cut foreign aid to zero"—even for steadfast U.S. allies, even for critical global health and antiterrorism efforts.

We might dismiss this ridiculous assertion as a "hail Mary" from a candidate desperate to revive his flagging chances, were it not for the fact that it drew heavy applause from the Republican voters in the audience and eager agreement from the rest of the Republican field, including the presumptive frontrunner.

Is this the state of today's Republican Party, the party of internationalists such as Teddy Roosevelt, Dwight Eisenhower, and Ronald Reagan? "Cut foreign aid to zero?"

Foreign aid has always been an easy target for demagogues, especially during difficult economic times, but the reality is that it is one of the most cost-effective investments our Nation makes. For about 1 percent of our annual budget, it strengthens key allies such as Israel, the Palestine Authority, Afghanistan, and Egypt; it promotes economic development that benefits American companies and creates jobs back home; it helps us respond to humanitarian disasters and supports democracy, human rights, and the rule of law. Suggestions that we should "start at zero" and ask our allies to come to us hat in hand are simply preposterous.

SOCIAL SECURITY IDENTITY THEFT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, since 1980 Social Security has been required to publicly put deceased Americans' personal information into a so-called death master file which was

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

meant to help prevent payment and benefit fraud. Nearly anyone can get this information, including identity thieves.

Identity theft affects not only swindled businesses and American taxpayers, but grieving families whose suffering is made worse when they learn that someone has been preying on the death of their loved ones. Criminals are exploiting this information in order to profit off deceased children by applying for tax refunds. That's just wrong.

Every year, Social Security puts about 14,000 Americans in this death file who aren't even dead. Any of us could be put on that list by mistake—a mistake that can result in severe financial hardship and emotional heartache.

Americans deserve better. So today I'm introducing the Keeping IDs Safe Act to stop the sale of the death master file immediately. I urge my colleagues to support this legislation.

HONORING ROBERT "SHANE" WILSON

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise in great sadness to recognize fallen Doraville police detective, Corporal Robert "Shane" Wilson, a citizen of great distinction in my district, who gave his life on behalf of the people who live there.

Responding to a home invasion on November 14, he was tragically involved in a head-on collision with a drunk driver. He was off duty at the time, responding.

An 8-year veteran, Officer Wilson was just 27 years old. He was a member of the SWAT team. He served his community courageously and honorably and was very well liked and respected by his colleagues and fellow officers.

He was a loving husband, father, brother, and son from a family steeped in law enforcement. In his off hours he loved to play drums and piano, and he composed music and always had a smile on his face.

All Georgians are affected by this tragedy, but our thoughts and prayers go out especially to his family, friends, and colleagues. Robert "Shane" Wilson was one of the best, and he'll be greatly missed.

JOBS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, when the liberal Democrat extremists took control of the Congress in 2007, the unemployment rate was 4.6 percent, and when Republicans took back control of the House in January of 2011, the un-

employment rate had jumped to 9 percent. Under liberal Democrat control, 6.9 million Americans became unemployed. So now we have 13.9 million unemployed Americans who have been ignored by the liberals in Washington.

Higher taxes, record spending, and bigger government have failed to create jobs or boost economic growth. Put simply, this economy is growing too slowly to replace the millions of jobs lost. GDP growth in the first quarter of 2011 fell to 1.8 percent; in the second quarter it was 1.3 percent.

The failure of the President's run-away spending, deficits and debt is being felt by every family struggling to put food on the table and pay their mortgage.

Instead of expanding the size of government, Republicans in Washington are committed to a pro-growth economic agenda that will put America back to work. And I urge people to go to America's job creators, jobs.gop.gov, to see the plan Republicans have to create jobs. We've passed over 20 bills that have gone to the Senate, and no action is being taken on them.

□ 0910

KENYAN INCURSION INTO SOMALIA

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I come to the floor today to support and urge us to support the Kenyan military that has gone into Somalia to set up a corridor of safety for the Somali people and to help push back and fight against Al-Shabaab.

Al-Shabaab is a terrorist organization in Somalia. And because of the general chaos in Somalia, Mr. Speaker, Al-Shabaab has been able to do two very bad things. One is, because of the instability they create, they have caused massive refugee problems into Kenya, which is why the Kenyan military had to go into Somalia to try to stop that bleeding. But they also have created chaos in the Red Sea through piracy, and have sponsored terrorism in other African nations like Uganda. At the same time, Mr. Speaker, they are an attractive nuisance to every bad guy who wants to come and have a safe haven for terrorism. And they attract international terrorists to Somalia, which further destabilizes that nation.

After 20 years of chaos, the Somali people deserve some stability, and the Kenyan troops that are there are helping to bring that. The United States and the intelligence community need to step up and help offer sustenance and support for those Kenyan troops, Mr. Speaker.

Let me say that this is the time to step up and help the Kenyan community help our country and the rest of the world.

MIDDLE CLASS CHALLENGES CONGRESS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, America's middle class, her determined, hard-working middle class, is challenging Congress. Will Congress respond to our middle class?

We in the middle class are growing increasingly aware of the statistics that the wealth concentrated in the top 1 percent has grown exponentially—275 percent. Over the same timeframe, America's middle class has seen its wealth flatline, and if it's grown, something diminished like 15 to 20 percent. That is unsustainable. America's middle class knows it.

They know that we need to invest in our middle class, empower the purchasing power, raise our children, invest in their education and higher education, invest in health care, invest in public safety, invest in job creation and job retention, invest in research that equals jobs. That is the commitment that they're asking for.

They know it's within the grasp of Congress to fix it. They know increasingly the American Dream is growing outside their grasp. We need to go to work, provide jobs, the dignity of work for our middle class. We need to solve the problems of America through the eyes of our middle class.

WHO WILL CARE FOR THE CAREGIVERS?

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. November is National Caregivers Month. All across America, there are thousands of Americans who need help. They need help to stand, to sit, to put on their shoes, to go to the rest room, and even some to take their last breath. And there are those who are sitting by the bedside of those people, we call them in-home health care workers, who oftentimes in this country barely make even a minimum wage themselves, and if they needed the very care that they were providing, they could probably not afford it.

As this Congress decides and looks at the joint committee's decisions and proposals before us, let's not go against those working people, thousands of people who don't even have enough to take care of their own families.

The decisions can be done better, but they certainly should not be on the backs of working people and those who care for our Americans.

PROVIDING FOR CONSIDERATION
OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 470

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. WOMACK). The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 470 provides for a structured rule providing for consideration of H.R. 3094, the Workforce Democracy and Fairness Act.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentlelady for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying bill.

Mr. Speaker, with this rule and underlying bill, Congress continues months of inaction on job growth, months of ignoring real solutions, choosing instead to use our economic struggles as an excuse to push partisan and ideological legislation.

The American people deserve jobs now rather than bills aimed only at stoking the rhetorical fires and antagonizing political opponents. It's time to stop the games and seek compromise for the betterment of our Nation.

A middle class tax increase is looming. With the extension of the payroll tax, many middle class families earning \$70,000 to \$80,000 a year will be forced to pay over a \$1,000 a year more in taxes. Apparently, the Republicans believe that the government knows how to spend their money better than American families.

As a businessman and an entrepreneur, I'm proud to have created many jobs and many businesses. I meet with the businesses in my district on a regular basis. Not a single business has raised this issue as any kind of impediment to job growth, any kind of impediment to getting the economy growing again. This is simply a non-related subject that pursues a longtime agenda to destroy the ability of workers to organize.

This bill represents the Ohio-ization of America. Just as Republicans attempted in the State of Ohio, House Republicans are simply union busting. But we saw what happened in Ohio, where Ohioans across the ideological spectrum overwhelmingly said "no" to this kind of anti-worker agenda. And the American people reject it as well.

This bill's singular goal is to shut down workplace elections. It would overturn the proposed National Labor Relations Board rule, it would modernize the union election process and avoid delays. But instead of creating efficiency in government, the workplace election prevention actually mandates inefficiency; it makes inefficiency the norm rather than the exception. The bill puts in place 35-day delays in holding elections after filing petitions. The bill includes no limit on how long the elections can be delayed.

□ 0920

In the case of workplace elections, delay is a critical issue. The intent of delaying an election is to give anti-union employers a chance to prevent workers from organizing. Despite Republicans' professed outrage over frivolous lawsuits and tort reform and many other areas, H.R. 3094 incentivizes a mountain of litigation for the sole purpose of stalling workplace elections. This creates a massive backlog of cases, including frivolous ones, all on the taxpayers' dime. Republicans don't seem to have a problem with trial lawyers as long as they're suing unions.

This bill even allows managers to stuff the ballot boxes of employer elections.

Now, Mr. Speaker, I'm sure many of us in this body here are following our State redistricting processes to see how various districts across the country are gerrymandered. What this bill would allow employers to do is effectively gerrymander what the negotiating unit is at the company. If there's a group of employees that's interested in forming a union, it would give the employer the ability to say, no, that's actually not a valid group; it needs to include this other group or this other group, and decide on what the electoral body is, what is the electorate, choosing their own electorate, as too many Members of Congress attempt to do through the redistricting process, choosing their electorate to try to rig the election against the workers.

This bill is just the latest assault on workers' rights and it's, again, typical of this do-nothing Congress. The Republicans have been fixated on attacking the National Labor Relations Board, the board that is in place to strike a balance between labor and employers by cutting the agency's funding, by holding up new appointments and, now, by reversing a rule on notice-posting to inform employees of their rights.

Mr. Speaker, the people are wise to see what's going on here in Congress. Every week we're in session, we see a parade of special interest bills paraded on the House floor, while taxes for middle class families risk going up because the Republicans believe that government knows how to spend their money better than the American people. The big energy companies have got numerous exemptions from the Clean Air and Clean Water Acts. The rest of us got pollution, asthma, and other illness.

Look, is it possible to create jobs by lowering standards? It is. If you want to remove workplace safety standards you can create jobs, unsafe jobs. If you want to reduce the minimum wage to \$2 an hour, you can create jobs, \$2-an-hour jobs.

Is that the America we want? Is that the America we want for our children and grandchildren? We can do better, and we must do better.

Why are we here? When will Americans get the jobs bill that we desperately need to the floor of the House of Representatives?

If you've got some ideas to create jobs, let's get them out, put them in front of us and discuss them. Let's start by preventing the payroll taxes from going up for middle class Americans.

It's obvious why this body has an approval rating that's actually lower than communism now, and even lower than President Nixon when he resigned. It's time for this Congress to get to work to provide solutions to help get this economy going, or it's going to be time to get a new Congress.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, our colleagues across the aisle are constantly reminding the American people of what a great economy we had when President Clinton was President.

Why did we have such a great economy? Because 6 of the 8 years that he was President, we had a Republican-controlled Congress. The first 2 years of his administration was a disaster in this country, and then we had 6 years of the Republicans in control. They balanced the budget. They reduced spending.

And did we have a horrible economy? Did we have horrible workplace situations? No.

They want to lead you to believe that with Republicans in control and passing Republican bills that we'll somehow or another destroy this country. That is not going to happen. Under Republican control we have, generally, a booming economy, but not under Democrats.

I now would like to yield 3 minutes to my distinguished colleague from South Carolina (Mr. SCOTT).

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

Mr. Speaker, I would like to submit for the RECORD the following email from Mr. Lafe Solomon, acting chief counsel of the NLRB.

The article gave me a new idea. You go to Geneva and I get a job with Airbus. We screwed up the US economy and now we can tackle Europe.

Mr. Speaker, I would say that there's no question that the NLRB is not under attack. Employees' freedom is under attack. The workplace fairness concept is under attack, but certainly not the NLRB.

There's no question that the NLRB was thought to be an impartial referee for our employers and our employees, but that has not been the case. They have been anything other than impartial. And their email trail will show that in just a few seconds.

But despite the fact that today we have 2 million more unemployed Americans, the NLRB continues to choose sides in the disputes, as opposed to being a referee. Their lack of judgment

and common sense has been magnified, and it can be seen clearly in the email conversations within the Department of the NLRB.

Mr. Solomon apparently thought the following was funny, despite his current efforts which threatens more than 1,000 jobs in the great State of South Carolina and in my district in North Charleston. Emailing a colleague regarding criticism from a magazine article, this is what he said. I want you to hear this clearly. I'm going to say it slowly because we need to understand and appreciate that the NLRB has lost their marbles, without any question.

His quote: "The article gave me a new idea. You go to Geneva and I get a job with Airbus," Mr. Solomon said. "We screwed up the U.S. economy, and now we can tackle Europe."

Let me repeat that because this is the chief counsel at the NLRB stating very clearly his intentions and his lack of humor. "The article gave me a new idea," saying to one of his colleagues. "You go to Geneva. I'll get a job with Airbus. We screwed up the U.S. economy and now we can tackle Europe."

Only in an alternate universe is this funny or does it make any sense whatsoever. It is no secret that the NLRB's reckless actions have a direct impact on my district, without any question. But it is also no secret many on both sides of the aisle have recognized the danger of those actions.

Earlier this year the House passed my bill, H.R. 2587, which removes the ability from the NLRB to destroy jobs because, simply put, they cannot be trusted to do anything other than undermine the fragile recovery here in America. Unfortunately, Senator REID has done with my bill what he has done with the other 22 job-creating measures: nothing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman another minute.

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

In an effort to appease the President and his union supporters, the NLRB has gone off the tracks and begun proposing harmful rules, left, right, up, down. It is ridiculous.

One of these rules is why we're here today, an effort to allow for quickie union elections. This rule, quite simply, puts the rights of all employees at risk. By allowing as little as 7 to 10 days for employees to decide whether they want to join a union or not, the NLRB is preventing many from having the time to do the necessary research and make a good decision on whether or not they join a union.

Currently, the average time is 35 to 40 days, a reasonable amount of time. This is a significant difference. Going from 35 to 40 days down to 7 to 10 days is ridiculous.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. FOXX. I yield the gentleman another minute.

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

The new rule also makes it impossible for anyone to challenge the bargaining unit chosen by the union, dividing employees and raising employers' labor costs.

We stand here today with an opportunity. We can either allow the NLRB to continue to create bad policy and bad rules, or we can put America and the job creators back on the right track. The question could not be simpler, and the choice has been made easy because of the inability of the NLRB to do what they were chosen to do, which was to be the impartial referee on issues between employers and employees, and I find that challenging.

□ 0930

Mr. POLIS. Mr. Speaker, it is my honor to yield 5 minutes to the gentleman from California, the ranking member of the Education and Workforce Committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Seventy-five years ago this Nation decided as a matter of right and a matter of law that the decision of whether or not workers wanted a union belonged to those workers, and this Congress passed the National Labor Relations Act to give workers this right and an election to decide.

Ever since that time, companies have fought to take away the right of the workers because they believe that the companies control all of the rights in the workplace. They believe that the workers should simply take and do as they say, and that's the end of the discussion. And this has been a battle throughout the economic history of this country since the passage of the National Labor Relations Act.

But the fact of the matter is that when workers decide they want an organization, they go out and they talk to their fellow workers, they form a union, and they have an election.

But what we now see is the companies constantly trying to insert themselves into that worker-controlled process by trying to disrupt the elections of those workers and trying to keep them from exercising their rights under the law. And this is the goal of this very antiworker, antifamily legislation. It would end the collective bargaining rights for working people in this country because it would so skew the process that you would never get to that election that workers are guaranteed under the law.

This is Wisconsin and Ohio all wrapped up into one. This goes across the Nation. What they can't do in the States where they don't control the governorship or the legislature, where they made the attempt right after the election to take away workers' rights

at work, where they can't do that, they now seek to do in the Halls of Congress, to so change the process and to discriminate against the rights of workers so that, in fact, the process ceases to exist.

How do they do that? They do that by having endless delays. Why are endless delays important to employers? So that they can hire union-busting law firms to come in and intimidate and teach employers how to intimidate workers because, don't forget, the employer has the right from the moment they're served notice to have captive meetings in the workplace where they threaten the workers with the loss of jobs, where they threaten the workers with being fired, where they threaten the workers of sending work to China or elsewhere, where they threaten the workers that they won't get the promotion, where they change the workers' shift time from maybe day shift to graveyard shift and keep rotating them around to show them that they're in control and the workers have no rights. And if you can do it for 7 days, you have a chance. If you can do it for 10 days, you have a better chance. If you can do it for as many as 2,000 days that these law firms have kept the process open, you can kill the drive for a union. You can intimidate the workers.

How else do they do it? When workers decide among themselves that we want a unit within this company, within this factory to represent us, this bill now says that the employer can come in and rearrange the members of the unit that would have that election. They can stuff the ballot box. They can pick your candidates to stand for election. Doesn't sound very Democratic to me. But that's what they get to do under this bill that's proposed.

The workers no longer get to decide, as the law says they get to decide. The workers no longer get to decide, as the Supreme Court says they get to decide. The employer gets to decide. The arrogance of these people to suggest that they should pick the leaders of the workers, that they should pick the organization of the workers who have a right to organize.

So they get to delay the elections. They encourage and provide for and define the right to continue to file frivolous lawsuits so that this process never ends. You can bankrupt these workers if they try to run head-on-head with these big law firms that are specialized in this, that travel around the country to take away the rights at work.

What does this mean? This means underpinning the basic organization in the American workplace today that speaks on behalf of the middle class. This is from the organization that brought you the great American weekend. This is the organization that brought you the 8-hour day. This is the organization that brought you overtime pay if you work longer than 8

hours. This is the organization that brought you sick leave. This is the organization that brought women their rights at work. This is the organization that makes safe work places. This is the organization that provided, for the first time, pensions and retirement benefits for workers.

Any wonder why these corporations, why the Chamber of Commerce is so set against this? Because they don't want to do this anymore. They want to ship the jobs to China. They want no minimum wage. They want a sub-minimum wage. They want no rights for workers. How will the American families survive that? They've already off-loaded all of the health care costs they possibly could.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. They've off-loaded all of the pension costs they possibly could on the backs of these workers.

We should not allow that to happen, not in this country, not in this Congress. We should not allow it to happen to American workers and to their families. We should defeat this very anti-family piece of legislation.

Ms. FOXX. Mr. Speaker, regular order.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I did yield an additional 30 seconds to the gentleman from California.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. As for regular order, I would like to remind the gentlewoman from North Carolina that when the vote came, there wasn't a single Republican vote back in the Clinton era. Not a single Republican vote. Once again, you balked when it came time to vote.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the gentleman from Tennessee, Dr. ROE, a southern gentleman who understands the rules.

Mr. ROE of Tennessee. Dr. FOXX, I thank you for yielding.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill. Our country is in the middle of a jobs crisis, no question. Both sides understand that. The national unemployment rate has hovered around 9 percent for the longest time in my lifetime, and in Tennessee it's even higher, 9.8 percent. Millions of American families are struggling as we speak.

Amidst all of this uncertainty, the House, with bipartisan support, has passed 22 jobs bills. Right down this hallway here this week the U.S. Senate worked so hard they voted two times

on two Federal judges. That's all the work that took place with 22, many of them bipartisan bills, passed, Mr. Speaker.

I think right now we've seen in this country, to hold up jobs, the delay of the Keystone pipeline, which would essentially, over time, provide us as much oil from Canada as we're getting from OPEC right now. 1.3 million barrels a day would essentially relieve us and help our national security and create thousands of jobs.

So why are we here today? What happens currently?

Mr. Speaker, I grew up in a union household. My father was a union worker at that time for the United Rubber Workers Union. He worked in a factory and he made shoe heels. And the union, we have a right in this country, employees have a right to organize and to vote in a union or not.

So what's happening right now? Well, currently in 2010, 92 percent of the initial union elections were held under a voluntary election agreement of when they had an election, 92 percent. Only 8 percent went to the NLRB election official, at which time then they had to sit down together—that's what happens—to agree on the rules of the election. And as the gentleman from South Carolina (Mr. SCOTT) pointed out, the NLRB is supposed to be a fair arbiter—like you're playing a basketball game and you go to someone's home gym; you expect the referees there to carry out a fair game for both sides—so that both sides have a chance to give their side of the story.

So in June of this year, what's happened? The NLRB issued a rule that would say that an employer has 7 days to find an attorney to present their side of the case. And remember, in this, just the description of this, there are over 400 pages of rules that you have to go through or information that the lawyer has to go through and has 7 days to get that done, and an employee would have just 10 days to decide whether they want a union or not. And they have that right.

Today, almost 70 percent of the elections held, the union wins. And what's the average time of the election? Thirty-one days. So that means if you want to vote on the 1st of October of 2011, the average time, by the end of that month, 70 percent, almost three out of four, would be picked, yes, we want a union.

□ 0940

So what happens after this, after these 10 days?

The second thing that the union wants is the amount of information that's required that an employee give up. What would that be? Well, that would be personal information, including your work schedule, your home address, phone numbers, etc. Right now, what we want and what this bill says is

that the employees get to decide with regard to just their names and what other ways they want to get contacted. I think that's fair. I think that's right. Let the employees decide.

Mr. Speaker, also what my colleague from California spoke of is the bargaining unit. For over two decades, the NLRB has used a standard to define what a "bargaining unit" is. This is a new definition. We have done this for almost 30 years in this country, and we want this to change. As I understand the law, it's against the law for an employer right now—and it has been for over three decades—to threaten a worker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. ROE of Tennessee. I thank the gentlelady for yielding.

This bill would give the employer 14 days on a preelection hearing to find representation. It would allow the workers 35 days to get the information that they need to make an informed decision to vote in a secret ballot so that they can decide and so that the employer or the union cannot intimidate these workers. It would allow the employees, the workers—not the union—to decide what information they want to give up.

This is a commonsense bill. This just basically redefines what has been going on for over three decades. I respect the right of anyone to belong to a union if he wants to—as I said, I lived in a union household. Yet I believe this will allow both sides a free and fair way to decide whether they want to.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Colorado for yielding time.

Mr. Speaker, I played a little basketball in my day. I grew up on a schoolyard, and we chose teams. We didn't need referees, quite frankly, because we chose teams fairly. You don't need referees here either if you have the opportunity to pick the other team. You're the A team, but you get to say who you're going to play. You don't need referees in that kind of a game because you know the outcome. You know what the outcome is going to be.

That's what this legislation is about—trying to undo the fair playing field.

Now, I have heard that the job losses in this country are because of President Obama and the health care bill. I've heard that the job losses in this country are because of Speaker PELOSI and HARRY REID and all the bad legislation. I've heard they're because we have a Department of Education, and I've heard they're because we have a Department of Commerce, and I've heard they're because we have a De-

partment of—oops, I'm sorry. I forgot. You got me—the NLRB.

Mr. Speaker, I rise today in strong opposition to this legislation. My colleagues on the other side of the aisle have a common refrain that they want to make the Federal Government more efficient, work better for the American people, and move obstacles to create a mantra that I am very much in favor of.

But this bill will do exactly the opposite.

In fact, repealing the NLRB's proposed rule will actually make government less efficient, more burdensome, and will introduce costly delays to a process that is already rife with abuse. I think the American people deserve to know why the GOP prioritizes this bill and brings it to the floor for debate. The answer is pretty clear:

It's a thinly veiled—and a very thinly veiled—effort to make it all but impossible for American workers to organize in labor unions. That's it. It's an effort to place ideology over practicality. It has nothing to do with job creation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. CROWLEY. In over 300 days here on the floor, there has not been a single jobs bill offered by my Republican colleagues to put Americans back to work. Instead, once again, they've put on the floor a bill to hurt the American worker, the American family.

Have you no shame? Is there no end to this? Are there any other departments we can get rid of in these few remaining days of this session?

Put Americans back to work. Stop beating up on the fair players on this playing field. Put Americans back to work.

Ms. FOXX. Mr. Speaker, I would like to remind my colleague from New York, as well as remind all of my colleagues across the aisle, that Republicans have passed over 20 bills this session that would create jobs and have passed bills that would bring down the cost of gasoline. Those are the two things that my constituents are most concerned about. If my colleagues across the aisle are talking to their constituents or, more importantly, are listening to their constituents, they would know that's what their constituents are concerned about also. However, those bills are tied up in the Democrat-controlled Senate.

I now would like to yield 5 minutes to my distinguished colleague from South Carolina, who did such a wonderful job on C-SPAN this morning, Mr. GOWDY.

Mr. GOWDY. I want to thank the gentlelady from North Carolina for her leadership on this issue and on so many other issues on the Education and Workforce Committee.

Mr. Speaker, when so many of our fellow citizens are hurting, when so

many of our fellow citizens are looking for work, when so many of our fellow citizens are striving to meet their familial and societal obligations and when all they want is the most basic of all family values, which is a job—and as my friend TIM SCOTT, my friend and colleague from Charleston, so eloquently put it this morning—the NLRB thinks it's a joke, Mr. Speaker, a joke. They're making jokes about it.

Airbus is not just another plane manufacturer; they're a direct competitor to Boeing. Virtually everyone is familiar with the most glaring example of NLRB overreach, which is the complaint they filed against Boeing. Not a single example of job loss has been cited. Not a single worker has lost a single benefit in the State of Washington. Nevertheless, the NLRB sued Boeing. They seek to have Boeing mothball the facility in north Charleston, displace 1,000 workers, and return the work to a union State.

That is exhibit A in NLRB's activist agenda, and I regret to say this: As a former prosecutor who actually values impartiality and fairness, Mr. Speaker, they have become a sycophant of Big Labor.

And while Boeing is exhibit A, it is by no means the only evidence of an activist, politically motivated agenda. Currently, union elections take place, on average, within 31 days of the filing of an election petition. Additionally, unions are victorious more often than not. But unions want more, so they persuaded the NLRB to propose sweeping changes to the rules and regulations governing the election process, shifting the balance of power even further towards those employees seeking unionization.

By promoting rushed elections and ruling that elections can take place in as little as 10 days, Mr. Speaker, the NLRB severely limits the opportunity for workers to hear all sides of the issue and make an informed decision. Additionally, employers would only have 7 days to retain legal counsel and decipher the complex labyrinth of Federal labor law before presenting their case before an NLRB hearing officer.

Education and Workforce Committee Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to level the playing field. This legislation requires no union election occur in less than 35 days, thus granting all parties the ability to present their arguments and ensuring workers have the ability to reach an informed decision. H.R. 3094 acknowledges that full and complete information is treasured when employees are contemplating how they will vote.

Ironically, some unions have already endorsed President Obama's reelection bid, which is a year off. Clearly, they believe they need the time, the 12 months, to inform their members, but

somehow a week is enough for employers to inform their employees of all salient facts before an election.

The hypocrisy and blind advocacy towards Big Labor has to stop, Mr. Speaker. The purpose of the National Labor Relations Board is to enforce the National Labor Relations Act, and the purpose of the National Labor Relations Act is to balance the rights of employers, employees, and the general public. The act is not calculated to drive up union membership because they happen to be a loyal constituency of the Democrat Party.

□ 0950

Because the NLRB, through its filing of proposed rules and regulations, has lost all pretense of objectivity in labor issues, fair, evenhanded pieces of legislation, like Chairman KLINE's Workforce Democracy and Fairness Act, are necessary.

In conclusion, Mr. Speaker, I encourage my colleagues to help us protect American jobs, to stand up for equal access to justice, and promote a level playing field. I encourage my colleagues to support the rule and support the underlying bill.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, when the sun rose over the country this morning, a lot of Americans got out of bed to go to a job that doesn't pay them enough to support their family. They're working part time to pay full-time bills. A lot of other Americans who have good jobs, good full-time jobs woke up this morning and worried if this was going to be the day they got their pink slip and got their layoff notice. And far too many Americans, at least 15 million of them, got up this morning and didn't have a job to go to.

Ninety percent of the people surveyed in a recent survey of this country said the American Dream is either dead or on life support. Because, see, the deal in the country has always been, if you work as hard as you can and do your fair share, then the country will give you the opportunity to move your family forward. People don't buy that anymore. They don't believe in it anymore.

And so what are we doing about it here this morning? We're having a debate about a bill that changes the rules for the way people decide whether or not to have a union in their workplace. This is an important consideration; it's a worthy consideration. I think the bill is a very bad one, but it's a credible debate to have. But it's the wrong debate to have.

Members of our caucus have gone out over the last month and have spoken to thousands of small business people, the real job creators in this country who create two out of every three jobs created in America; and here's what

they've said: We're not hiring people largely because we don't have enough customers; and if we think we do have enough customers, we can't get loans from banks that we bailed out with our tax money.

That's what we ought to be discussing here today.

Now, the other side will say, no, no, these small business people aren't hiring because of their deathly fear of regulations. Well, here's what the Bureau of Labor Statistics says: When they interviewed employers who had laid people off in 2010 and said, Why did you lay people off, about 40 percent of those employers said, We laid people off because we don't have enough customers. Two-tenths of 1 percent said they laid people off because of regulation. That's what the facts are.

How do you get more customers for businesses? One idea would be to put construction workers back to work building schools and libraries and roads and bridges so they'd eat in the restaurants and buy in the stores. There's a bill pending before the House to do that, the President's jobs bill; but we're not voting on that today. We have something better to do. Another way would be to avoid a massive tax increase on the middle class of this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield 1 additional minute to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend.

If we don't act by January 1, there will be a \$1,500 tax increase on every middle class family in this country. The President says we should postpone that tax increase so people have more money to spend, but we're not voting on that bill today. We have something more important to do.

How about the idea of a tax cut for small businesses that hire people? That's in the President's jobs bill. But we're not voting on that today because we have something more important to do. How about saying to teachers who have been laid off from the classroom, firefighters and police officers not on the job because of tax cuts in local government, how about saving their jobs so they can serve their communities and spend more in the stores and restaurants and on products in this country? That's in the President's jobs bill, but we're not voting on that because we have something more important to do.

There's a reason why 90 percent of the people of this country think the Congress is not doing a good job. It's because the Republican leadership of this Congress is voting on the wrong bill at the wrong time, and today's another sad chapter in that reality.

Ms. FOXX. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this rule and to the underlying bill, H.R. 3094, the so-called Workforce Democracy and Fairness Act.

Since the start of the 112th Congress, a certain faction guiding the Republican majority has undertaken what amounts to a full-scale attack on America's working families and America's working class and against the bedrock principles that have helped create America's middle class.

This latest effort is more of the same. The so-called Workforce Democracy and Fairness Act is another piece of legislation that weakens the rights and protections that workers have fought long and hard to obtain.

Section 9(b) of the National Labor Relations Act gives employees the right to organize in "an appropriate unit," giving them choice on how best to bargain with their employer. And that's all this is about. When an employee group organizes, all it requires is that they sit down across from their employees and bargain, talk to them about terms and conditions of employment and benefits.

What this bill would do is establish a one-size-fits-all approach to organizing, forcing together employees who have very little in common and making it much more difficult to organize. That's gerrymandering, basically, to protect employer interests, plain and simple.

But this bill doesn't stop at changing existing rules, however. This bill would overturn proposed rules that have not even been finalized by the National Labor Relations Board. The NLRB has proposed practical rules modernizing and streamlining the union election process. The proposed rules are a genuine improvement over the existing procedures and are designed to encourage the use of technology, discourage unnecessary litigation, and save taxpayer dollars.

Look, I was an ironworker for 18 years, a union ironworker. I am very proud of that fact. I was the union president. I also was involved in very many union organizing drives, not only for my own union but for the carpenters, stage hands, and wardrobe workers. And the National Labor Relations Act is actually set up to reduce the likelihood of unrest, of workforce disputes. It's really to help business and workers reduce that economic conflict. This bill will have the opposite effect. This bill will actually increase the likelihood of labor disputes.

And we have seen in this country a great disparity between the haves and the have-nots. This is going to make matters worse. Instead of putting people to work, this is going to cause strife and reduce the efficiency and productivity of America's workers. This is shameful.

All these union workers, this is the middle class in America. You are destroying the middle class in America. You are increasing that disparity between the haves and the have-nots. We've got to do better than this. The American people deserve it.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. I will inquire of the gentleman if she has any additional speakers.

Ms. FOXX. We do not, and I am prepared to close, if the gentleman from Colorado is prepared.

Mr. POLIS. Very well.

I yield myself the balance of my time.

Mr. Speaker, the middle class of this country doesn't need a higher payroll tax, more dirty air, dirty water, fewer workers' rights; and they certainly don't need more partisan gridlock in this do-nothing Congress. Yet that is what is being offered here today.

The American people and the American economy need jobs, need optimism. Our Nation needs to know that we're working to ensure American competitiveness and access to hope and opportunity, to work to ensure that kids get the best education in the world so we can drive the economic engine of today and tomorrow, invent new technologies, propel future generations of American ingenuity and leadership.

□ 1000

This kind of political gridlock in this do-nothing Congress does not help America move forward. This bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections. These rights have helped to create the American middle class in the last century. In recent decades, the erosion of these rights has lowered paychecks for families, led to jobs outsourcing overseas, and widened the income disparities in our society.

Are environmental and workplace laws, which have been around for decades, the reason the economy is lagging? Of course not. Yet these are the types of so-called solutions that are being put forward in bill after bill after bill.

Let's talk about preventing a looming increase on taxes in the middle class. I encourage the supercommittee and, if it need be, standalone legislation to ensure that we can keep payroll taxes at their current level. It's time for Congress to take up the President's Jobs Act, which includes extending the middle class tax cut. The American Jobs Act, which Republicans still refuse to consider, includes job-creating proposals, including rebuilding our schools, tax breaks for small businesses to create jobs, and modernizing our air traffic control system.

It's time for this Congress to stand up for the American people, to offer so-

lutions, to get serious about getting our economy back on track instead of just scoring political points that appeal to the base.

I urge a "no" vote on this rule and the underlying bill, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I want to point out that I neglected to say earlier in response to my colleague who said we hadn't passed any House bills, that those were bipartisan bills that passed. Every one of the jobs bills that we passed has received bipartisan support, and the American people want us to be bipartisan, and I hope that they have noticed in the debate today that the vitriol about this bill has not come from our side of the aisle.

House Republicans are committed to reducing government red tape as a way to encourage job creation. The rule before us today provides for consideration of yet another bill to reduce government interference in job creation by reinstating the traditional standards for unions organizing elections and ensuring that employees' and employers' voices are heard.

Therefore, I urge my colleagues to vote for this rule and the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed by the House passage of H. Res. 470, which ensures that the so-called "Workforce Democracy and Fairness Act" will receive a vote in the House of Representatives. This legislation is anti-democratic, anti-union, and anti-middle class.

If enacted, H.R. 3094 would allow companies to indefinitely delay workers elections, allowing companies to choose when and how workers will vote to form a union. The legislation encourages wasteful litigation and overrides the current National Labor Relations Board decision-making process, replacing it with one that will be more expensive and difficult to navigate, that will take longer to finalize, and that fails to protect the rights of workers.

Passage of H. Res. 470 once again demonstrates that the Republican majority is failing to support American workers and American families. While I am proud to have voted against H. Res. 470, I am disappointed by its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H. Res. 470, the Rule providing for consideration of H.R. 3094, the Workforce Democracy and Fairness Act.

The misleadingly named Workforce Democracy and Fairness Act has one overriding goal—to frustrate workers' right to vote in a union election.

Seventy-six years ago, this body passed the National Labor Relations Act, which stated: "It is declared to be the policy of the United States to . . . encourag[e] the practice and procedure of collective bargaining . . . for the purpose of negotiating the terms and conditions of [workers'] employment."

The legislation being considered today would undermine the very intent of the NLRA

by setting aside decades of labor jurisprudence set by the National Labor Relations Board (NLRB) and our nation's courts, and replace it with new and untested processes that would cause uncertainty, delay elections, and prevent rather than encourage collective bargaining.

The Workforce Democracy and Fairness Act would do this by mandating a set of waiting periods and a full, pre-election hearing over any issue that is raised by a party.

For instance, no election would be allowed to occur no sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed.

Delay gives unscrupulous employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

Also found in this legislation are provisions that would encourage frivolous litigation for the purpose of slowing the election process and stalling any vote. This will create a massive backlog of cases on the taxpayer's dime.

This bill would also give employers the ability to gerrymander elections through the proposed legislation's one-size-fits-all test in defining who would be allowed to vote in an organizing election, thereby making a majority vote all the more difficult to achieve.

It is time for this Chamber to put aside its war on the American worker and his or her right to organize and collectively bargain.

I ask my colleagues on both sides of the aisle to stand up for working Americans and vote against this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, my colleagues have pointed out, rather than minimizing undue delay in union voting procedure, today's bill mandates delay.

The bill would also empower employers to interfere in union elections by adding anti-union employees to voting blocks—gerrymandering union elections.

Letting an employer delay and manipulate union elections is a blatant attempt to put the fox in charge of the hen house. It is a direct attack on the ability of workers to unionize.

The truth is that unions continue to play an invaluable role in maintaining America's middle class—no small feat in the age of shrinking middle class incomes and rising inequality.

The proposed bill is yet another corporate favor that we are considering in this Congress. Its singular goal is to delay and ultimately prevent workers from exercising their hard won right to organize in the workplace.

In the last year, we've watched politicians in power try to strip thousands of Americans of their right to collectively bargain, and we've watched as those very same Americans have taken to the streets and gone to the polls to protect their rights.

The message from the American people is clear—they will not accept attempts to destroy the middle class and American unions. Neither will I.

I urge my colleagues to oppose today's rule and the underlying bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 18, 2011 at 8:52 a.m.:

That the Senate passed with amendments H.R. 2056.

That the Senate passed with an amendment H.R. 1059.

That the Senate passed with an amendment H.R. 3321.

That the Senate passed S. 99.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, with Senate amendments thereto, to the end that the House concur in Senate amendment No. 1 and concur in Senate amendment No. 2 with the amendment I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the proposed House amendment.

The Clerk read as follows:

Senate amendments:

On page 9, line 17, strike "1454" and insert "1455."

On page 12, after line 4, strike "1454. Procedure for removal of criminal prosecutions." and insert "1455. Procedure for removal of criminal prosecutions."

House amendment to Senate amendment No. 2:

Add at the end the following:

Redesignate section 104 as section 105 and insert the following after section 103:

SEC. 104. TECHNICAL AMENDMENT.

Section 1446(g) of title 28, United States Code, is amended by striking "subsections (b) and (c)" and inserting "subsection (b) of this section and paragraph (1) of section 1455(b)".

Amend the table of contents of the bill by striking the item relating to section 104 and inserting the following:

Sec. 104. Technical amendment.

Sec. 105. Effective date.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask that the reading be dispensed with.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

APPEAL TIME CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the bill is as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appeal Time Clarification Act of 2011".

SEC. 2. FINDINGS.

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if one of the parties is—

(A) the United States;

(B) a United States agency;

(C) a United States officer or employee sued in an official capacity; or

(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code,

and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

SEC. 3. TIME FOR APPEALS TO COURT OF APPEALS.

Section 2107 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

"(1) the United States;

"(2) a United States agency;

"(3) a United States officer or employee sued in an official capacity; or

"(4) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States, including all instances in which the United States represents that officer or employee when the judgment, order, or decree is entered or files the appeal for that officer or employee."

SEC. 4. EFFECTIVE DATE.

The amendment made by this Act shall take effect on December 1, 2011.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 466, proceedings will now resume on the motion to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, November 17, 2011, 2 hours and 42½ minutes of debate remained on the motion.

The gentleman from Virginia (Mr. GOODLATTE) has 1 hour and 27½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 hour and 15 minutes remaining.

Without objection, the gentleman from Texas (Mr. SMITH) will control the time of the gentleman from Virginia (Mr. GOODLATTE).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous material on House Joint Resolution 2, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Yesterday, we began debate on the balanced budget amendment, debate that I hope culminates today with a bipartisan two-thirds vote in its favor. The American people of all political stripes and from all walks of life demand we pass this amendment. Recent polling by CNN indicates that a constitutional amendment to require a balanced Federal budget garners more than 70 percent support among men, women, whites, nonwhites, every age group, every income level, and people from every region of the country. Why do Americans overwhelmingly support a balanced budget amendment? Because they understand that unending Federal deficits wreck our economy and steal prosperity from future generations.

President Obama has set the wrong kind of new record. The national debt has increased faster under his administration than under any other President in history. This runaway government spending paralyzes the job market, erodes confidence among America's employers, and has caused the worst economic recovery since the Great Depression.

The balanced budget amendment is not an untested idea. Forty-nine States have some form of a balanced budget requirement. We are overdue to adopt a balanced budget amendment to the Constitution. We must stop the flood of deficit spending that threatens to drown future generations of Americans in a sea of debt.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I welcome the continuation of this discussion about an incredibly important proposal.

We gather here today to determine whether we should add one more amendment to the 27 amendments to the Constitution that have been enacted since the last part of the 18th century when our country was formed. I was reviewing something that a former chairman of our committee said in the 104th Congress, and I refer to the distinguished gentleman from Illinois, Henry Hyde, who said in effect that he realized that the Republican Congress when he was there would not be able to balance the budget without using retiree funds in the Social Security trust fund. I think I'm being assured in this debate that that will not happen in the present time.

Here's what Henry Hyde said: "If you exclude receipts from the revenue that

are received by the Social Security System from computing the total revenues of the government, if you take it out of the equation, then the cuts that are necessary to reach a balanced budget become draconian. They become 22 to 30 percent, and you know that we cannot and will not cut programs that we want to subsist and continue by 22 to 30 percent.

□ 1010

"You have to compute Social Security receipts in determining the income of this government so that the cuts you make to balance the budget are liveable and not impossible."

Henry Hyde was right then and his statement is correct now. Under the proposal that we are discussing today, our Nation's savings—the money taken out of every American's paycheck could be looted, in effect, to pay for other things and to balance the budget, and it would take the trust out of the Social Security Trust Fund.

The Ryan budget would cut Social Security's service delivery below current maintenance levels by more than \$10 billion over 10 years, including a \$400 million cut in 2012. This sort of drastic cutting will prove devastating to seniors as more aging boomers retire to rely on field office services, initial benefit claims, processing, disability determinations, and hearing decisions over the next 10 years.

So I appeal to the kinder nature of my friends in the House. Please recognize that Henry Hyde was correct then and he is correct now, that we cannot achieve what this amendment proposes to do without going into Social Security receipts. And I think that that would be objectionable and unwise on the part of all of us here, and that would be unacceptable to the citizens of our country.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Speaker, as a member of the Balanced Budget Caucus, I rise in strong support of the balanced budget amendment we are going to take up on the House floor today.

I've heard many of my colleagues on the other side of the aisle say this is not the time to take this up, but now is exactly the time we should be taking this up.

In 1995, a balanced budget amendment passed the House with bipartisan support, only to lose by one vote in the United States Senate. Then, the national debt was \$4.8 trillion. This week, the national debt hit \$15 trillion. We have added \$10 trillion to our debt in 16 years. That is \$10 trillion in debt that threatens our job growth, our national security and our sovereignty, and our Nation's children. And that's \$10 trillion in debt that could have been avoided had the balanced budget amendment passed.

We simply must stop spending money we don't have if we are going to give our economy a chance to grow and create jobs. Past attempts like Gramm-Rudman-Hollings, the Balanced Budget Enforcement Act, and Pay-As-You-Go requirements have failed to bring Federal spending under control. America needs a permanent, long-term solution. We must hold Congress' feet to the fire and pass a constitutional balanced budget amendment today.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the gentleman from New York, JERRY NADLER, become the manager of this amendment from this point on.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

This amendment, while superficially appealing, is one of the most damaging things we could do to the Constitution of the United States. And, yes, it is true, if you ask people do they think we should have a balanced budget, they say yes; and if you ask people do you think we should have an amendment requiring a balanced budget in the Constitution, they say yes. But if you ask them do you think we should have an amendment requiring a balanced budget in the Constitution if it meant a cut in Social Security, they say no; if it meant a cut in Medicare, they say no; if it meant a cut in other essential services, they say no.

And when you probe further, you find that this is a very damaging provision. For a number of reasons, economists tell us that, in a recession, you want to increase the government spending temporarily. You have to increase it because unemployment insurance payouts go up, food stamp payouts go up; and if you decrease the spending, it reduces the amount of products that people want in society, it reduces the amount of money in circulation, and it makes the recession into a depression.

In good times, you should run a surplus; in recession, you should run a deficit. Over a long period of time, the budget should be balanced. But if you attempt to balance the budget during a recession, you generate a much worse loss of jobs. And that's why you don't want this—or you shouldn't want this.

Secondly, this amendment is not self-enforcing. All it says is outlays shall not exceed receipts, and Congress can pass appropriate legislation.

But what does that mean? It means that if outlays exceed receipts or if someone thinks that the estimates are wrong and outlays are going to exceed receipts, then you go to court, and then a court has to decide whether that's correct. A court has to decide whether the estimates are correct. And if the court decides the estimates are not correct, then the court has a choice. It

can say, "This is political. We're going to exercise judicial restraint," as the gentleman from Virginia said yesterday, in which case it won't enforce the amendment and the amendment is meaningless; or the court will say, "Okay, we'll order a tax increase" or "we'll order an expenditure cut," in which case you have those judges making political decisions, which I don't think we'd want to see.

Thirdly, a balanced budget amendment starting where we are now with a huge deficit that's been accumulated over a few years means that you're going to have to make drastic cuts in Social Security and Medicare and veterans' benefits. Some people say on the other side of the aisle, well, that won't be true because they don't count; but, yes, they count.

The amendment says "outlays." Outlays are defined as all expenditures other than debts. Social Security is not a debt; the courts have held that. Medicare is not a debt; there's no contractual right. This means that if you're going to reduce outlays, Social Security is right in it. And if you're not going to reduce Social Security, you've got to reduce a lot of other things by much more. So this is a dagger pointed at the heart of Social Security and Medicare and veterans' benefits.

Now, we're told that the only way we can get our budget into balance is by this amendment. Well, the fact is that's not true. The reason we have the problem we have now is because of years of reckless Republican presidents and administrations.

When President Clinton took office, we had a huge budget deficit—\$300 billion a year. The forecast was for 500 and 600 billion by the mid-nineties. Within a few years, we had turned that around. Congress made decisions to turn that around followed by the President's recommendations in 1993 and a smaller one in 1997. That one the Republicans held with, with Speaker Gingrich. As a result of those decisions, by the time President Clinton left office and President Bush assumed office, we had a huge surplus. And the question was: What are we going to do when we've paid off the entire national debt by 2012? That was what was going to happen.

What changed that? Two huge tax cuts for rich people, pushed through by the Republicans and President Bush. And we said, at the time, that that would generate tremendous deficits. In fact, the reason they were set to expire in 2010 was because the CBO said that after 2010 they would generate tremendous, ongoing deficits, which they are doing.

Secondly, we had two unfunded wars. For the first time in American history, we didn't raise taxes to pay for wars. Thirdly, we doubled the Pentagon budget, not including the wars. And fourth, we had a recession starting in

2008 during the end of the Bush administration.

Now, some people say, well, it's the Obama administration, the unfettered spending of the Obama administration. Nonsense. The amount of money being spent on non-defense discretionary spending—that is, all spending other than defense—veterans' benefits, Medicare, Social Security, and interest on the debt, is the same today, the same, not a penny more, adjusted for inflation and population growth, as it was in 2001. And in 2001, we had a huge surplus.

Where did the surplus change to a deficit? Wars, tax cuts, and increased Pentagon spending.

□ 1020

Now, what can we do about this? So the problem is not spending alone, the problem is that we're not taxing the rich and the corporations enough. In 1970, corporations paid 30 percent of all Federal income tax receipts from corporate income taxes. Today, it's 8 percent. We've let the corporations get away with murder—the big businesses, with Exxon paying no taxes on profits of \$6 billion, General Electric paying no taxes, getting a refund. That's our problem. But we don't want to deal with that, we want to pass a constitutional amendment.

Now, if we pass this constitutional amendment, it would mean that any time we went into a recession, it would drive it into a depression. It would mean we would have to make huge spending cuts now. It would mean we would have to decimate Social Security, Medicare, veterans' benefits. It makes no sense at all.

If this were in effect now—we were told by the macroeconomic analysts that if this amendment went into effect for next year, it would increase unemployment by 15 million people. So I urge that we not pass this amendment, and instead we do the hard work of increasing taxes on corporations and rich people, of getting discipline into our expenditures. But the first thing to do is jobs. If we got unemployment down to 5 percent, where it was in 2007, that by itself would reduce unemployment by 40 percent.

In a recession, first you take care of the jobs. When you're back into better times, then you can start thinking about balancing your budget, and that's when you ought to do it; not force cuts in expenditures or increasing taxes during a recession, which just makes the recession much worse and the unemployment much worse, which is what this amendment would do.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Financial Services Committee.

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the balanced budget amendment.

Since our country was first founded, the issue of debt and government spending has been at the forefront of the minds of our political leaders, our national security advisors, our business owners and citizens alike. It's obvious that our \$15 trillion national debt is not a Republican problem, it's not a Democratic problem; it's an American problem.

Mr. Speaker, our economy has stumbled. Families are making tough decisions, cutting spending and living within their means. However, one thing that hasn't changed is the way that government spends the people's money. We must work together now to resolve our spending-driven debt crisis because the simple truth is that Washington must stop spending money that it does not have.

Our debt crisis is a legitimate threat to our Nation's security and our future. A nation that does not control its debt does not control its destiny. In order to give our children and grandchildren that secure future and economic stability we need a balanced budget. We need this balanced budget amendment because it is a fundamental reform that will absolutely produce results.

It's time to pass a balanced budget amendment to get government spending under control.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BUCHANAN), a member of the Ways and Means Committee.

Mr. BUCHANAN. Mr. Speaker, this is an historic opportunity. For the first time in 16 years, the House will vote on a balanced budget amendment to the Constitution.

Just this week our national debt surpassed \$15 trillion. For too long Republicans and Democrats have turned a blind eye to our government's financial mess. Washington needs to make the tough choices necessary to balance the budget for the sake of our children and grandchildren.

The Federal Government has balanced its budget only five times in the last 50 years. This is unacceptable. The first bill I introduced in Congress was the constitutional balanced budget amendment in 2007. It simply requires the Federal Government to live within its means.

Forty-nine out of 50 States, including my home State of Florida, have to balance their budgets. Florida, the last 4 or 5 years, has had tough revenue years like everybody else, but they've balanced their budget. In fact, when we got downgraded by the S&P, that same week Florida got upgraded by their credit rating.

Admiral Mike Mullen, Chairman of the Joint Chiefs, may have put it best when he said "the biggest threat we

have to our national security is our debt." And Erskine Bowles, cochair of the President's debt commission, said "the debt is like a cancer; it's going to destroy the country from within." They're right. And the time is right for Congress to ratify a balanced budget amendment and send it to the States.

Mr. NADLER. Mr. Speaker, I would simply point out that when S&P downgraded our debt, they were so well respected that the interest rates went down and the price of our bonds went up. So much for S&P.

I now yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, may I inquire, does the majority side have an extra minute that they could spare?

Mr. SMITH of Texas. Mr. Speaker, I will yield the gentleman an extra minute.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 3 minutes.

Mr. KIND. Mr. Speaker, I rise in support of the balanced budget amendment.

Mr. Speaker, I do believe that this Congress needs rules, it needs rules in budgeting. But I can't help but believe today that the easier and more practical response to the huge budget deficits that we face is going back to a tried and true method called pay-as-you-go budgeting rules.

Pay-as-you-go budgeting was a simple concept—you've got revenue reduction, spending increase, you've got to find an offset in the budget to pay for it. It was a rule that was in place in the 1990s that led to 4 years of budget surpluses. We were actually paying down the national debt rather than adding to it.

Unfortunately, when President Bush took office, along with the Republican majority in Congress they immediately repealed pay-as-you-go budgeting rules which enabled them to support two wars that went unpaid for. They had two tax cuts that went unpaid for that primarily benefited the most wealthy in this country, and you may recall that the main justification for those tax cuts was their fear that we were going to pay down the national debt too fast. It was laughable then as it is laughable today. And then they supported the largest increase in entitlement spending since Medicare was created in 1965 with a new prescription drug bill that was not paid for. And these are ongoing financial obligations right now, adding to the fiscal woes that we're trying to climb out of as a Nation.

But I know that the majority today does not embrace pay-as-you-go budgeting, even though it worked in the 1990s, even though it helped create 27 million private sector jobs during that period and left an era of budget surpluses. So the next best thing we have to instill some fiscal discipline in this

place is through a balanced budget amendment, going through that laborious process of trying to find two-thirds in the House and the Senate and then three-quarters of the States to embrace it. And if that's what it takes to get our fiscal house in order, to check against unbridled tax cuts that aren't paid for, or new increase in spending that goes unpaid for, then it's a risk worth taking because we are jeopardizing the future of our Nation, our children's future with these ongoing budget deficits, and steps need to be taken right now.

There is a legitimate concern, however, that Members on my side of the aisle have been expressing—the three-fifths vote in order to increase the debt ceiling. We saw how perilously close we came to defaulting on our Nation's obligations over the summer. And I fear that through this amendment a minority in this body could literally hold the rest of our Nation hostage or paralyze the functioning of our government or lead to the default on our obligations. I still think that's a legitimate concern that's not addressed through this amendment. In fact, it makes that probability more likely, and it's something that we're going to have to address as we move forward.

But today, I think, given the lack of options that we face and the dire situation that we have with the budget deficits and the lack of progress, unfortunately, with the supercommittee that we've seen over the last couple of months, that the balanced budget amendment seems like the most practical approach given the political realities.

I urge and encourage my colleagues to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Appropriations Committee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the bipartisan Balanced Budget Act of 2011 and urge its adoption.

My colleagues, government at all levels is mired in debt. Mismanagement and overspending have left our Nation on the brink of bankruptcy. Why? The math is simple. The Federal Government takes in approximately \$2.2 trillion every year but spends over \$3.5 trillion. To sustain the operations of government, we borrow 42 cents of every Federal dollar we spend.

The implications are obvious: We're hurtling down a path toward the most predictable financial disaster in the history of the planet. Enough is enough. The American people want us to begin to live within our means. They need a permanent fiscal solution.

□ 1030

Spending cuts are important; but what Congress passes today, another

Congress and even the same Congress can undo tomorrow. The only effective way to control spending is through an amendment to the U.S. Constitution.

Balancing budgets is not an untested idea. Over 49 States currently abide by some sort of balanced budget amendment. Let's pass a balanced budget amendment to the Constitution today. Let's get the job done.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, while this House does sometimes act in ways that border on the insane, applying this constitutional straitjacket is hardly the appropriate treatment. It basically imposes the tyranny of the minority. Two-fifths of the Members of this House can block action. And America has seen how well that works across the Capitol in the United States Senate, where a three-fifths rule already applies, and too often has rendered the Senate largely impotent, unresponsive to public demand for action on key national issues, unable to overcome the threat of a Republican filibuster.

Today's proposal would broaden that impotence to both sides of the Capitol. On a critical budget question, if we take a vote in this House and 260 people vote in the majority, and 175 vote in the minority, the minority rules. Democracy loses.

Of course, there is a major exception to this proposed new rule, and it is an exception that may well eat the entire rule. So long as a majority of the House determines, probably through the fine print of some huge, voluminous piece of legislation, that the country faces an imminent and serious threat to its national security, well, in that case this purported constitutional amendment is totally nullified. What year, since 9/11, would a majority of this Congress have been unwilling to make such a finding and render the proposal meaningless?

A constitutional amendment is not a path to a balanced budget. It is only an excuse for Members of this body failing to cast votes to achieve one.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional 1 minute.

Mr. DOGGETT. I voted for a balanced budget. I voted for a balanced budget when I voted against launching an unnecessary war on borrowed money. I voted for a balanced budget when I voted to reject the distorted Republican theology that when the question is taxes, less always means more. It's political alchemy. It's like turning hay into gold. The more the tax cut theology is proven wrong over and over and over again, the more the Republican faithful demand another tax cut to drive us deeper into debt.

This is the kind of extremism that causes a stage full of Republican Presidential hopefuls to declare that they

would reject any budget agreement that cut spending by \$10 if it raised taxes by even \$1. A few months ago, such irresponsibility took us to the brink of default and jeopardized our economic recovery. They just could not overcome their ideological restraints.

Don't jeopardize our economic future. Don't play games with veterans and retirement security and law enforcement just because Republicans cannot accept the economic reality, as they often cannot except basic science.

Reject this misbegotten amendment. Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DENHAM), a member of the Energy and Commerce Committee.

Mr. DENHAM. I rise in support of the balanced budget amendment.

Just this week the national debt exceeded \$15 trillion. That's the bottom line: \$15 trillion, and a balanced budget amendment would hold government accountable.

Now, some say that that accountability will tie the hands of Congress in yet one more way. Some say that this is going to create a greater debate between revenues and spending cuts.

Well, I'd agree on both. The same way that every American family has to balance their budget every week, every month, every year, the same way that I, as a small business owner, have to pay my bills every week, every month, every year, we owe this country the opportunity to not only see a balanced budget, but a bipartisan effort here in Congress.

If you want more job creation, we have to have certainty. Before a company is going to go out there and hire new employees, they need certainty, not only to see that our country is on the right path, not only to see that we're actually going to reduce our debt, but also taking a look at our credit rating to make sure that we actually are creditworthy and have a long-term plan. That type of certainty will create jobs in this country. That type of certainty is what's needed with a balanced budget amendment.

Mr. NADLER. Mr. Speaker, I would point out that families are able to borrow to pay for the car and to pay for the mortgage. Under this amendment the Federal Government would never be able to borrow. It's quite different.

Mr. Speaker, I now yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I rise in support of H.J. Res. 2. An amendment to the Constitution of the United States requiring that the Congress pass a balanced budget is something I've long supported and will continue to support. I'll try to tell you why.

I greatly respect and I hear Mr. CONYERS and my friend, Mr. NADLER. I understand their strong feelings, and I would concur with many of them.

I'd like to thank the gentleman from Virginia, my good friend Mr. GOOD-

LATTE, for his efforts to bring this bipartisan resolution to the floor. I also want to thank him for resisting the efforts of some in his party to enshrine the disastrous fiscal policies of the Tea Party into our Constitution.

My colleagues, our budget is broken. After years of special interest handouts on both the revenue and spending ledgers, we now have a system that requires us to borrow over \$1 trillion just to meet our basic obligations.

Why? Why do we borrow? Has anybody in this body ever really asked this question?

It seems we borrow because there is not the political will in this body to make the difficult decisions in our country that we need to do. We're elected leaders. We're elected to lead. But when it comes to the long-term fiscal imbalance our Nation faces, many in this body seem to be more interested in securing the next election than securing the safety and soundness of our fiscal future.

And no one party's at fault. Both parties are responsible for the financial mess we're facing. Our national debt did not reach its current level overnight, although we seem to have amnesia, what happened in September of '08 when Secretary Paulson came to talk to us about the sky was falling. But the problem has been decades in the making, with the current economic climate making the issue that much more visible.

These are serious times, and serious times call for serious people to make serious decisions; and we know what these decisions must be. We cannot cut our way out of this mess, and we cannot and should not tax our way out of this mess. We need, quite simply, a balanced approach that gets us to a balanced budget.

If I could tell you a situation in my home State, when I was appropriations chair, we were faced with a budget that was breaking the constitution.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional 30 seconds.

Mr. BOSWELL. And so we decided to take it on. We were breaking our constitution in the State, and we took it on. And we worked with downtown, we worked with everybody across the State, and we came up with a solution and it's working. There's money in the bank in Iowa. The unemployment rate is around 6 percent, and that's something we need to be striving to achieve here. We can do it.

What we have left out in this that we need to consider as we go through the steps is how do we include the revenue side of it. We had a revenue piece. But it's working. And it'll work here.

We can do this. Let's work together. I urge an "aye" vote.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. I rise in support of the bipartisan balanced budget amendment. I want to thank my colleagues, Congressman GOODLATTE and others, who have worked on this effort, and really urge my colleagues that this is the time that we need to come together to act on behalf of the better interest of our Nation.

Clearly, a majority of the citizens I represent in the San Joaquin Valley agree that Washington needs to get its fiscal house in order.

We all want a balanced budget, but too few are willing to make an agreement that will move us toward that goal. That's why the passage of the constitutional amendment requiring the Federal Government to live within its means is an important step. But it is only a step.

To balance our budget, Members of both parties still have to come together to set priorities and, yes, make compromises and shared sacrifices to produce fair, balanced budgets each year. And never has the need been ever so clear.

Our national debt recently surpassed the GDP for the first time since World War II. Each American's share of the debt is now greater than their average salary. Congress could have acted sooner, but we haven't; and we can no longer afford to wait.

□ 1040

The bipartisan passage of this balanced budget amendment is an important and necessary step toward a sound fiscal future, and as a cosponsor, we should pass this measure. But we also should reach a larger agreement with the supercommittee that's fair and balanced on entitlement reform and revenues. If we do so, we will begin to restore the confidence by the American public that we can work together to get our economy back on track and create the jobs that all Americans want.

Mr. NADLER. Mr. Speaker, it is now my privilege to yield 4 minutes to a member of the Ways and Means Committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for yielding.

Mr. Speaker, earlier this week Bruce Bartlett, a former Reagan adviser, who recently testified before the Ways and Means Committee, commented about the Republicans' balanced budget amendment. He stated:

"The proposal that Republican leaders plan to bring up is, frankly, nuts. The truth is that Republicans don't care one whit about actually balancing the budget. They prefer to delude voters with the pie-in-the-sky promises that amending the Constitution will painlessly solve our budget problems."

Mr. Speaker, the mystical date here is January 19, 2001. Bill Clinton says goodbye and leaves a surplus not subject, by the way, to opinion today but

subject to fact of \$5.7 trillion. So the decision is made to cut taxes in 2001 by a trillion dollars. The decision is made in 2003 to cut taxes by \$1.3 trillion, and then subsequently to engage in a war in Iraq based upon the faulty premise of weapons of mass destruction.

Now, our Republican friends often come to the microphone and say things like, well, we all spent too much money. No, I didn't spend too much money. I voted against the war in Iraq. I voted against the Bush tax cuts. I voted against their prescription benefit proposal.

Our friend from New Jersey a moment ago said the math is clear. But for Republicans, why is the math only clear when Bill Clinton is President and Barack Obama is President? They ran these deficits through the roof. There is no escaping that conclusion.

The budget has been balanced five times since the end of World War II, four of those times during the Clinton Presidency. Twenty-two million jobs were created during those years. This is the equivalent of using a Luger to clean the wax out of our ears.

This proposal is beyond the pale. They ran across the country for the last 2 years with the Tea Party-types saying, Have you read the bill? Yes, we've read the bill, and we've come to the conclusion this is a reckless pursuit of defying our constitutional responsibility when we've already demonstrated that we can accomplish these ends without disturbing the Constitution that they attempted during the campaign cycle to merit.

Let's honor the Constitution, the Tea Party said. And today what do they propose? Disturbing the Constitution after their financial malfeasance for 8 years.

This argument they bring to the floor today is a political gimmick. George Bush, Sr., lobbied me on the amendment many years ago when it failed, and respectfully I pointed out to him that it was nothing more than political theater. When President Bush, Jr., invited me to the White House to discuss his tax cut proposal in 2001 a matter of days after his assumption of the Presidency, he said this is the people's money. And he's right.

But guess what? It's the people's responsibility to honor those veterans hospitals for 35,000 men and women who have served us honorably in Iraq and Afghanistan who are going to need our care for decades to come. It's the people's responsibility on Social Security, the greatest antipoverty program in history. It's the people's responsibility on Medicare, which has added years to life and life to years.

This proposal today overdoes it. There are enough men and women of goodwill in this institution to assemble for the purpose of getting on to a balanced budget without taking this pursuit of dishonoring our Constitution

when we should be doing this on our own right now as the law has prescribed.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the Transportation Committee.

Mr. DEFAZIO. I thank the gentleman, and I particularly want to thank Mr. GOODLATTE for his extraordinary leadership on this issue. We both supported a virtually identical amendment in 1995.

Now, when I first came to Congress, I did not support a balanced budget amendment to the Constitution. I said things similar to my good friend and colleague Mr. NEAL from Massachusetts: It's a gimmick. We don't need it. People will come together. We can make these decisions.

It didn't take me long in observing the Congress to realize that there's an infinite capacity in this Congress to kick the can down the road. And the problem is that can's getting pretty darn heavy to kick down the road, and it's going to land on the next generation with full force—\$15 trillion of debt. For the first time since World War II, this year our deficit exceeds the gross domestic product.

Now, we're going to have to force people to make tough decisions. That's a conclusion I came to when I changed and I supported the amendment back in the mid-nineties.

Now, just think about it. It passed the House, failed by one vote in the Senate. And had that become the law of the land, today we would be paying down the last of the debt. We might still be in this hole economically that we're in, but we would actually then perhaps have the capacity and the will to go out and borrow a couple of hundred billion dollars to rebuild the Nation's crumbling infrastructure. We could afford it. But in this environment with this amount of debt, that's a very tough sell around here.

This is an honest balanced budget amendment. It does not prejudice the debate between taxes—and there are many on that side who object to any new taxes or revenue—and spending cuts—and there are many on my side who object to many spending cuts. It does not discriminate. It's fair. It's evenhanded.

There were many on the Republican side who preferred one that would have tied the hands of Congress, said, No, you need a 66 percent vote to have taxes; no, you have to be limited to 18 percent of GDP. But, no, they brought forward something that is fair, and it would be something that would force Members of Congress and future Members of Congress to make the tough decisions that we have to make.

A lot of talk about Social Security. I'm an expert on Social Security. Social Security is the largest creditor of the United States of America, \$2.66

trillion. We have to have the capability to redeem that debt to pay future Social Security benefits in the not-distant future when we have to draw on what's called a trust fund. It's not a trust fund. It's government bonds. It's debt. And if we keep adding to the pile of debt, will we have the capability to repay those Social Security bonds?

And there's a long-term problem with Social Security. I have a bill to fix that. Lift the cap on wages. I didn't notice that—many on my side have been down here carrying on about the attack on Social Security in this bill; they're not on my bill. Because that's a tough thing to say, we're going to make people over 250 pay the same amount of tax as people who earn less than 250.

That's a solution long term. But short term we've got to worry about being able to redeem those bonds and pay promised benefits of Social Security.

And then a lot of talk about the debt limit. Well, when we're in balance, you're going to have to have a 60 percent vote to deficit spend, and you would need a 60 percent vote for an increase on the debt limit. I would say that they could be done at exactly the same time. It requires the same number of votes. Is someone going to vote today to say we're in balance, to vote in deficit to deal with the economic situation today, perhaps to fund infrastructure investments, and then vote later on today against raising the debt limit by that same amount? That would just vitiate their earlier vote. So I don't think that that's a real threat.

If you vote "no," you're assuming that we have an infinite capacity to borrow money to pass on to future generations and still meet our obligations to the American people. I don't believe that. We need limits. We need to be forced to make tough decisions, and this would force future Congresses to make those tough decisions.

Mr. NADLER. Mr. Speaker, I would point out that if this amendment passed, we would never be able to borrow money to do the infrastructure that we need.

I now yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I suspect we're about to enter into a west coast debate here. My good friend from Oregon brings a perspective a little north of California, and I would like to bring to this discussion a perspective of California.

□ 1050

For more than 30 years, California has lived under a constitutional amendment much like this constitutional amendment—a constitutional amendment that in the State of California requires a supermajority vote for raising taxes and for the budget

itself. It's very similar to what is required here. The only difference is, in California, it was two-thirds; here it's 60 percent.

One only need look at the extraordinary dysfunction that California has endured in the intervening 30 years since that constitutional amendment went into effect. It has become a situation in California where we went from the very best—the very, very best—education system in this Nation, both K-12 and higher education; the best infrastructure in this Nation; and the most robust economy in this Nation to one in which we've had perpetual political gridlock because of the supermajority requirement.

So I bring to this House my own 35 years of experience with a constitution that does impose a supermajority but that has simply not worked to the benefit of the State of California. To visit such a thing upon the United States, in my view, in my experience of 35 years in public life in California, would be a great disaster for the United States, one in which we would have perpetual gridlock.

Already in this House this year, my Republican colleagues are very upset about the United States Senate not being able to do anything because of the 60-vote requirement. The Republicans keep talking about the 19 jobs bills that are over there that are tied up. It's the 60-vote requirement that has tied them up in the Senate. Last year it was the Democrats who were complaining about the Senate not being able to move because of the 60-vote requirement in the Senate.

Do we want that also here in the House? I would hope not.

I would ask us to back away from what is politically expedient. We all understand this. We've all been in this a long time. We understand the political expedience about the sound bite, about the way in which it appears. We are taking action to solve the deficit. Please, look at California. Look at what has happened to California over the last 35 years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional 30 seconds.

Mr. GARAMENDI. I would also ask you to take a look at the fact that, even with that supermajority vote, California has perpetually run a deficit because it could not bring into balance the revenues and the outlays because the outlays were required by the reality of the economy, by the reality of the people.

This is a very, very important vote, and I bring to this House my experience of what a supermajority vote has meant to the State of California.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana, Dr. FLEMING, a member of the Armed Services Committee.

Mr. FLEMING. I thank the gentleman for yielding.

I've listened carefully to the debate today, and I've listened to the other side.

Mr. Speaker, this body is hopelessly addicted to excessive spending and budget deficits—hopelessly. On the other side, those who argue that we should not have a balanced budget amendment are hopelessly in denial, just like drug addicts are in denial about their addictions. We have 535 Members, if you include the Senate, who compete with one another to see how much money we can spend, and we have an executive branch that does the same. Republican or Democrat—it doesn't matter—we all do the same thing. There is absolutely no control—or governor, if you will—on our excessive spending.

Let's put this in perspective.

In the 235 years since the founding of this great country, we have added \$10.6 trillion to the national debt. In the 2½ years of this Presidency, we have increased that by 50 percent, an addition of \$5 trillion. We just passed the \$15 trillion debt level. At the current rate—and this is not just a projection; this is set in stone—by the end of the first term of President Obama's, we will have increased the national debt by 70 percent. This is just in that one term of 4 years.

Mr. Speaker, we cannot do this based on our willingness to balance the budget. We are incapable of doing that. We are addicted to spending. We are in denial about this, and it's time that we do something. I stand in support of H.J. Res. 2, a balanced budget amendment to the Constitution of the United States. Frankly, I would like to see a more restrictive form, a more severe form that controls the possibility of added taxes, but I will vote for this.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. FLEMING. Just in closing, I would like to say that it does some wonderful things.

It prohibits a debt increase without a three-fourths vote, and it requires the President to submit a balanced budget each year. Our Senate over there has yet to pass a budget resolution in 3 years. It also provides for a waiver in a time of war.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. JACKSON of Illinois. I would like to know if I can be against the balanced budget amendment without being compared to being a drug addict. Is that doable in this body to maintain some comity? I believe in helping my constituents, but my support of spending isn't tied to a drug addiction.

The SPEAKER pro tempore. The gentleman is not stating a point of order.

Mr. JACKSON of Illinois. It's not a point of order that the gentleman has made reference to those of us who are opposed to a balanced budget amendment as having been addicted to drugs? Is that a problem for the comity of this Chamber, Mr. Speaker?

The SPEAKER pro tempore. Is the gentleman demanding that the words be taken down?

Mr. JACKSON of Illinois. I am not prepared to go that far. I'd like to hear the gentleman's explanation.

Mr. FLEMING. Mr. Speaker, I ask for regular order. This is ridiculous.

Mr. JACKSON of Illinois. The gentleman needs to be very careful because I can actually have them read that back to you again.

The SPEAKER pro tempore. The gentleman from Louisiana will suspend. The gentleman from Illinois will suspend.

The Chair asks again, Does the gentleman wish that the words be taken down?

Mr. JACKSON of Illinois. I withdraw my point of order, Mr. Speaker.

The SPEAKER pro tempore. No point of order has been stated.

Mr. FLEMING. In conclusion, let me say, when I talk about our being addicted to spending, I'm talking about everyone in Congress and the executive branch. I am not pointing fingers at any one group of people. I will say that those who are unwilling to do something about it, by supporting a balanced budget amendment, are in a clear state of denial.

Mr. NADLER. Mr. Speaker, I yield myself 90 seconds.

It is not true, as we have heard on this floor repeatedly today, that both parties are addicted to spending and that the deficit is equally the fault of both parties.

It is the fault of George Bush. It is the fault of the Republican Congress. Under President Clinton, a Democratic Congress voted for tax increases and for spending cuts, and produced balanced budgets 4 years in a row of such a significance that we were going to eliminate the entire national debt by 2012. The Republicans came in and without Democratic support voted for huge tax cuts, for two unfunded wars, and for doubling the Pentagon's budget without increasing taxes to pay for it.

That generated the huge deficit we have. The deficit was also generated by the fact that, because of, arguably, Republican deregulatory policies, we got into this huge depression caused by Wall Street, and that increased the deficit. In January of 2009, before President Obama took office, 1 month before, the CBO said that the next year's deficit would be \$1.2 trillion without this President's having done a thing.

The point, as I said before, is that nondefense discretionary spending—everything other than Medicare, Medicaid, Social Security, veterans benefits, and interest on the debt—has not increased since 2001 when adjusted for inflation and population growth. So that is not the source of our budget deficit. The source of our budget deficit is that we cut the taxes on the rich and the corporations and that we spent money on wars we didn't pay for.

□ 1100

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman.

In response to the gentleman from New York, I just want to point out a few facts: first of all, in the last 50 years, the budget has been balanced six times. Democrats have controlled the House of Representatives 37 of those years, and in only two of those years did they balance the budget. Four times when Republicans were in the majority, the budget was balanced: 1998, 1999, 2000, and 2001.

When those budgets were offered in this House, many Democrats voted in a bipartisan fashion for at least one of those budgets. The gentleman from New York voted against all four of the last balanced budgets that occurred in the time that he has been in Congress.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. For fear of offending the training that my mother gave me, I will again say that I stand here unaddicted and recognize that there are those who are addicted to throwing the vulnerable on the trash heap of life. Time and time again, in those budgets that my good friend from New York (Mr. NADLER) voted against, I assume that he refused to throw the vulnerable on the trash heap of life.

We come again to a time when we want to abdicate our responsibility under the Constitution. But, my friends, I want to remind you that time and time again the Republicans came back to that tired old formula, balanced budget amendment; and time and time again they were rejected.

This Constitution is sacred. It has nothing in it about the balanced budget. Twenty-six amendments, and they have been rejected. Why? Because they don't want to do the job that the people of the United States have sent us to do. The job that says give and take on how we fund this government.

Someone wants to talk about State governments. Yes, 49 States have a balanced budget amendment; but it is on the operations budget, not on the capital budget. The United States of America is responsible for disasters

when they hit New York, Missouri, and Texas. The United States is responsible for lifting a military and providing for our sons and daughters on the front lines of Iraq and Afghanistan, World Wars I and II, Korea, and, of course, Vietnam, the Persian Gulf, and many other places. Our States are not responsible for that.

Balanced budget amendment, maybe we want to be able to follow the good work of our dear friends on the supercommittee. I have great respect for them. The headline says: "Supercommittee Well Short of a Deal," because this is not the way we run a country.

And I refuse to be called "addicted" without the explanation that my mother would want me to give. I am addicted to saving lives. I'm addicted to making sure that Social Security is not violently cut by the balanced budget amendment, Medicare being cut by nearly \$750 billion if this resolution were to pass, Social Security almost \$1.2 trillion, veterans benefits \$85 billion through 2021.

So my argument is to be able to analyze what we're doing here, my friends. The Constitution gives this House the power of the purse strings; yet it will take a two-thirds vote in the middle of a crisis, a war, a disaster, the need to invest in our young people—numbers that Dr. Jeffrey Sachs said that we need for a legitimate apprentice program that leads young people from college or training into a job.

Creating jobs invests in America. Would you understand that we have the lowest number of white males going to college, the lowest number of African Americans going to college, the lowest number of Latinos.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

We need investment in human resources. And all we're doing today is denouncing and ridding ourselves of the obligatory responsibility that we have when we take an oath to this Constitution every 2 years.

I don't want to be a spoilsport today. I believe we should tighten our belt. There are many ways of doing so, looking at the financial transactions on Wall Street or the Chicago commodities. Many ways to do it. But this is a stranglehold on our neck. I refuse to cut seniors, children, Social Security because you won't do your job. This is a bad amendment. I will not vote for it.

Mr. Speaker, I rise today in strong opposition to H.J. Res. 2, "Proposing a Balanced Budget Amendment to the Constitution of the United States." While I support bipartisan efforts to increase the debt limit and to resolve our differences over budgetary revenue and spending issues, I cannot support a bill that unduly constrains the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

In my lifetime, I have never seen such a concerted effort to ransom the American economy in order to extort the American public. While I support bipartisan efforts to increase the debt limit and to resolve our differences over budgetary revenue and spending issues, I cannot support a bill that unduly robs average Americans of their economic security and ability to provide for their families while constraining the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

This bill would put our national security at risk. If our nation is under attack or needs to respond to an imminent threat, the last person I would consider contacting is an accountant. I would expect that this body would act swiftly and this mandate takes away that ability.

We need to change the tone here in Congress. Federal Reserve Chairman Ben Bernanke said it best when he stated recently before the House Committee on Financial Services. "We really don't want to just cut, cut, cut." Chairman Bernanke further stated, "You need to be a little bit cautious about sharp cuts in the very near term because of the potential impact on the recovery. That doesn't at all preclude—in fact, I believe it's entirely consistent with—a longer-term program that will bring our budget into a sustainable position."

NATIONAL SECURITY—VETERANS AND MILITARY FAMILIES

I am outraged to find that revisions to this legislation include a provision that will hurt our veterans and military families and seriously compromise our ability to combat terrorism. As a senior Member of the Homeland Security Committee, I am deeply concerned about any measure that undermines the men and women of the Armed Forces or the safety and security of the American people.

The Department of Defense (DOD) has already agreed to cut its budget by \$450 billion over the next ten years. The Center for Strategic and International Studies predicts that further budget reductions, including those that would stem from a balanced budget amendment, will cause substantive modification to our defense strategy, capabilities and force structure.

Enacting a balanced budget requirement would severely limit the ability of the Armed Forces to procure the equipment necessary to keep our troops safe, and prepare them for potential combat. A balanced budget amendment would dramatically constrain discretionary budgets, so much so that procurement, research and development, and the acquisition of new technologies would have to be zeroed out of the DOD budget.

These deep cuts to research and development and procurement would threaten the safety of the men and women of the Armed Forces. For example, the constraints caused by a balanced budget amendment would seriously endanger the Marine Corps' V-22 Osprey program, as well as the intended order of 340 F-35B Joint Strike Fighters. The effects of a balanced budget amendment would hinder the Navy's planned expansion from 287 to 320 ships.

This bill will deeply impact the Defense Industrial Base (DIB), a group of companies and contractors that supply equipment and technology to the Armed Forces. The budget reductions caused by a balanced budget

amendment would deeply impact modernization and procurement. In fact, Army Secretary John McHugh recently said that to facilitate any further budget cuts, "you'd probably have to take some 50% out of modernization."

The DIB has resulted in the development of the most advanced military force the world has ever seen. However, large cuts in procurement funding would seriously compromise our ability to develop some essential future capabilities. Moreover, the downsizing that a balanced budget requires would leave a large number of highly skilled and professional workers unemployed in an economy unlikely to absorb them for quite some time.

Passing this legislation will not, as many of my colleagues on the other side of the aisle believe, result in a more stable budget. An amendment requiring a balanced budget will render discretionary budgets, particularly the DOD and national security budgets, much less predictable. The Departments of State, Defense and Homeland Security will have to compete for their shares of the national security budget, and furthermore, a likely response to a balanced budget amendment will be an increased reliance on emergency, ad hoc appropriations.

A provision of H.J. Res. 2 requires legislation to spend money that will take the budget out of balance due to a military conflict or national security need. As it stands, this bill will require a Joint Resolution from both houses of Congress with the specific dollar amount being spent.

In order to spend more than has been appropriated, agencies tasked with defense and national security will need approval from Congress. This increased reliance on emergency appropriations will have detrimental effects on the sound functioning of our defense and national security institutions. The more these institutions are forced to rely on emergency funding, the more unpredictable their budgets will become.

This legislation would allow a military conflict or threat to national security to take the budget out of balance. However, in order to authorize additional funds for military engagement or threats to national security that require action, Congress would need to pass legislation citing a specific dollar amount.

As a senior Member of the Homeland Security Committee, I know that the threats against the nation are constantly changing and ever present. We cannot ask those responsible for protecting this nation to ask Congress for a specific amount of money every time there is a threat to our national security that requires action. Should we ever experience another attack on American soil, we cannot expect our first responders to wait for authorization before intervening.

Mr. Speaker, I am incredibly disheartened to see my colleagues on the other side of the aisle champion this legislation, legislation that has so many negative impacts on our veterans and military families. The permanent budget cuts necessitated by a balanced budget amendment would require the DOD to drastically curtail the number of active duty service members, retirement benefits, and healthcare benefits for veterans and military families.

There are currently 22.6 million veterans living in the United States, and all of them de-

serve the retirement and healthcare benefits that were promised to them. In my home State of Texas we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan wars. We should not compromise the benefits for one of these patriotic Americans with this harmful legislation.

There has been a theme this Congress of focusing on cutting programs that benefit the public good and for the most at need, while ignoring the need to focus on job creation and economic recovery. Debate of this balanced budget amendment is wasting a tremendous amount of time when we should be focused on paying our nation's bills and resolving our differences!

As I mentioned, a balanced budget is not something that should be mandated in our Constitution, nor something that should be automatically required every year. In particular, during economic downturns, the government can stimulate growth by cutting taxes and increasing spending. And in fact, the cost of many government benefit programs is designed to automatically increase when the economy is down—for example, costs for food stamps (SNAP) and Medicaid increase when more people need to rely upon them.

These countercyclical measures lessen the impact of job losses and economic hardship associated with economic downturns. The resulting temporary increases in spending could cause deficits that would trigger the balanced budget requirements at the worst possible moment.

A constitutional amendment requiring Congress to cut spending to match revenue every year would both limit Congress's ability to respond to changing fiscal conditions and would dramatically impede federal responses to high unemployment as well as federal guarantees for food and medical assistance.

H.J. Res. 2 would amend the Constitution to require Congress to balance the budget each year. It would also impose new procedural hurdles to raising the debt ceiling, and require the President to submit a balanced budget each year.

The thresholds proposed in H.J. Res. 2 are completely unrealistic. Even during Ronald Reagan's presidency—before the baby boomers had reached retirement age, swelling the population eligible for Social Security and Medicare, when health care costs were much lower—federal spending averaged 22 percent of GDP. This would impose arbitrary limits on government actions to respond to an economic slowdown or recession.

Cutting spending during a recession could make the recession worse by increasing the number of unemployed, decreasing business investment, and withholding services needed to jump-start the economy. As written, this bill would render Social Security unconstitutional in its current form. Capping future spending below Reagan-era levels would force devastating cuts to Medicaid, Medicare, Social Security, Head Start, child care, Pell grants, and many other critical programs.

Only five years in the last fifty has the federal government posted an annual budget surplus; all other years the government has been

in deficit. Even the House-passed Republican budget resolution, which requires immediate and sustained drastic spending cuts, never reaches balance in the ten-year window required by H.J. Res. 2—indeed, it is not projected to be balanced for several decades, only reaching balance by 2040.

Because this proposal makes it so much harder for Congress to increase revenues than to cut spending, it in essence forces the President to match those same restrictions in his budget. In other words, H.J. Res. 2 is a political ploy designed to force the President to submit a budget that reflects the Republican priorities of ending the Medicare guarantee while cutting taxes for millionaires.

SOCIAL SECURITY & MEDICARE

According to the Center on Budget and Policy Priorities, H.J. Res. 2's balanced budget requirement could result in Medicare being cut by nearly \$750 billion, Social Security almost \$1.2 trillion, and veterans' benefits \$85 billion, through 2021 assuming that the spending cuts would be distributed evenly across the government. These cuts would devastate millions of seniors, veterans, children and the disabled.

These cuts would have a devastating effect on the millions of aged, disabled, veterans, children, and others who depend on Social Security. The BBA would have the foreseeable effect of plunging millions of Social Security beneficiaries into poverty and making for a very bleak future for most others. Over two-thirds of seniors and 70 percent of people with disabilities depend on Social Security for half or more of their income. Close to half—47 percent—of all single (i.e., widowed, divorced, or never-married) women over age 65 rely on Social Security for 90 percent or more of their income.

Seniors are spending more on their health care costs, and Americans in general are making less. The face of poverty is a child's face. If a private employer attempted to do what is being asked of us here today, which would be to use their pension plans in a manner that H.J. Res. 2 would deal with Social Security that would be against the law.

Furthermore, the need to raise the debt ceiling has no correlation to whether future budgets are balanced; increases in the debt ceiling reflect past decisions on fiscal policy. And as demonstrated by this year's current disagreement about whether and when to raise the debt ceiling, Congress does not need to impose further barriers to its consideration. Treasury has warned that failing to raise the debt ceiling and the resulting government default, which would be unprecedented, could have catastrophic impacts on the economy. Interest rates would rise, increasing costs for the government and potentially on American businesses and families.

Any cuts made to accommodate a mandated balanced budget would fall most heavily on domestic discretionary programs; the immediate result of a balanced budget amendment would be devastating cuts in education, homeland security, public safety, health care and research, transportation and other vital services.

The Founders purposely made the Constitutional amendment process a long and arduous one. Having a Constitutional balanced budget amendment is not a novel idea. Balanced

budget amendments have made it to a floor vote in the Senate five times, and in the House four times, according to CRS. The Senate barely passed a version in 1982, but it failed to gain the necessary two-thirds majority in the House. The House passed a version in 1995, but it failed in the Senate.

Do my Republican colleagues really expect Congress to capriciously pass an amendment altering our nation's founding document on such short notice; an amendment that will fundamentally change our country without reasonable time for debate; without the opportunity for a hearing or questioning of witnesses; without any reports as to what impact it may have?

By tying the fate of whether the United States pays its debt obligations to the historically prolonged Constitutional amendment process, the Republicans who support this bill have demonstrated, at this critical juncture in American history, that they are profoundly irresponsible when it comes to the integrity of our economy and utterly bereft of sensible solutions for fixing it.

POTENTIAL IMPACT ON MEDICARE

Medicare covers a population with diverse needs and circumstances. Most people with Medicare live on modest incomes. While many beneficiaries enjoy good health, 25% or more have serious health problems and live with multiple chronic conditions, including cognitive and functional impairments.

Today, 43% of all Medicare beneficiaries are between 65 and 74 years old and 12% are 85 or older. Those who are 85 or older are the fastest-growing age group among elderly Medicare beneficiaries. With the aging and growth of the population, the number of Medicare beneficiaries more than doubled between 1966 and 2000 and is projected to grow from 45 million today to 79 million in 2030.

POVERTY

We are constantly discussing cutting the budget, reducing our debt. Any yet, there has not been a single strong job creating measure purported by my Republican Colleagues. Instead time and again there is legislation brought before this body to delay having a real debate on job creation. The poorest among us are being asked to bear the brunt of this legislation; cuts to Medicare, cuts to Social Security . . . who do you think these programs serve. We would be asking the poor to pay more for health insurance, to pay more for medical expenses, to pay more for housing. I ask my colleagues a simple question?

Currently more Americans are in need of jobs than jobs are available. Without focusing on creating jobs and advocating for job growth, what will happen to those individuals who are unable to find work, are seniors, are disabled, are children? What about veterans who find their pensions cut? When all these cuts to essential and vital programs occur in order to support this proposed constitutional mandate, what will happen to these individuals; how will they pay housing, health, and basic life necessities?

I am, as we all are, deeply troubled by the report issued by the U.S. Census Bureau. 1 of every 6 Americans is living in poverty, totaling 46.2 million people, this highest number in 17 years. In a country with so many resources, there is no excuse for this staggering level of poverty.

Children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

In my district, the Texas 18th, more than 190,000 people live below the poverty line. We must not, we cannot, at a time when the Census Bureau places the number of Americans living in poverty at the highest rate in over 17 years, cut vital social services. Not in the wake of the 2008 financial crisis and persistent unemployment, when so many rely on federal benefits to survive, like the Supplemental Nutrition Access Program (SNAP) that fed 3.9 million residents of Texas in April 2011, or the Women, Infant, and Children (WIC) Program that provides nutritious food to more than 990,000 mothers and children in my home state.

The Census Bureau also reported there are 49.9 million people in this country without health insurance. This is an absolute injustice that must be addressed. We can no longer ignore the fact that nearly 50 million Americans, many of them children, have no health insurance.

Texas has the largest uninsured population in the country; 24.6% of Texans do not have health care coverage. This includes 1.3 million children in the state of Texas alone who do not have health insurance, or access to the healthcare they need.

It is unconscionable that, despite egregiously high poverty rates, Republicans seek to reduce spending by cutting social programs that provide food and healthcare instead of raising taxes on the wealthiest in the nation, or closing corporate tax loopholes.

Balanced budget amendments have made it to a floor vote in the Senate five times, and in the House four times, according to CRS. The Senate passed a version in 1982, but it failed to gain the necessary two-thirds majority in the House. The House passed a version in 1995, but it failed in the Senate.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, November 15, 2011.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 3.2 million members of the National Education Association, we strongly urge you to VOTE NO on the constitutional balanced budget amendment scheduled for floor debate this week. While we understand the need to get our nation's fiscal house in order, such proposals are not the right mechanism. The effect would be devastating for public education and retirement security, undermining economic recovery and jeopardizing our future strength as a nation. Votes associated with this issue may be included in the NEA Legislative Report Card for the 112th Congress.

Overall, a balanced budget amendment could result in the largest cuts in federal spending in modern history. In fact, it simply will not be possible to achieve the spending levels required under any balanced budget amendment without massive cuts in education, Medicare, Medicaid, Social Security, and other programs that meet crucial national needs.

Educators understand that Congress must work to ensure America's long-term economic prosperity and that we must address the nation's serious fiscal challenges. However, cutting education funding and slashing programs that serve children, seniors, and working families is not the answer. Claims that families and states balance their budgets are erroneous. Most families have mortgages and car loans, and take on other debt to provide for their children's futures. In addition, while many states must balance their operating budgets, they take on debt for capital costs and job-creating projects such as building roads, bridges, and schools.

NEA members see first-hand every day the struggles of many of their students and their families. A balanced budget amendment will make their struggles even harder—essentially abandoning them while continuing to cater to the wealthiest in our nation.

Mandating a balanced budget would constitute exceedingly unwise economic policy. It would risk tipping a faltering economy into recession and slowing economic recovery. It would determine spending levels for decades and tie future Congress' hands. And, it would render impossible the sorts of investments necessary to continue economic recovery and grow the skilled workforce necessary for future economic strength.

A balanced budget amendment would decimate public education and other programs that ensure a competitive workforce and future economic vitality. We urge you to vote NO.

Sincerely,

KIM ANDERSON,
Director, Center for
Advocacy.

MARY KUSLER,
Manager, Federal Ad-
vocacy.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, November 15, 2011.

(House Rules)

STATEMENT OF ADMINISTRATION POLICY
H.J. RES. 2—PROPOSING A BALANCED BUDGET
AMENDMENT

(Rep. Goodlatte, R-VA, and 242 cosponsors)

The Administration strongly opposes H. J. Res. 2. We do not need to amend the Constitution for only the 28th time in our nation's history to do the job of restoring fiscal discipline. Instead, it requires us—as members of both parties have done in the past—to move beyond politics as usual and find bipartisan common ground to restore us to a sustainable fiscal path.

H. J. Res. 2 would impose serious risks for our economy in several ways. It risks accelerating economic downturns by requiring the government to raise taxes and cut spending in the face of a contraction, which would accelerate job losses. The President proposed a balanced approach to restore fiscal sustainability and in a way that doesn't slow the Federal Government's ability to initiate actions that help stabilize the economy and keep future recessions from becoming worse. By contrast, under H. J. Res. 2, a minority in a single house of Congress could block the will of the majority and the Executive to waive its provisions when our country faces a downturn. If H. J. Res. 2 had been in effect in recent years, such a minority in one house would have been able to prevent efforts to override the requirement for tax increases or spending cuts, risking an even deeper contraction and pushing the economy into a second Great Depression. Further, H. J. Res. 2

ducks responsibility and does not take the Nation's fiscal challenges head-on. Rather, it could inevitably result in handing the hard decisions that our elected representatives in the Congress should be making to the Federal Courts.

In addition, absent a willingness to raise substantially higher revenues than in the House Budget Resolution by closing tax loopholes or asking the most fortunate to pay more, H. J. Res. 2 would undercut the Federal Government's ability to meet its core commitments to seniors, middle class families and the most vulnerable, while reducing our ability to invest in our future. This could result in severe cuts to programs like Medicare and Social Security that are growing due to the retirement of the baby boomers, putting at risk the retirement security of millions of Americans, and it could result in significant cuts to education, research and development, and other programs critical to growing our economy and winning the future.

H. J. Res. 2 is not a solution to the Nation's deficits. The Administration is committed to working with the Congress on a bipartisan basis to achieve real deficit reduction. The President laid out a set of recommendations to the Joint Select Committee to achieve over \$4 trillion in balanced deficit reduction, including the deficit reduction already locked in by the Budget Control Act. The President urges the Committee to meet or exceed its mandate for deficit reduction.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. HURT), a member of the Financial Services Committee.

Mr. HURT. I rise today in support of a balanced budget amendment to the United States Constitution, offered by my friend from Virginia (Mr. GOODLATTE). I would like to thank the gentleman from Virginia for his leadership on this important legislation; and as a cosponsor of this measure, I urge my colleagues to vote in favor of this balanced budget amendment.

Our Nation's staggering debt and reckless borrowing illustrate the urgent need to implement real institutional change in Washington. For far too long, Members of both parties have routinely chosen the politically expedient course over what is in the best interest of our Nation, casting aside any spending pledges or statutory caps and pushing our Nation further along on a careless spending binge with devastating consequences for the people of Virginia's Fifth Congressional District and all across our country.

We, as a Nation, now face a \$15 trillion debt that nearly equals the size of our entire United States economy. We are running a \$1.3 trillion deficit, and we are borrowing over 40 cents on every dollar we spend. This dire debt crisis not only threatens our economic recovery by stifling job creation, but it also threatens the very future of our country.

Given the seriousness of our current fiscal situation, Congress' abysmal record of fiscal management, it is critical that we put institutional spending reforms in place that will force the

government to live within its means, just as families, businesses, and State governments do in Virginia and across the country. By passing a balanced budget amendment, Congress will be required to spend no more than it takes in, reining in out-of-control spending once and for all.

As I travel across Virginia's Fifth District, I continually hear from my constituents—Republicans, Democrats, and independents—who say that if we are serious about turning our economy around, and if we are serious about preserving this country for our children and grandchildren, we must put an immediate end to Washington's out-of-control spending.

I urge my colleagues to vote in favor of this bipartisan measure so we may implement the structural framework necessary to put our Nation back on a path of fiscal sustainability for the sake of future Americans.

I thank the gentleman for yielding me the time.

Mr. NADLER. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, we've heard a lot about the Members on the other side of the aisle trying to take credit for the fiscal responsibility in the 1990s. I think we need to review what actually happened during those years.

I came into Congress in 1993, and the first tough votes we had to cast were on the budget. We passed a tough budget. It passed by one vote in the House and a tie-breaking vote by the Vice President in the Senate. Not a single Republican voted for that tough budget. In fact, it's that budget that we are talking about that laid the groundwork for the fiscal responsibility for the 1990s.

And on that vote, when the last vote was cast by Marjorie Margolies-Mezvinsky from Pennsylvania, the Members on the other side of the aisle did not congratulate her for casting the tie-breaking vote to pass the bill. They started chanting "Bye-bye, Marjorie," and she was defeated with that vote in her next election. In fact, she was defeated along with almost 50 Members of the Democratic Party who voted for that budget.

In 1995, when the Republicans came in with a majority, they tried to dismantle the budget. And in fact, President Clinton vetoed all of those budgets that they had offered; and we shut down the government, rather than dismantle that plan. Finally, when the deficit had gone from \$290 billion down to less than \$25 billion, then the Members on the other side of the aisle joined on as we crossed the finish line.

Well, that's like showing up for the ribbon-cutting after you have voted against the stimulus bill. All of the tough votes had been cast. All of the hard work, all of the political damage

had been suffered. And now all of a sudden, they want to come in and take credit. What they can take credit for is President Clinton vetoing their bills.

If you want to know what would have happened if they had been signed, we found out in 2001. Because as Chairman Greenspan had to answer questions as to what's going to happen if we pay off the national debt too quickly—we were on chart to paying off the national debt after the first tax cut—that was the last time you heard anybody talking about paying off the national debt.

Two tax cuts not paid for, two wars not paid for, prescription drugs not paid for, and now we find ourselves in the ditch.

Balancing the budget is arithmetic. You've got to pass some unpopular votes. You've got to raise taxes and/or cut spending, and you're going to make some political enemies doing either one.

□ 1110

This legislation doesn't help us make those tough choices. In fact, it makes it even more difficult. People say we need a constitutional amendment to force us to balance the budget. This legislation doesn't force us to do anything. It makes it more difficult. Read the bill. If we want to pass something—we had a hearing on it a couple of days ago when the former Governor of Pennsylvania said that the balanced budget provision in the Pennsylvania State Constitution was a good idea, and I asked him what provision in this legislation can be found in the Pennsylvania Constitution; none of them. None of the provisions of H.J. Res. 2 can be found in any State constitution other than the title. And so here we are talking about the title but not the provisions of the bill.

The major provision in this bill is a three-fifths requirement to pass a budget that's not in balance; which, incidentally, would cover every budget that we considered this year.

Now, I think it is fair to say that the most fiscally conservative budget on the table was the Republican Study Group that got a few votes, not anywhere close to a majority. And if that's your goal, why would raising the threshold from a simple majority that you couldn't even get up to three-fifths make it more likely that you could pass that tough kind of budget?

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional 1 minute.

Mr. SCOTT of Virginia. Once you have ascertained that even the Republican Study Group budget would require three-fifths, any budget, responsible or irresponsible, could pass with the same three-fifths. In fact, you could cut taxes with three-fifths. You could raise spending. You could have a

totally irresponsible budget with three-fifths. So why is it more likely that you're going to be fiscally responsible with three-fifths when you've never been able to get even a simple majority, when three-fifths—last December we passed an \$800 billion tax cut, putting us \$800 billion further in the ditch. We got three-fifths for that, but try to get three-fifths for a meaningful deficit reduction plan.

This legislation will make it more difficult to balance the budget. All of this debate has been about the title, how nice it would be to balance the budget. But we ought to read the bill and point out that the provisions of this bill will actually make it more difficult, probably impossible, to ever balance the budget, and we will end up trying to get three-fifths vote, ending up with worse budgets than we would have under the present system.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman.

I need to comment on the revisionist history that we are hearing.

Mr. Speaker, the fact of the matter is that tough votes are made when Congresses make the decision to balance the budget. That decision wasn't made in 1993 when Democrats voted to raise taxes; it was made when we sent a budget to the President that he vetoed. The government shut down, and after that shutdown, then and only then did President Clinton get in favor of welfare reform and other things that led to a slowing of the rate of growth in government spending.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 1 minute.

Mr. GOODLATTE. He calls a ribbon cutting to show up and vote for budgets that are actually balanced. The gentleman from Virginia, my good friend, voted against all four—all four—of the budgets that were balanced in the 1990s and leading up to 2001.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my friend and colleague from Texas (Mr. CANSECO), a member of the Financial Services Committee.

Mr. CANSECO. Thank you, Mr. Chairman.

Today we are taking an important step towards changing the way Washington does business; and it couldn't come at a more opportune time as our national debt crossed the \$15 trillion threshold this week, which means that now on average every American household's share of the national debt is \$127,899. Our Nation is in the midst of a spending-driven debt crisis. We have run three successive \$1 trillion-plus deficits. We are borrowing approximately 40 cents out of every dollar the Federal Government spends; and the

CBO estimates that, by the end of the decade, we'll be spending almost \$1 trillion just to pay the interest on our debt.

If we do nothing, the problem will get worse. We will continue spending, borrowing, and accumulating more debt, until one day our children and grandchildren and their futures are drowned in a sea of red ink. Our inability to get our fiscal house in order will leave them with a downsized American Dream.

As a father of three children, this is something that I refuse to do. I am the son of Mexican immigrants who came to this Nation to provide their children with a better life and to live in a land where my opportunity would be limited only by how hard I worked and how big I could dream.

I want to ensure that America remains a land of unlimited opportunity for our children and grandchildren. I don't want the legacy of this generation of Americans to be that we're the first generation of Americans to pass on a smaller American Dream to future generations.

For too long, our Nation has spent far beyond its means. We have run up a national credit card, borrowing from our children's and grandchildren's future to pay for spending today. We need to cut up the national credit card and make sure the dire situation we have gotten ourselves into never happens again, and a balanced budget amendment will do just that.

Mr. NADLER. Mr. Speaker, how much time remains, please?

The SPEAKER pro tempore. The gentleman from New York has 36¼ minutes, and the gentleman from Texas has 1 hour and 4½ minutes.

Mr. NADLER. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. GOODLATTE) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. I thank the gentleman from Virginia for yielding me this time to speak about this important issue. I really want to thank him for bringing this to the floor because this is one of those rare bipartisan pieces of legislation that Congress brings forward that is so critical to the future of our country. You know, a balanced budget amendment is an idea that is long overdue.

If you look at where we are right now, some of the biggest challenges facing our country come from the fact that Washington continues to spend

money it doesn't have. This Nation just passed the \$15 trillion threshold in debt. Just in the last 2½ years since President Obama has been in office, another \$5 trillion, mountains of debt that have been added to the backs of our children and grandchildren. It is irresponsible to keep dumping this debt onto future generations. It hurts America's ability to grow, it holds America's promise back, and it has got to stop.

If you look at what is important about this debate, a balanced budget amendment will finally bring permanent accountability and force Washington to start living within its means, to tell Washington you can't keep spending money you don't have. And yet you listen to this debate and there are Republicans and Democrats supporting this concept that's long overdue to require a balanced Federal budget; but, of course, there are opponents as well. If you listen to what some of the opponents have been saying, they call it reckless. Forty-nine States do this, families all across the country balance their budget, and they call it reckless to live within our means.

What I would finally say in conclusion is that we have got to put these reins on Washington spending. We've got to give this promise to the next generation. Stop playing politics. Let's pass this amendment.

Mr. NADLER. Mr. Speaker, I would point out that the 49 States borrow for capital budgets. They have balanced budget amendments for operating budgets. This makes no distinction and would not let us borrow ever.

I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to point out that this does allow you to borrow; you just have to have a supermajority and a special reason to do so. And I point out that if the States had anything like the proportionate debt that is constituted by this government today of \$15 trillion, they wouldn't be borrowing much money either.

At this time, it is my pleasure to yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY), a member of the Financial Services Committee.

□ 1120

Mr. DUFFY. This was not the version that I supported. I wanted a version that had spending caps linked to GDP. But as this week we passed the \$15 trillion debt mark, I thought it was important that this House come together and figure out a way to control the spending. If you look at our recent history, this House conference on the GOP side passed a budget this year that brought our country to balance. And all the Democrats across the aisle—not all—most of them voted no. They were offered a counterproposal that could bring our budget to balance.

The Democrats in the Senate haven't proposed a budget in 900 days. We need

to be serious about this debt. And, today, as we are \$15 trillion in debt and we have historic interest rate lows, let's look out 10 years, when the debt is \$25 trillion and we go from historic low interest rates to historic norms. If we can't balance the budget today, is it going to be easier 10 years from now when it's \$25 trillion and we have more people on Social Security and Medicare?

My friends across the aisle like to pull up Social Security, Medicare, and the needy. And do you know what? I care about those constituents in my district as well. But we have to be honest about what we're doing. We are borrowing this money from China. We have given them an economic nuclear bomb. We are bankrupting this country and jeopardizing the freedom of our next generation.

Let's make sure we pass this balanced budget amendment, and let's rely on the American people to fund the obligations that this House makes. With that, I encourage all of my colleagues to support the amendment.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is now my honor to yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS), chairman of the Government Organization Subcommittee of the Oversight and Government Reform Committee.

Mr. PLATTS. I thank the chairman for yielding, and I especially thank him for his great leadership on this very important issue.

I rise in favor of this legislation. The Federal Government is currently borrowing close to 40 cents of every dollar that it spends. Our \$15 trillion national debt has grown to be as large as our entire economy. One of the most important actions that Congress can take to restore fiscal sanity to Washington for generations to come is to adopt a balanced budget amendment to the United States Constitution.

I've cosponsored a version of a balanced budget amendment every session since first being elected to Congress, including the measure that we are debating here today. This proposal would impose a similar requirement for annually adopting a balanced budget, as currently exists in 49 States, recognizing a commonsense exception for defense under limited circumstances.

The idea of a balanced budget amendment is not new. One of our Founding Fathers, Thomas Jefferson, was a strong proponent of this idea. More recently, in 1995, as has been discussed, following passage by the House of Representatives, the United States Senate came within one vote of sending this version of the balanced budget amendment to the States for ratification. Since then, our total national debt has nearly tripled.

A balanced budget amendment to the Constitution will help to restore fiscal

integrity to Washington, boost confidence in the American economy, and stop Washington's practice of saddling future generations with insurmountable levels of debt. The adoption of a balanced budget amendment has the strong support of the overwhelming majority of Americans.

Our constituents get it. We can't continue to spend money that we don't have. It's time for Washington to get it and to heed the will of the American people. We should pass this legislation and thereby allow our State legislatures the opportunity to ratify this commonsense addition to the United States Constitution.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding time.

I haven't heard this said since I've been sitting on the floor listening to the debate, but if anybody has said it, I want to express my agreement with them. We cannot continue to spend more year after year after year than we receive. That is unsustainable, and with that, I cannot argue. However, I disagree that we need a balanced budget amendment to make that point.

I have no balanced budget amendment to operate my household. Some years I have borrowed money and gone in debt, and some years I have accumulated a surplus and paid down that debt. I'm sure that's the way every American citizen operates their life, trying to make responsible decisions and not hiding behind some subterfuge like a balanced budget amendment.

Being responsible, I went into debt to go to college. It was a wonderful investment because I wouldn't be here today if I had not done that. And I paid that debt back in some years where I generated surpluses in my household—as a result of going to college. I went into debt to buy a house. It's been a wonderful investment. The house has a lot more value now than what I paid for it. It is part of my assets. And one of these days, I'm going to pay that debt off. But I'm still, if you count that, operating in a deficit situation. There are some years that I'm in surplus. There are some years that I'm in deficit. The one thing I do know, whether I'm in deficit or surplus, I count the income, and I count the expenditures.

Balancing a budget is not just about how much you spend; it is also about how much you take in. And the government's only source of taking in money is tax revenues. So for somebody to come in here and lecture me about a balanced budget amendment, when they jumped up from discussions and said, I'm not going to talk about revenues in an effort to balance the budget, I'm just going to have you talk about expenditures—that is unacceptable to me.

Let's grow up in this institution. Act responsibly and make tough decisions, and we can get out of this deficit situation, and we can pay off the debt. We have proved it. We proved it while I was here in this body. We got to the point that Chairman Greenspan at that time was saying, hey, I'm worried that you're going to pay off the national debt too fast and it's going to be deflationary. Republicans were not in control then. We didn't have a balanced budget amendment then.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional 30 seconds.

Mr. WATT. We didn't have a balanced budget amendment then. We acted responsibly, and not with a single vote from the people who are here lecturing us today and saying they need a balanced budget to stand behind. That's like standing behind my mother's skirt.

Grow up. Make responsible decisions. Quit going into wars that we can't afford to pay for and not paying for them. Make some responsible decisions, and you won't need this skirt to stand behind. We don't need this. It's irrational. The American people know it's irrational because they know that balancing a budget is a function of income and expenditures.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

If the gentleman's complaint is that there have been decisions made during Republican Congresses that he doesn't agree with that spent too much money, that didn't yield to balancing budgets, the gentleman is correct.

But the gentleman neglects to point out that there have been many, many Democratic Congresses in the last 50 years, 37 of them, of which only two of them resulted in a balanced budget. That is not a good record either. In fact, during the 1990s, when we were fortunate enough to receive four balanced budgets, those balanced budgets were under a Republican Congress and a Democratic President.

□ 1130

In point of fact, it was only after there was a confrontation about the level of spending and a government shutdown that the necessary reforms were made to slow the rate of government spending so we could achieve those balanced budgets.

The gentleman from North Carolina takes credit for his vote in 1993, which I did not agree with. I'm going to take credit for my four votes that were balanced budgets in 1998 through 2001, which he voted against. So we need bipartisan support for a rule in our Constitution that requires that the budget be balanced every year, except in times of national emergency when we should have bipartisan support to not balance.

At this time it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. STEARNS), chairman of the Energy and Commerce Oversight and Investigation Subcommittee.

Mr. STEARNS. I thank my distinguished colleague.

You know, I say to my colleagues on the Democrat side, we can sit here and blame Bush; we can sit here, on our side we could blame President Obama; and we can have this high rhetoric talking about this issue but now is the time to get serious. But we are in a very precarious situation. This is all different with a debt to GDP ratio at 100 percent.

When you look at the statistics and you say, well, look, what's going to happen in this country in 10 years, in 10 years 95 percent of all Federal tax revenues will be consumed by payments of interest on the national debt and mandatory programs like Social Security. I think you would agree with that. Medicare and Medicaid are also there. This will leave just about 5 percent of our annual tax revenue available for funding national defense and other essential functions of the government. So this is an attempt here today, a very sober attempt, to control federal budgets and do this through a balanced budget amendment.

Now, you make a valid argument about the difference of these 49 States having an operational balanced budget, which is they don't have a capital outlay balanced budget. I understand that argument. But also, with this constitutional amendment, we are projecting an attempt to have a rainy-day fund, where we set aside money for these emergencies we all worry about. So you cannot hang your whole argument on the difference between the state operational budgets and a state capital budget and a federal budget as a reason for not voting for this because we are at such dire extreme situations.

And talking about Founding Fathers, they understood the perils associated with debt. In fact, Thomas Jefferson said, "The principle of spending money to be paid by future generations, under the name of funding, is but swindling futurity on a large scale."

We need to come together and understand that this is not business as usual like when we voted for the constitutional amendment some 16 years ago. This is a precarious moment in history. We do not think we can go forward without controlling our spending, and this is a legitimate attempt to do so. I think the high rhetoric on both sides of blaming different Presidents and talking about the past is gone. We're talking about the future.

I urge you to support this resolution.

Mr. NADLER. Mr. Speaker, either we will have the discipline to do what we have to or this amendment simply puts those decisions in the hands of a Federal judge, which we don't want to see, I don't think.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Illinois (Mr. HULTGREN), a member of the Agriculture Committee.

Mr. HULTGREN. The time is now.

This week we watched as our Nation's debt reached an unprecedented level—\$15 trillion. This debt crisis was caused by past administrations and past Congresses who refused to say no more spending.

Washington spends too much and is under water. Because of that, our national security and sovereignty and the standard of living for our children and grandchildren are in jeopardy.

Mr. Speaker, the time is now for this Congress to pass immediate, bold and permanent spending reforms that will hold all future Congresses accountable for their spending. And now we have the opportunity to do just that by passing a balanced budget amendment to our Constitution. Let's forever change the way that Washington spends money and bring accountability back to Congress by passing the balanced budget amendment to the Constitution. We've come close before, but there's no more excuses. The time is now.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. POSEY), a member of the Financial Services Committee and, as a realtor, may want to comment on some of the remarks made here today regarding the ability of people to borrow money under certain circumstances.

Mr. POSEY. Well, first I will comment on the value of buying homes on credit. I think it's a pretty good idea; but when you go to get qualified for a home, the rule of thumb is that you should buy a home roughly not more than 2.5 times your annual income. If you compare that to our known debt of \$15 trillion, our revenues of about \$2.2 trillion, you would see that if our debt was a home loan, it would be 14 times our annual income. No lender would loan you money under those circumstances; they would say you are bankrupt far beyond any possibility of recovering. And that doesn't include the \$60 trillion unfunded liabilities for Social Security, Medicare, and Medicaid. So I don't know if that was really a very good analogy.

Now, to my point, there is an old political axiom that says that anytime you promise to steal from Peter to pay Paul, one thing usually happens: Paul votes for you. Total revenues, as I just said in answer to the chairman's question, are about \$2.2 trillion; total expenses the Federal Government spends, \$3.6 trillion.

Where does the money come from? Rather than balancing our budget like

every hardworking American family, 49 other States, and virtually every local government in the country, Congress instead currently puts about 40 percent of every what has been described as "vote-buying" dollar it spends on our kids' and our grandkids' credit cards, to the point where each American family's share of the national debt is about \$125,000—actually, in excess of \$125,000. It will be hard to stop the spending. It will be like taking drugs away from an addict.

Since Congress—Republicans and Democrats—has not shown the political will to be accountable, I believe a voter-mandated, balanced budget constitutional amendment is the only hope this country has to preserve the American experiment at representative self-government. And I urge Members of this body to begin thinking about the next generation instead of the next election.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, today this House will vote on the momentous issue of amending the Constitution of the United States. All of us should understand that this is no symbolic vote. This is not a routine legislative act. We are asked to consider amending the most sacred document of a free people with a provision not contemplated by the Founders.

The argument is propounded that the times demand it, there is no other choice, and that public opinion favors it. But as legislators, we must hold ourselves to a higher threshold to amend the Constitution. Is the proposal essential? Did the Founders fail to consider the issue that now must be addressed in and only in a constitutional framework? Is there no legislative remedy? What are the negative and foreseeable consequences of such a constitutional mandate? And importantly, we must remember that, but for one, all constitutional amendments are written in indelible ink.

Desirous of a balanced budget, like everybody else, I must regrettably oppose the proposed amendment before us. It does not pass the higher constitutional threshold we must insist upon. We balanced the budget just a decade ago for 4 consecutive years without such an amendment. It was a matter of political will, fiscal discipline, and successful economic growth.

There is no evidence that says potential cannot be resurrected. There is ample evidence, however, that this institution lacks the will and courage to undertake the policy changes necessary.

Political failure can and must be addressed here and, failing that, at the ballot box. The corrective is forging a political consensus, not amending the Constitution. In fact, to leap to the latter as an expedient is to admit the collapse of our democratic institutions

and to abandon all faith in our collective ability to respond. I refuse to recant my faith in our ability to make the difficult choices necessary to achieve the desired goals of debt reduction and balanced fiscal performance.

The proposed amendment also fails another test: do no harm.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman 1 additional minute.

Mr. CONNOLLY of Virginia. Had this amendment been in place during the income contraction we just experienced, we would have abandoned the economic field to the Darwinian forces at work and guaranteed that the Great Recession became the second Great Depression, condemning our citizens to their own fate, one which would have been characterized for a generation with want, double-digit unemployment, and endemic poverty.

□ 1140

Why would any Member of this body consciously choose such a course, especially when there are alternatives, although painful ones? Perhaps it's easier to pander to the clamor of the moment or to seek out the seductively easy answers. Perhaps we seek to mask an ideological agenda to starve the government investments cloaked in the more respectable argument of a constitutional amendment made necessary to balance the budget.

For me, the Founders' silence on this matter in the Constitution was intentional. They understood and expected that Congress would meet its duties and do its job.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Tennessee (Mr. DESJARLAIS), a member of the Oversight and Government Reform Committee.

Mr. DESJARLAIS. I thank the gentleman.

Mr. Speaker, no one can deny that our Nation's on an unsustainable spending path that will lead this country to bankruptcy. Our national debt is now a staggering \$15 trillion and rising daily.

In the past 50 years, the budget has been balanced just six times, a losing record that has seen our deficit explode from \$300 billion to \$15 trillion.

Congress has tried spending caps. Time and time again, one Congress sets them, just to see the next Congress undo them. That's why we must have this amendment. A balanced budget amendment will finally force the Federal Government to live within its means, not just this Congress, but for generations to come.

Politicians love their polls, and a recent poll shows that 75 percent of Americans favor a balanced budget amendment to the Constitution. If we, as Congressmen, are truly representing

the people who sent us here, this is the day that we set partisan differences aside and listen to the people. Three-fourths of Americans want this. We only need two-thirds of our Members to make this happen.

It is no secret to anyone here that Congress suffers from a 90 percent disapproval rating, and I believe it's because the American people are sick and tired of partisan politics and that their voices fall on deaf ears. Today we have a chance to show the American people that we are listening, that we do care about them, and that we do hear their voices.

Republicans should embrace this bill; Democrats should embrace this bill; the President of the United States should embrace this bill because, clearly, the American people embrace this bill. It is a rare opportunity where we all win.

Let us return to our districts with our heads held high, tell our constituents that their voices were heard, that we listened. Let's hug our children and grandchildren and tell them today we made history and we have taken a giant step toward securing their future. For the sake of this great Nation, do the right thing. Pass this resolution.

Mr. NADLER. Mr. Speaker, how much time do we have, please?

The SPEAKER pro tempore. The gentleman from New York has 29 minutes. The gentleman from Virginia has 51 minutes.

Mr. NADLER. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Colorado (Mr. TIPTON), the chairman of the Agriculture, Energy and Trade Subcommittee of the Small Business Committee.

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Speaker, generations of Americans from now will stand in judgment of the choices that we make today.

In my district, as I've traveled and visited with people, from the farm and ranch community to small business owners to families around their kitchen tables, the message is clear: They're frustrated that Washington does not live under the same rules that they do.

Those families gather each night to be able to balance their budget. Small businesses do it every day. Forty-nine of our 50 States balance their budget. And the question is always raised: Why doesn't Washington live under the same rules?

We look at our European counterparts right now, Greece, Italy, struggling under their crushing debt. Will we follow that same path or will we pick a better way?

Mr. Speaker, the time has come, the day has arrived, and the hour is now. We have an opportunity to stand up for

the American people. The one thing that we can all understand as we debate the different sides of this issue is one important point that is not debatable—\$15 trillion in debt.

Our children, our grandchildren, those of us today, we need to be standing up for responsibility. This Congress, at this time, has that opportunity. The choice we make here today does not end the debate. We return to our States, to the people who sent us here to make that final choice. I think the answer will be clear.

The time has come for this Congress to embrace a balanced budget, to stand up and do what every American does every day. We need to pass this bill, and we need to pass it now.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. ROKITA), a member of the Budget Committee and a leader on this issue.

Mr. ROKITA. I thank the gentleman from Virginia.

Mr. Speaker, I rise today as a cosponsor of this bipartisan bill in full support of it.

Rarely do we have a chance in this body to make fundamental difference. It's so easy, as I've learned in a short 10 months, for Members of this body to say "no" instead of taking a personal responsibility to make the tough decisions that need to be made. This morning we have that chance. I don't think this chance will come closer in our orbit for a very long time.

If we can pass language out of this House this morning, the Senate has to vote on it. The Senate Majority Leader cannot table it. And because it's a constitutional amendment, it has nothing to do with the President. He can't veto it. He doesn't have to sign it. It goes right to the States.

And why is that so important? Why is that so different? Because finally the people of this country, of the State of Indiana, of my beloved Fourth District, will have a chance to tell us, by ratification of this amendment, whether or not they want to live within their means instead of passing their bills from the Federal Government—spending that's occurring here, \$8 billion to \$12 billion a day more in debt—whether they're done passing it on to their kids and grandkids. And I believe, speaking specifically to those of us who represent senior citizens, that most of them have grandchildren, and they don't want their bills passed on to them.

Those that say no today, those that say no today are really saying no because they don't want to lose control. They don't want the people to decide. They'd rather have that in their hands. They'd rather keep kicking that heavier and heavier can down the road so that citizens like this, Teddy and Ryan and their kids, can pay the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield an additional minute to the gentleman from Indiana.

Mr. ROKITA. That's what this is about.

Ladies and gentlemen of this Chamber, Mr. Speaker, there are two constituencies out there. Mr. POSEY from Florida said it well. We're robbing Peter to pay Paul. And why that works around here is because Paul can vote for us.

I ask every Member here today: Who stands for the constituency that can't directly vote for the next election? Who stands for their constituency that doesn't exist yet but will?

Because of the decisions that are made here on this floor in this Federal Government in this town where too often up is down and down is up and black is white and white is black, we don't represent the constituency. We don't prioritize the right constituency at the right time. This is a chance to do this. This is a chance to not let us have that out anymore, to make us have the tax fight, to make us have the cut spending fight, but not allow the option of kicking the can down the road to make people who aren't here today pay for it.

□ 1150

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), who is not only the vice chairman of the Constitution Subcommittee but has been a great partner in this effort to pass a balanced budget amendment to the United States Constitution.

Mr. PENCE. I thank the gentleman for yielding.

I rise today in support of H.J. Res. 2, a balanced budget amendment to the U.S. Constitution.

This is a challenging time in the life of our Nation. Our economy is struggling under the failed economic policies of the recent past and under a mountain range of debt. We have an unchecked, spendthrift Federal Government that's placing a burden of insurmountable debt on our children and grandchildren. Washington, D.C. isn't just broke, it's broken. And the time has come to change the way we spend the people's money. And to do that in our national charter, the time has come for a balanced budget amendment to the Constitution of the United States.

I want to take a moment to commend just a few people who brought us to this day. I want to commend Speaker BOEHNER and the Republican leadership for ensuring that for the first time in 15 years we would have an up-or-down vote in the House and in the Senate on a balanced budget amendment to the Constitution.

But I also want to commend the gentleman from Virginia, Congressman GOODLATTE, who throughout those last 15 years has been, as we say back home, like a dog with a bone on a balanced budget amendment to the Constitution. His tenacity, his commitment to this reform, not singularly but predominantly, has brought us to this day, and I commend him from my heart.

Our Nation is sinking in a sea of debt. Just this week, we passed \$15 trillion in national debt. And the American people are tired of the same old arguments. They want solutions, not slogans. They want reforms, not rhetoric. The balanced budget amendment to the Constitution is an authentic, long-term solution to runaway Federal spending, deficits, and debt by both political parties.

The measure we bring to the floor today is a bipartisan measure. It is nearly identical to the version that last passed the House with bipartisan support. It requires simply that the Federal Government not spend more than it takes; it requires a three-fifths vote to raise the Nation's debt ceiling; and it requires any increase in taxes by a true majority rollcall vote.

Now, while I support this historic version, this bipartisan version of the balanced budget amendment, I do regret it doesn't go further. I would that we had brought a version of the balanced budget amendment to the floor that included a cap on Federal spending, strict limits on the judiciary, and a higher hurdle for Congress to raise taxes on the American people.

But while this version of the balanced budget amendment doesn't have everything I want, I believe it will move the debate forward.

Adding to our national charter the expectation of the American people that this national government live within its means, that the income meet the outgo, would be a historic addition.

So I urge my colleagues to support this bipartisan version of the balanced budget amendment. Let's send it to the Senate by the requisite supermajority, and then let's let the States decide whether the time has come to put in our national charter the requirement that this government live within the means of the American people.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I thank the gentleman from New York for yielding.

I rise in strong opposition to this misguided amendment which will visit harm on working families, prevent government from responding to crises, and cripple the U.S. economy.

Under this amendment, it will become difficult to raise the debt ceiling, putting our country at greater risk of default. It is alarming that so shortly after averting the most recent danger

of a default, the authors of this amendment will endanger our Nation's credit so directly.

Equally disturbing, should a war, domestic crisis, or natural disaster strike, our government could find its hands tied, incapable of responding swiftly. When crises occur, Congress must have the flexibility to respond.

It is shortsighted and dangerous to cede this authority from the legislative branch. Not only will this amendment effectively slow our response to future catastrophe, but it will also undercut our current economic recovery, eliminating 50 million jobs.

The fact is, if you like 9 percent unemployment, you will love this amendment.

Mr. Speaker, our government has in the past been able to balance its books and create surplus. When President Clinton left office, we had a \$5 trillion surplus. However, an unprovoked war, unpaid for, coupled with tax cuts for the wealthy erased this windfall and led to our current fiscal problems. If we truly wish to tackle the deficit, the most effective thing we could do is create new jobs.

In the 1990s, economic prosperity helped drive deficits down. Rather than wasting this institution's time on a cheap political stunt which has zero chance of becoming law, we should create opportunity and work to restore the American dream. That is a deficit reduction plan all of us could support.

Vote down this misguided amendment.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), a distinguished member of the House Judiciary Committee.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, our national debt has reached a staggering \$15 trillion. We're currently borrowing 43 cents on every dollar that's spent here in Washington. Think of it, 43 cents on a dollar. A trillion dollars had to be borrowed from China. Our very sovereignty is at risk when you look at numbers like that. It's outrageous.

Our great Nation is on a dangerous path of fiscal irresponsibility directed by a reckless addiction to spending here in Washington. Research has consistently shown that the American people want a balanced budget amendment. In fact, a recent survey found that 81 percent of those polled support the requirement that the Federal Government balance its budget each year, just like American families have to do.

Today, each of us will have the opportunity to choose sides, casting an "aye" vote and standing with the American people on this issue, or casting a "nay" vote and opposing what the American people are demanding.

The balanced budget amendment is a game-changer. It will hold Congress'

feet to the fire, forcing us to live within our means just as every American family and every American business must do every year. It has become commonplace for Washington to spend money it doesn't have for projects it doesn't need. This is an unacceptable position for us to be in. Our constituents deserve better.

Washington's spending binge has put a wet blanket over our economy. Small businesses are struggling to stay afloat, and according to the Bureau of Labor Statistics, a staggering 26 million Americans are unemployed, underemployed, or have given up looking for a job altogether.

Small business owners tell me that the uncertainty that they're going through right now makes it so they won't hire people because they don't know how much money they're going to have. What we're doing here in Washington puts those small businesses at risk. That's why they're not hiring.

Passing H.J. Res. 2, the balanced budget amendment, would be a huge step in the right direction, and in my opinion is the only thing that will actually work over the long run to get our spending under control here in Washington.

You know, it's interesting. The President recently weighed in on this, and one of the things that he said about the American people is that they're lazy. I mean, what an incredible comment to make. That's absolutely not true. That's not what the problem with the economy is. The problem is that the government sector is sucking up so much of the funding now that the private sector has no funds to invest or go out and hire people and create jobs. That's the problem, not, as the President said, that the American people are lazy. That's absolutely not true. It's outrageous.

This is not a Democrat or a Republican issue. This is an American issue. I had the opportunity to weigh in on this amendment back in 1995, when it was last voted on here in Congress. I voted for it, alongside most of my Republican colleagues as well as 72 Democratic Members of the House. I would urge them to vote with us today. Let's pass this. It's in the interest of the American people.

□ 1200

Mr. NADLER. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore. The gentleman from New York has 31 minutes remaining, and the gentleman from Virginia has 40 minutes remaining.

Mr. NADLER. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. STUTZMAN), the chairman of the Economic Oppor-

tunity Subcommittee of the House Veterans' Affairs Committee.

Mr. STUTZMAN. I thank the gentleman for yielding.

It is a great privilege and honor to stand here today. In listening to this crucial and very timely debate on the floor, it is one that I believe Americans have been expecting for quite some time because Americans are looking to Washington to see if leadership is going to come forward and do what American families do every day, what small businesses do every day—make sure that they don't spend more money than they have.

When our national debt tops \$15 trillion, it's clear that we're broke. When the Senate refuses to pass any budget at all, something clearly is wrong. When each child born today inherits nearly \$48,000 worth of debt, something must be changed.

My wife, Christy, and I have two young sons—Payton and Preston, who are 10 years old and 5 years old—and their lives are entirely in front of them. What we do today on this floor will determine the outcome for them and their families and for their children and their grandchildren.

This has not been a problem that has happened just under the control of the Democrats and Barack Obama. This has happened over the last 30 years under the control of both the Republicans and Democrats. That is why this amendment is so important.

Now, we'd all like to stand here and say, We just need to do the right thing—and I agree with that. Yet the problem is, over the last 30 years, Washington has not done the right thing. We have accumulated \$15 trillion of debt. Debt is a disease which threatens to kill us.

Today, we must act decisively, and we must act permanently and let the American people vote on our Constitution, allowing them to say to Washington, Enough is enough. Small businesses and families are waiting and watching to see if Washington is going to increase the takings on top of an enormous and convoluted Tax Code.

I support this resolution, and I ask my colleagues to support it as well.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a member of the House Energy and Commerce Committee.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I stand here in proud support of H.J. Res. 2.

I was listening to arguments on both sides of the aisle, particularly from my colleagues the Democrats, in regard to the gentleman from North Carolina talking about the ability of individuals to balance their own budgets, and he made a very convincing personal argument.

Yet I would like to remind him that 1995—I wasn't here then; maybe he was here—was the last time we had an opportunity to vote on a balanced budget amendment, some 16 years ago, and it failed by one single vote. The debt that this country has accumulated since that time is \$9 trillion. The rest of us, obviously, need some constraints. We have proven that we do not have the discipline to balance the budget of this country—\$9 trillion—and that's how we get to \$15 trillion worth of debt.

So I would say to my colleagues on both sides of the aisle to please support this. This is an opportunity for us not only to show the fiscal responsibility that 75 percent of the country wants us to show but also to show that spirit of bipartisanship and break the gridlock.

I want to take just a moment, Mr. Speaker, to commend the gentleman from Virginia, Representative GOODLATTE. As a physician Member, I sometimes think that there are too many attorneys in this body; but thank God for the gentleman from Virginia and for his ability and understanding of the Constitution. He has gone to the Democrat side and the Republican side, not just in this session, but for years, in promoting this balanced budget amendment and in bringing us all together in a bipartisan way to do something for the American people and for, as the gentleman from Indiana said, our children and our grandchildren.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I am happy to yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

So without question, the time has come. This is my opportunity to cast a vote, the most important that I will have cast in 9 years. An opportunity like this just seldom comes. As I say, it has been 16 years since we have had this opportunity. Don't pass on this. Let's make sure that we do this in a bipartisan way because it takes a two-thirds vote.

I do disagree with the naysayers who say, Well, this has no chance of passing. God help us if this has no chance of passing. This is the one thing that we can do for this country to get us back on the right track and to finally prove to the American people that we do have the discipline to protect their money and to protect our children and our grandchildren.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON), the chairman of the Conservation, Energy, and Forestry Subcommittee, my subcommittee on the House Agriculture Committee.

Mr. THOMPSON of Pennsylvania. I thank the gentleman from Virginia.

It is no secret, Mr. Speaker, that Washington has a spending addiction. Congress has demonstrated, regardless of which party is in charge, that the out-of-control spending just does not stop. Each Congress, spending in budget reforms are enacted only to be revised or ignored by the next. Unfortunately as it is, this body has reliably circumvented any real budget process, even its own rules, in order to fulfill its spending addiction. Routine abuses and budget gimmicks, such as “emergency” designations, are designed to skirt budget enforcement rules and to disguise the real level of spending. Similar to rampant drug abuse in the 1980s, which led to addiction and violence at epidemic levels, our spending habits have led to a debt crisis that borders on an overdose.

Our country needs urgent help, Mr. Speaker. It's time for intervention.

That's why we're here today to consider H.J. Res. 2, a balanced budget amendment to the Constitution. Most importantly, the balanced budget amendment will discourage Congress from circumventing its fiscal responsibilities because a constitutional amendment cannot be revised or ignored. This measure is the only way to force the hand of Congress toward fiscal responsibility, ensuring that policymakers just say “no” to reckless spending.

Many economists and experts agree that the adoption of such amendment would begin to address this Nation's looming debt crisis and would lay a stronger path to long-term economic growth. The American people overwhelmingly back a balanced budget amendment. That's exactly why H.J. Res. 2 already has the strong support of a majority of my fellow Representatives, including 242 bipartisan cosponsors. Our constituents understand what it means to live within their means, and they expect nothing less from the Federal Government.

No more denial, Mr. Speaker. It is time for this body to come clean. It is time for each Member to decide whether or not this country will continue down a reckless path of debt and despair or if it will quit living beyond its means—cold turkey. It's time to rid this Chamber of its reckless spending addiction. It's time for Congress to just say “no” by voting “yes” on H.J. Res. 2.

Mr. NADLER. I yield 2 minutes to the gentlelady from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in opposition to H.J. Res. 2, the Republican plan to amend the Constitution to reduce government investments and codify economic stagnation.

We can all agree that it's important to get the Federal deficit under control. However, the amendment Republicans are proposing is absolutely the

wrong way to do it. It should all be very familiar to anyone who has experienced California's budget problems or who has even observed them from afar. It should be familiar because, just like in California, this legislation would require that a supermajority of both the House of Representatives and the Senate agree to any bill which raises Federal revenues.

This not only means potential tax increases but also any bill that allows tax cuts to expire. In effect, the Republican majority is insisting that the only way the Federal Government can tackle its deficit is by reducing programs like Pell Grants, unemployment benefits, and infrastructure projects like Federal highways. These are the very programs that help people keep their heads above water during tough economic times or help them achieve the American Dream; and time and time again, the American people have said that cutting these programs is unacceptable.

□ 1210

I agree that we should look at ways to cut waste. However, it's foolish to insist on severe cuts to vital programs which help people during an economic downturn. Furthermore, the California experience has shown that it is practically impossible for 60 percent of a political body to agree on revenue increases, no matter how limited they are or how much sense they might make. California has tried this flawed plan; and guess what, it doesn't work. California's fiscal situation becomes increasingly difficult each year because of this supermajority requirement. Do we really want the same at the Federal Government level?

I cannot and will not support legislation which would impose California's flawed fiscal system on the Federal Government. I urge my colleagues to learn from history, from a real-life example, my home State of California, and reject this crushing and foolish amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentlewoman to say that 49 out of 50 States have a balanced budget requirement. And while she sites California as perhaps the worst example—and it may be the worst example—still, the fiscal situation of California is much better than the fiscal situation here in Washington. The \$25 billion deficit that they have to deal with this year—and they have to deal with it—for a State that has one-eighth of the population of the country of America which, taken nationwide, would mean a \$200 billion deficit nationwide. We have a \$1.3 trillion deficit, more than six times as much. And this is good discipline. It's worked in the States. It will work here as well.

It is now my pleasure to yield 2 minutes to the gentleman from Arizona

(Mr. FLAKE), a member of the Appropriations Committee.

Mr. FLAKE. Mr. Speaker, I doubt that I can match the volume that's been displayed today, using partisan accusations as to who's responsible for the budget mess that we're in. But I think that all of us, we Republicans, for example, in our candid moments, would admit that we were headed toward this fiscal cliff long before the current President took the wheel. But we're in this together. It has been decisions made by Republicans and Democrats to expand entitlement programs and to expand discretionary spending that have put us in the situation we're in today.

I think we would also concede that any bout of fiscal discipline we've had over the past couple of decades has been caused by—or at least accompanied by—statutory spending caps that have been put in place. The problem is those only last for a few years, and then this body simply waives them.

So we need a backstop. We need a constitutional backstop that will force us to make decisions that we know have to be made. It is sad commentary on this body that we have to have a constitutional balanced budget amendment to force us to do our jobs of prioritizing spending, but I think with a \$15 trillion deficit we can concede that we need it.

So this won't make the decisions for us—we'll still have to make the tough decisions going ahead—but we need it, nonetheless.

I urge adoption of this amendment.

Mr. NADLER. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New York has 29 minutes. The gentleman from Virginia has 31½ minutes.

Mr. NADLER. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE), a member of the Financial Services Committee.

Mr. PEARCE. I thank the gentleman from Virginia for bringing this forward to us.

The American debt was downgraded about 2 months ago; that is, we're approaching junk bond status in the minds of certain debt raters. It's not just that we have a \$15 trillion debt—that's significant—but we have no apparent means or way of paying it off.

Our deficit—that is, the shortfall this year is \$1.5 trillion, which will be added to that \$15 trillion during the course of spending the money. This is not just that we are in debt. It's that we're broke. And also the raters have seen that we have gone to Social Security. Both parties for the past 70 years have taken every cent out of the Social Security lock box and spent it. So it's not

just that we're in debt \$15 trillion; it's that we have taken everything out of the piggy bank and we've spent that.

And to my friends who are saying we could continue to borrow money, that's also very inaccurate. We could borrow money when we ran deficits of \$300 billion. That was the amount that we ran during the last year of President Bush, \$300 billion. We can borrow that in the world. But when we went to the trillion-dollar deficits under President Obama, there is no nation in the world capable of lending \$1 trillion. China cannot lend \$1 trillion. Their total economy of \$6 trillion. So the raters looking at our economy say, not only are they broke, but they have no apparent way to pay it back. It's time to say that to the American people.

So this resolution is very simple. It simply says that Washington is going to do what you do as the American family. In order to pay off your bills, you tighten your belt, you live within your means. That's what we're suggesting with this balanced budget amendment, that we live within our means, that we do not spend money that we don't have.

H.J. Res. 2 is a commonsense solution to a serious problem that America faces. I will support it and urge support.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The Republicans call this bill a "balanced budget amendment," but it is not balanced because it will blow a hole in the budget of vital programs that millions of Americans depend on. It's unbalanced, unneeded, and will undermine our struggling economy.

Republicans want us to mangle the Constitution because they cannot manage this institution. This amendment is a means to an end. It's a means for Republicans to end Medicare, to end Social Security and Medicaid, to end every antipoverty program. And why? Because they harbor an ancient animosity towards all of those programs. And their plan is to leave them as debt-soaked relics of an era where we actually cared about poor people, the elderly in our country, because the Republican plan will cut critical health care and antipoverty programs, put them on a starvation diet, and leave vulnerable Americans with the crumbs.

Our economy now has a 9 percent unemployment rate. You know what that means? It means that 46 million Americans today live in poverty. Do you want to know what poverty is in America in 2011? That's a family of four living on \$22,000 a year. There are almost 9 million families living at or below the poverty line, including 15.5 million children. That means that one in five children in our country are living in poverty. Those are the programs that they want to cut here today, for the poorest children in America in 2011.

There are almost 50 million Americans at risk of not having enough food. More than 16 million children are in danger of going to bed tonight without a meal. One in six seniors now live in poverty, dependent upon Medicare, dependent upon Medicaid, each of them now at grave risk because of the Republican plan here today. Their plan is really a Robin Hood in reverse—take from the neediest and give to the greediest. That is the plan.

Now let's go back into the "way back" machine, all the way back to the year 2000, the last time we voted on a balanced budget here in Congress, 2000. Bill Clinton was President. It passed. The budget balanced. And the country was feeling good. The economy was booming. And then George Bush takes over in January of 2001. The Republicans controlled the House. The Republicans controlled the Senate. What do they do? Huge tax breaks for billionaires and millionaires, two wars which were not paid for, Iraq and Afghanistan, all on the Republicans' shoulders. And they then turn a blind eye as Wall Street turned the entire economy into a casino, which then cascaded into the biggest longstanding recession that we've seen since the Great Depression, descending upon the shoulders of whom? The poor, the sick, the elderly, the ordinary families killing themselves to pay for their mortgage each day.

You don't need a constitutional amendment, ladies and gentlemen, Republicans, my good friends. You have a supercommittee meeting right now down the corridor. You know what you should do? Say: Take away those \$40 billion worth of tax breaks for the oil companies. They don't need them. Take away the \$700 billion in new nuclear weapons programs. We don't have any targets for those nuclear weapons. Kill those programs. Look at the tax breaks for the billionaires and millionaires. They don't need them. Cut them right now.

□ 1220

All of you have taken a pledge, no reductions in the tax breaks for billionaires. No reductions in defense spending. You've tied your own hands even as you, with crocodile tears, come out here and say how much you care about balancing the budget and how much you care about the American economy. The proof will come next week when you do not stand up in order to take the tough actions needed right now for the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair and not to other Members in the second person.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to address the Chair but in response to comments

made by the gentleman from Massachusetts.

We do need to look at that way-back machine. I hear the gentleman's complaints about decisions made by Republicans. In the last 50 years, and the gentleman has been here for many of those years, in the last 50 years, this Congress has balanced its budget a mere six times. Thirteen of those years Republicans were in control of the House, and four of those years we had balanced budgets, including the year the gentleman mentioned.

And in that year, the gentleman voted "no" on the balanced budget that was passed by this Congress that year. And the year before that, we had a balanced budget; the gentleman voted "no." And the year before that, we had a balanced budget. And then in 1998, we had a balanced budget. And the gentleman voted "no" every single time a balanced budget was offered in this Congress. In fact, for the 37 years that Democrats controlled the Congress in the last 50 years, only twice did they do it.

Now, I have to agree with the gentleman about something, and that is that Social Security and Medicare are endangered.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds to say that Social Security and Medicare are endangered. And do you know why they're endangered? Because we have a \$15 trillion debt. And in all of those years that we didn't balance the budget, what did the Congress do? They went into the Social Security trust fund and took every penny of it and spent it on something else.

And how ironic will it be that all that debt that we're transferring to the next generation, all of that debt will be on our children and grandchildren; and when they need Social Security and Medicare, it won't be there for them, not because of anything in a balanced budget amendment but because of the debt that we have accumulated.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, Social Security and Medicare will be there unless we pass this balanced budget amendment because this balanced budget amendment will cause the inability to pay for them. The trust fund is amply funded right now for Social Security.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. GARDNER), a member of the Energy and Commerce Committee.

Mr. GARDNER. I thank the gentleman for yielding.

My constituents have a very simple question for people participating in this debate today: What part of broke don't you understand? What part of the fact that we are borrowing 42 cents of

every dollar don't you get? Do you know what happens to the everyday American if they borrow 42 cents of every dollar time after time after time? It's bankruptcy. They lose their homes. They lose their ability to provide food for their families. They go broke, just like this country is going broke today.

Only Congress doesn't have to pay an overdraft fee. When we write checks for more money than we have, we're not paying an overdraft fee. You know what we're paying, we're paying interest. We're passing the buck. We're putting our future into great debt that they cannot sustain for current-day spending. We shouldn't be passing the buck. We should pass the BBA, the balanced budget amendment.

I come from the State of Colorado, served in the Colorado State Legislature where we have a strong balanced budget amendment. And you know what that forces us to do? It forces us to make tough choices, to make the right decisions for the people of Colorado and to make sure that we are, indeed, balancing our budget.

Sure, it means that there are some very difficult decisions that have to be made, but that's exactly what we were sent here to do. We weren't sent here to fiddle while the Treasury burns. We were sent here to solve one of the greatest challenges that this country faces, and that is growing, insurmountable debt and deficits.

I would urge my colleagues to pass this resolution. This Congress cannot make choices on its own. We need the guidance of a balanced budget amendment to restrain the unrestrained fiscal mess that we have right now.

In 1995 when we passed the balanced budget amendment, the debt has grown \$9 trillion since then. Our experience in Colorado and the 49 States that have a balanced budget amendment show that when we have a requirement forcing us to balance the budget, we will do just that. Don't pass the buck; pass the BBA.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Since this is the Thanksgiving season, maybe rather than denigrating the inheritance of a child born in our country, we can celebrate it. The truth is not that as a young American you are born with all this debt. What you're born into is as a citizen of the greatest country anywhere in the world, the wealthiest, most powerful Nation in the world, made up of decisions that are being decried here. We could not balance our budget and win World War I or World War II, or build 40,000 miles of Federal highway or build the land grant college system.

In my church, we borrowed a mortgage to build a church, and you pay for it over time. These 49 States that we

hear, these imaginary balanced budget amendments, all of those States borrow money. They have a capital budget. They borrow money to build bridges and highways and roads. This nonsense that families don't borrow money to buy homes or cars, Republicans in the majority can do better than this. This is not a debate between Republicans and Democrats.

We don't need a balanced budget. We need a budget as a country that retains our leadership position in the world. We don't want to have a balanced budget and a weak military. We don't want to have a balanced budget but not be able to take care of the needs that have propelled our country forward.

We just honored John Glenn and Neil Armstrong, astronauts who led our way into space. We didn't do that on a balanced budget. We said that we were going to lead in terms of the race to the Moon, and we led. This country deserves better.

Republicans who are here, let us address the real issue. The real issue is that we have a 70-year low in the amount of resources coming into the government because we've cut taxes. The gentleman says where can we borrow a trillion dollars from? Well, we can borrow it from the trillion dollars of tax expenditures we are going to provide this tax year, many to the wealthiest people of our country. We have the ability to pay our bills. We need to make the decision to do it and leave the Constitution alone.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), the chairman of the Agriculture Appropriations Subcommittee of the Appropriations Committee.

Mr. KINGSTON. I thank the gentleman from Virginia.

An amendment to the United States Constitution should never be taken lightly. It is a sacred and profound document. Well, 15 years ago when Mr. GOODLATTE and I and a number of others first came to town, we voted to amend that Constitution. We were joined not only by all of the Republicans but by 72 Democrats. Now some of those very 72 who voted "yes" have changed their minds. We're hearing the same old arguments: Social Security and Medicare. When all else goes wrong in Democrat liberal land, you start scaring seniors, children, teachers, first responders, critical programs, and saying whatever the bill is, this bill threatens them. Well, the worst thing you could do to Social Security and Medicare is to go broke. And since that vote 15 years ago when it failed in the Senate by one single Member, we have accumulated \$9.2 trillion in debt.

Balancing the budget is what 49 States do, what every city does, what businesses and families do. It's a matter of survival. It's not a radical concept. Oh, don't the people in Greece

wish that they had a balanced budget all those many years? And what of their Social Security and Medicare programs right now? What will happen to the seniors in Greece without those critical programs?

□ 1230

If their government had done the prudent thing, the right thing, just as we tried to do 15 years ago, what a different picture it would be in Greece. But Greece is not alone in trying to defy the laws of financial gravity. America seems to be doing it. For every dollar we spend, 40 cents is borrowed. And yet we are choosing to ignore all the many red flags that are around us. But when the whole thing goes broke and melts down, won't our children say, What were you thinking?

Mr. Speaker, this vote today is not about the next election. It is truly about the next generation. Vote "yes."

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE. Mr. Speaker, I rise in strong opposition to H.J. Res. 2, the so-called—so-called—balanced budget amendment.

I also rise, Mr. Speaker, to point out the nefarious, cynical intergenerational warfare that has been raised as an argument for passing this misguided so-called balanced budget amendment, to say that we want to extract \$2 trillion over the next decade from programs that benefit seniors, like Social Security and Medicare, and say we're doing it to keep from imposing a burden on our children and grandchildren, as if this balanced budget amendment benefited those children.

Mr. Speaker, this program will devastate public education. It will devastate the Federal Government's current mandatory spending in Pell Grants, a program that's designed to help us meet the global challenges of the future by educating our assets—our children.

It's a program that in the next decade will take a half trillion dollars out of the Children's Health Insurance Program. It's a program that will exacerbate hunger that children face right now through WIC and our SNAP program, our food stamp program, and the earned income tax credit. We have now one in five children today that are going to bed hungry.

So when we say we want to balance the budget, we are balancing it on the backs of our children. And those children that we are trying to save—or we say that we are trying to save—must be the children of those heirs, those 1 percent that we are now enriching.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. SCHILLING), a member of the Agriculture Committee.

Mr. SCHILLING. I would like to thank the gentleman from Virginia for giving me the time today.

We continue to hear a common thread: Let's raise taxes on our job creators with no solution to our spending problems.

I rise today as the people's House prepares to vote for an amendment to our Constitution that will require Congress and the President to balance the budget. I look forward to voting in favor of this amendment today. Fifteen years ago, an amendment nearly identical to this one passed the House with strong bipartisan support but failed by one single vote in the Senate. Since that time, our debt has tripled.

Did you know that on Wednesday our national debt surpassed \$15 trillion? And it has been nearly 950 days since the Senate has passed a budget, not to mention the 20 jobs bills that are sitting over there that they've decided not to act upon.

The American people deserve better. You deserve a credible plan to help get our fiscal house in order, grow our economy, and get folks back to work. It's clear, though, we cannot borrow or spend our way out of this mess. We also cannot afford to put off badly needed but difficult decisions. We need to tackle this unsustainable spending addiction head on.

Since coming to Washington, my fellow freshman colleagues and I have helped change the way the conversation has been held here for years from "How much can we spend?" to "How much can we save?" This is a good start, but we can do much more to get our country on a better fiscal path and save the American Dream for our kids and our grandkids.

We have the duty to leave our kids and our grandkids with a country better off than it is now. We have the opportunity here to fundamentally change the way Washington does business by supporting the balanced budget amendment. It's time for Washington to balance the budget.

I'm pleased to vote in strong support of a balanced budget amendment and will continue working on ways to get our fiscal house in order, grow America's economy, and create jobs.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. I rise in strong opposition to H.J. Res. 2.

It represents an attack on the middle class and the most vulnerable in our society by the Grover Norquist Tea Party Republicans. You see, there is no fiscal emergency, but the fiscal crisis has been manufactured by the Tea Partiers, along with Grover Norquist and the Republicans that represent them, for the purposes of tricking the American people into thinking that America can't pay its bills. We paid our debts, we can pay our debts, and we'll continue to pay our debts.

Just like families of America who incur debt as a normal course of taking

care of their families, we've heard a lot of analogies to the Federal Government should balance its budget like a family. But how many 99ers, how many families do you know that can go out and purchase a car for cash? How many of those 99ers, how many of those families out there working can afford to pay cash for a house? Everybody out there incurs debt for legitimate expenses, and this Nation has legitimate expenses that it has to pay debts for, like two wars, like a Medicare part D supplement, and like the Bush tax cuts that they don't want to expire.

So what they're doing, ladies and gentlemen, is they are trying to enshrine in the Constitution what is already an unfair tax system, a system that favors the rich and balances the budget on the backs of the middle class. Those are the people that pay for America's expenses, not the corporations and wealthy individuals, many of whom do not pay one red cent in taxes—and you know it's true, and they know it's true.

So, ladies and gentlemen, I rise in strong opposition. This is shortsighted, mean-spirited, unfair, and wrong for America, and I urge my colleagues to vote against it.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. WALSH), chairman of the Small Business Economic Growth Subcommittee.

Mr. WALSH of Illinois. A big thank-you to the gentleman from Virginia for taking a lead—a very strong lead—on this issue.

Mr. Speaker, like many of my fellow freshmen, I was sent here to Washington because we're broke. We have a government we can't afford. Like all of us, we were sent here, though, not just to cut spending. We were sent here, hopefully, to try to change the way this town does business so that we never get to this point again and so that our kids and our grandkids aren't stuck with a bill they'll never be able to pay off.

As a freshman in Congress, the very first bill I introduced back in March was a balanced budget amendment, and it was a stronger balanced budget amendment than this. It included a spending limitation, and it made it more difficult for myself and my colleagues to raise taxes. I support this balanced budget amendment with everything I've got because, again, we have an opportunity to do something fairly historic, and this amendment will enable us to do that.

I've learned in my year—almost a year—as a Congressman that there's plenty of hypocrisy in this Chamber on both sides of the aisle. The hypocrisy today is regrettably, Mr. Speaker, with too many of our Democratic colleagues who really would like to vote for this but they simply can't because of political reasons.

□ 1240

I would implore my Democratic colleagues to just think about, again, what our kids and our grandkids will say—and we throw their names around here often—what they will say to us 20, 30, 40 years down the road when they know we didn't exhibit the courage we need to exhibit right here and now.

I stand with my colleague from Virginia in full support of this balanced budget amendment.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend from New York.

I rise in strong opposition to this piece of legislation.

With all due respect, I always enjoy listening to my Republican friends lecture us about fiscal responsibility. May I remind them that when Bill Clinton left office we had record surpluses, and in 8 years of George Bush, record deficits. And may I remind my Republican friends that for 6 of those 8 years, during the Bush years, Republicans controlled both Houses of the Congress. So if we were going to do the right thing and attempt to balance our budget, we could have done so then. But what did we do then? We fought two wars on the credit card; we had tax cuts for the wealthy, which we're now paying for in terms of our deficits now; a prescription drug program unpaid for. And so it seems to me that if we have the resolve to do it—you know, I love people who have newfound religion, but when they controlled the place, we went from massive surpluses to massive deficits.

Now, this Congress needs to work with the President in passing a jobs bill. This Congress should be passing a robust transportation bill. This Congress should get out of the business of attacking our labor, attacking seniors, and attacking women, and do what the American people want us to do: Put people back to work.

A balanced budget amendment will ultimately lead to either draconian cuts in the social safety net for some of our Nation's most cherished programs like Social Security, Medicare, and Medicaid, or significant tax hikes on the Nation's middle class. This is nothing more than a gimmick to garner headlines while avoiding the tough decisions that the people have asked us to make. You know, there may be times in the future when we need to run a surplus, there may be times when we need to run a deficit to stimulate the economy. This amendment handcuffs us and puts us in a straitjacket where we have nowhere to move.

I care and my constituents care very much about preserving Medicare, Medicaid, and Social Security. I think that if we're going to get our budget to balance, it's not only cuts in programs that we need, although my friends on the other side of the aisle fret about

defense cuts. We need to cut spending, yes. We also need to raise taxes on those who can most afford to do it, the 1 percent. I think that's something we should consider.

So while we think this is one size fits all, and we can all go home and say, well, we tried to save the Republic, what I think this does is handcuff us for generations to come, makes it impossible for us to stimulate the economy, and makes it impossible for us to continue those social service programs that the American people have come to rely on—Medicare, Medicaid, and Social Security. I think we need to meet in a sensible center, not have something like this that's draconian.

Let me finally say, what's truly absurd is that we require only a simple majority to send our men and women in uniform into harm's way, and yet the Republican majority would require a supermajority to raise the Nation's debt ceiling. We all saw how close our economy came to disaster with only a simple majority vote to raise the debt ceiling the last time.

So I would say to my colleagues, vote "no." Let's do the job that we were elected to do. Let's make the tough choices. We don't need a balanced budget amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to my good friend from New York.

I would just say to the gentleman that we do need to do the job, but you don't have to look ahead to wonder what's going to happen, all you have to do is look back. Over the past 50 years we've balanced the budget just six times and we've run up a \$15 trillion national debt. Now, the gentleman has cited some criticism of Republican votes, but there are plenty of Democratic votes in the 4 years that the Democrats were in control of this Congress. Just recently we added \$4 trillion to the national debt. Now, the fact of the matter is, over the 50 years, 37 of those years Democrats have controlled the House of Representatives and only 2 of those 37 years was it balanced. So when the gentleman says that some years will run surpluses and some years will run deficits, that's very true, but the history has been almost all of those years will run deficits unless we have a discipline in our Constitution to require that we do otherwise.

And I would also point out that in the 4 years since the gentleman has been here and I've been here we've had balanced budgets. The gentleman, for I'm sure reasons that he felt were very justified, voted against all four of the budgets that balanced in this Congress.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself 2 minutes to reply to what the gentleman just said.

The fact is, the reason this country is in such deficit is because of a deliberate Republican crusade over the last

30 years to reduce taxes on the rich in order to deliberately create huge deficits, and to then use those deficits as the excuse to justify large cuts to gut Social Security and Medicare and Medicaid and education programs that they have never liked in the first place but could not justify cutting without it.

Taxes used to be 18 to 19 percent of the economy, of GDP. Now they're about 14 percent of GDP, and yet the Republicans won't increase it because we have decreased the taxes on the rich and on the corporations. The country is not broke; we're just not taxing the millionaires and the billionaires the way we used to.

And the fact is, you look at the history here. When Ronald Reagan took over as President of the United States, the entire national debt of the United States accumulated from George Washington through Jimmy Carter was less than \$800 billion. Then you had 12 years of Reagan and the first Bush cutting taxes on the rich. When Clinton took over, you had a \$4.3 trillion deficit, and it was expected to go much higher. We made the tough decisions; we voted for increased taxes in 1993 and for cutting the budget. And when Clinton left office 8 years later, the budget had been balanced. But from the time we made that vote in 1993, the deficit decreased every year until it became a surplus, then it increased every year. And when Bush II took over, we were looking at a \$5.7 trillion surplus over the next 10 years, and we were going to pay off the entire national debt. Then we had those huge Bush tax cuts and the irresponsible, unpaid-for wars. And when Bush left office, we had a \$9.5 trillion deficit—a turnaround of \$15 trillion—and a recession, which causes the bigger deficits now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield myself an additional 30 seconds.

The CBO estimated, before President Obama took office, that the next year's deficit would be \$1.2 trillion before he did anything. And I would remind us that nondefense discretionary spending in this country has not gone up by a nickel, adjusted for inflation and population growth, since 2001, when we had a huge surplus.

The problem is that our taxes on the rich are too low. We cannot reach an agreement in the supercommittee because the Republicans will not tax the rich. That's the basic problem, and a balanced budget amendment will not solve that problem.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

First of all, let me just be very clear that when the gentleman talks about the sins that he wants to impose upon Republicans for not balancing the budget, I think that's a very good argu-

ment. But since this is a bipartisan bill and dozens of his colleagues will be voting for this, I think it's because those of us who vote for it recognize that this is true on both sides of the aisle, that there has been a lack of tough decisions that have led to balanced budgets.

Every single year I vote for the toughest budget offered in this Congress. Those budgets never pass. Why? Because there's no requirement that they do so. So, what do we have? We have complaints on the other side of the aisle that this is a terrible plot on our part to bring about all kinds of harsh cuts. This balanced budget amendment doesn't make any distinction between whether you balance a budget by raising taxes or cutting spending. I'm going to do it to cut spending because I see lots of waste in our government. And I've voted for budgets that bring about a balance without raising taxes, but that is not the point here. The point is that it doesn't get done either way.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds.

As to the gentleman's complaint that this is all because we haven't taxed the rich, my goodness, in the last Congress, under the control of your party, you extended all of those tax cuts for everyone. And the fact of the matter is that the top 1 percent of American families pay 38 percent—38 percent—of the personal income taxes in this country today.

□ 1250

That, by the way, is up from 34 percent in 2001. So all of this can be on the table when we have a discussion about how to balance the budget.

All we're debating here today is the principle of whether or not we should balance the budget and looking at the past history where we have not, indeed, balanced it but six times in 50 years.

Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WEST), who is not only a member of the House Armed Services Committee, but a great advocate for fiscal responsibility and a balanced budget.

Mr. WEST. I want to thank my colleague from Virginia, and I want to say that I rise in strong support of H.J. Res. 2, which is the balanced budget amendment.

The United States of America has just topped \$15 trillion in debt; \$4.4 trillion of new debt has been added.

In Greece we see a debt to GDP ratio of 128 percent. Mr. Speaker, in Italy it's 120 percent debt to GDP ratio. The United States of America is now at 101 percent debt to GDP ratio. It is about time now that we start to make a decision. Are we going to be fiscally disciplined? Are we going to have fiscal

responsibility? Are we going to continue to bankrupt the future of our children and grandchildren because we were sent here to be elected officials, sent here to be leaders and we're afraid to make the tough decisions?

Historically, we have shown that we are not going to make those tough decisions. Now, I've only been here for 11 months; but I will tell you that right now we have to do something different, and it has to start now. Or else what do I say, Mr. Speaker, to my two daughters, 18 and 14? Am I going to say to them that I did not have the courage to stand here today and make the right decisions in order to ensure that they have a bright and prosperous future in the United States of America?

It is not about raising taxes. In fiscal year 2011 we saw a 6.5 percent increase in revenues in the United States of America; yet we still had a \$1.3 trillion deficit, which follows on the heels of a \$1.42 trillion and a \$1.29 trillion deficit.

Now is the time for a balanced budget amendment. If not now, then when, when we hit \$20 trillion in debt?

Mr. Speaker, I think that each and every one of us here today, when we cast our vote, there needs to be that little yellow Y next to our names because if it's a red N next to our names, we're telling the American people that we're not willing to stand up and make the hard decisions, we're not willing to make ourselves fiscally responsible. And I think that's absolutely reprehensible.

The SPEAKER pro tempore. The Chair would note that the gentleman from Virginia has 15½ minutes remaining and the gentleman from New York has 13 minutes remaining.

Mr. NADLER. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON), a member of the House Veterans' Affairs Committee and a great supporter of the balanced budget amendment.

Mr. JOHNSON of Ohio. Mr. Speaker, I am indeed a great supporter of the balanced budget amendment, and I stand in strong support of it today.

You know, it's amazing to me we still keep talking about the Bush-era tax cuts. Those same tax cuts are today's current tax law that have been affirmed by this Congress, this Senate, and signed into law by this President. So why we keep blaming financial woes on President Bush is beyond me.

But let's make one thing perfectly clear. The American people are not taxed too little. The problem is that Washington spends too much. This has been going on for years, and it needs to stop now. We need a balanced budget amendment because Washington has clearly indicated its inability to discipline itself.

This balanced budget amendment offers Congress and the President a very

clear choice, either stand with the already overtaxed American families and small businesses who have to balance their budgets on a daily basis, or stand with the Washington establishment that always demands more of the American people, more of their hard-earned tax dollars without any accountability for how they spend their money.

American families have to stick to a budget every month, so why should the Federal Government be any different? We can't keep mortgaging our children's future to China.

It's time to take a stand, Mr. Speaker. The "tax and spend and then blame the American people for not paying their 'fair share' game" must end, and it can end today. Passing the balanced budget amendment will help bring this country back to economic prosperity and end this game.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Illinois (Mr. JACKSON) for a unanimous consent request.

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to enter into the RECORD a letter of national organizations opposing the balanced budget amendment. They include: the Children's Welfare League of America, the Children's Defense Fund, the Children's Dental Health Project, the Disability Rights Education and Defense Fund, Division of Early Childhood of the Council For Exceptional Children, the Easter Seals, Every Child Matters Education Fund, Families USA, the Forum for Youth Investment, the Foster Family-based Treatment Association, Horizons For Homeless Children, the National Association for Adults with Special Learning Needs, the National Association For Education of Young Children, the National Association of Elementary School Principals, the National Association of Private Special Education Centers, the National Association of School Psychologists, the National Association of Secondary School Principals, the National Black Child Development Institute, the National Partnership for Women and Families, the National School Boards Association, School Social Work Association of America, YouthBuild USA, the YWCA, the AIDS Alliance for Children, Youth and Families, the Alliance For Educational Excellence, the Association of Education Service Agencies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEAR REPRESENTATIVE/SENATOR: The 281 undersigned national organizations strongly urge you to oppose any balanced budget amendment to the United States Constitution.

A balanced budget constitutional amendment would damage the economy, not strengthen it. Demanding that policymakers cut spending and/or raise taxes, even when the economy slows, is the opposite of what is needed to stabilize a weak economy and

avert recessions. Such steps would risk tipping a faltering economy into recession or worsening an ongoing downturn, costing large numbers of jobs while blocking worthy investments to stimulate jobs and growth and address the nation's urgent needs in infrastructure and other areas.

According to a new analysis of a balanced budget amendment by Macroeconomic Advisers, one of the nation's preeminent private economic forecasting firms, if a constitutional balanced budget amendment had already been ratified and were now being enforced for fiscal year 2012, "the effect on the economy would be catastrophic." The analysis reports that if the 2012 budget were balanced through spending cuts, those cuts would have to total about \$1.5 trillion in 2012 alone, which they estimate would throw about 15 million more people out of work, double the unemployment rate from 9 percent to approximately 18 percent, and cause the economy to shrink by about 17 percent instead of growing by an expected 2 percent.

Additionally, all versions of the balanced budget amendment being considered also contain a provision requiring three-fifths of the whole membership of both houses to raise the debt limit, making risk of default more likely and empowering a willful minority to hold the full faith and credit of the U.S. hostage to whatever other political demands they may have. The difficulty of raising the debt limit this summer illustrates how hard it can be to secure the necessary votes even when the consequences are so grave. Only three of the last 11 debt limit increases obtained three-fifths vote in both chambers; two of those instances occurred amidst the financial crisis in 2008 when the debt limit increases were included in larger legislation to respond to the meltdowns already occurring in the housing and financial markets, and the third occurred this August as part of the Budget Control Act and came only after a bitter process that led the nation to the brink of default.

In short, a balanced budget amendment is a recipe for making recessions more frequent, longer, and deeper, while requiring severe cuts that would harshly affect seniors, children, veterans, people with disabilities, homeland security activities, public health and safety, environmental protection, education and medical research. It would almost certainly necessitate massive cuts to vital programs including Social Security, Medicare, Medicaid, veterans' benefits and lead to even deeper cuts than the House-passed budget.

A balanced budget amendment has no place in the Constitution of the United States. Our Constitution has served the nation well because it represents enduring principles that are the foundations of our government. It should not be used as a substitute for real leadership on fiscal policy. We strongly urge you to oppose any constitutional balanced budget amendment.

Sincerely,

9to5, National Association of Working Women; AFL-CIO; AIDS Alliance for Children, Youth & Families; AIDS Community Research Initiative of America; The AIDS Institute; AIDS Project Los Angeles; AIDS United; Alliance for a Just Society; Alliance for Excellent Education; Alliance for Justice; Alliance for Retired Americans; American Association of Colleges for Teacher Education.

American Association of Community Colleges; American Association of School Administrators (AASA); American Association of University Professors; American Association of University Women (AAUW); American Counseling Association; American

Dance Therapy Association; American Educational Research Association; American Federation of Government Employees, AFL-CIO; American Federation of School Administrators, AFL-CIO; American Federation of State, County and Municipal Employees (AFSCME); American Federation of Teachers, AFL-CIO; American Jewish Committee.

American Medical Rehabilitation Providers Association (AMRPA); American Medical Student Association (AMSA); American Network of Community Options and Resources; American Postal Workers Union, AFL-CIO; American Psychiatric Association; American Public Health Association; American Rights at Work; American School Counselor Association; Americans for Democratic Action; American-Arab Anti-Discrimination Committee (ADC); The Arc of the United States; Asian American Justice Center, member of Asian American Center for Advancing Justice.

Asian & Pacific Islander American Health Forum; Association for Career and Technical Education; Association of Adult Literacy Professional Developers; Association of Assistive Technology Act Programs (ATAP); Association of Education Service Agencies (AESA); Association of Flight Attendants—CWA; Association of School Business Officials; Association of University Centers on Disabilities (AUCD); Autism National Committee; AVAC: Global Advocacy for HIV Prevention; Bazelon Center for Mental Health Law; Bienestar Human Services; Bread for the World.

Break the Cycle; Building and Construction Trades Department, AFL-CIO; B'nai B'rith International; Campaign for America's Future; Campaign for Community Change; CANN—Community Access National Network; Cascade AIDS Project; Center for Family Policy & Practice; Center for Law and Social Policy (CLASP); The Center for Media and Democracy; Center for Medicare Advocacy; Center on Budget and Policy Priorities; Child Welfare League of America (CWL); Children's Defense Fund.

Children's Dental Health Project; Cities for Progress, Institute for Policy Studies; Citizens for Global Solutions; Citizens for Responsibility and Ethics in Washington; Citizens for Tax Justice; Clinical Social Work Association; Coalition for Health Funding; Coalition of Labor Union Women; Coalition on Human Needs; Commission on Adult Basic Education; Committee for Education Funding; Common Cause; Communications Workers of America (CWA); Community Action Partnership.

Community Food Security Coalition; Community Organizations in Action; Corporation for Enterprise Development (CFED); Council for Children with Behavioral Disorders; Council for Exceptional Children; Council for Opportunity in Education; Council of Administrators of Special Education; Council of the Great City Schools; CREDO Action; Defenders of Wildlife; Democracy 21; Demos; Department for Professional Employees, AFL-CIO; Direct Care Alliance.

Disability Rights Education and Defense Fund; Division for Early Childhood of the Council for Exceptional Children (DEC); Easter Seals; Elev8 (Baltimore, Chicago, New Mexico, and Oakland); Every Child Matters Education Fund; FairTest, the National Center for Fair & Open Testing, Inc.; Families USA; Farmworker Justice; Feminist Majority; First Focus Campaign for Children; Food & Water Watch; Food Research & Action Center (FRAC); Forum for Youth Investment; Foster Family-based Treatment Association.

Franciscan Action Network (FAN); Friends Committee on National Legislation; Friends of the Earth; Gamaliel; Gay Men's Health Crisis (GMHC); Generations United; GLSEN; Gray Panthers; Growth & Justice; Half in Ten; Health & Disability Advocates; Health Care for America Now; Health GAP (Global Access Project); HealthHIV; HIV Law Project.

Horizons for Homeless Children; Housing Works; Interfaith Worker Justice; International Association of Fire Fighters; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, AFL-CIO; International Brotherhood of Electrical Workers; International Brotherhood of Teamsters; International Society for Technology in Education; International Union of Police Associations, AFL-CIO; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).

Jewish Council for Public Affairs; Laborers' International Union of North America, (LIUNA); Latino Commission on AIDS; The Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Leadership Team, Sisters of St. Francis of Philadelphia; League of Conservation Voters; League of Rural Voters; League of United Latin American Citizens (LULAC); League of Women Voters of the United States; Learning Disabilities Association of America; Main Street Alliance; Medicare Rights Center; Mental Health America.

NAACP; National Academy of Elder Law Attorneys; National Active and Retired Federal Employees Association (NARFE); National Alliance for Partnerships in Equity; National Alliance of State & Territorial AIDS Directors (NASTAD); National Assembly on School-Based Health Care; National Association for Adults with Special Learning Needs; National Association for Children's Behavioral Health; National Association for College Admission Counseling; National Association for Hispanic Elderly; National Association for Music Education; National Association for the Education of Young Children; National Association of Area Agencies on Aging (n4a); National Association of Colored Women's Clubs, Inc. (NACWC).

National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD); National Association of Elementary School Principals; National Association of Federally Impacted Schools; National Association of Government Employees/SEIU; National Association of Housing and Redevelopment Officials (NAHRO); National Association of Letter Carriers; National Association of Nutrition and Aging Services Programs (NANASP); National Association of People with AIDS (NAPWA); National Association of Private Special Education Centers; National Association of School Psychologists; National Association of Secondary School Principals (NASPP); National Association of State Directors of Career Technical Education Consortium; National Association of State Directors of Special Education (NASDSE).

National Association of State Head Injury Administrators; National Association of Thrift Savings Plan Participants; National Black Child Development Institute; National Center for Family Literacy; National Center for Law and Economic Justice; National Center on Domestic and Sexual Violence; National Coalition Against Domestic Violence;

National Coalition for Asian Pacific American Community Development; National Coalition for LGBT Health; National Coalition for Literacy; National Committee to Preserve Social Security and Medicare; National Congress of American Indians; The National Consumer Voice for Quality Long-Term Care; National Council for Community and Education Partnerships (NCCEP).

National Council for Community Behavioral Healthcare; National Council for the Social Studies; National Council of Jewish Women; National Council of La Raza (NCLR); National Council of Women's Organizations (NCWO); National Council on Independent Living; National Disability Rights Network; National Education Association (NEA); National Employment Law Project (NELP); National Fair Housing Alliance; National Family Caregivers Association; National Federation of Federal Employees; National Gay and Lesbian Task Force Action Fund; National Health Care for the Homeless Council.

National Hispanic Council on Aging (NHCOA); National Housing Trust; National Immigration Law Center; National Latina Institute for Reproductive Health; National Law Center on Homelessness & Poverty; National Low Income Housing Coalition; National Organization for Women (NOW); National Partnership for Women & Families; National Pediatric AIDS Network; National People's Action; National Priorities Project; National Respite Coalition; National Rural Education Advocacy Coalition; National Rural Education Association (NREA).

National School Boards Association; National Skills Coalition; National Superintendents Roundtable; National Treasury Employees Union; National Urban League; National WIC Association; National Women's Conference Committee; National Women's Law Center; Natural Resources Defense Council (NRDC); NETWORK, A National Catholic Social Justice Lobby; Not Dead Yet; OMB Watch; Paralyzed Veterans of America; People For the American Way (PFAW); Population Action International; Progressive States Action.

Project Inform; Public Citizen; Public Education Network; Racial and Ethnic Health Disparities Coalition (REHDC); Rebuild The Dream; RESULTS; Sargent Shriver National Center on Poverty Law; School Social Work Association of America; Service Employees International Union (SEIU); Sexuality Information and Education Council of the U.S. (SIECUS); Share Our Strength; Sisters of Mercy Institute Justice Team; Social Security Disability Coalition; Social Security Works; Southeast Asia Resource Action Center; Stand Up for Rural America, Robert S. Warwick, Steering Committee; Stewards of Affordable Housing for the Future (SAHF); Strengthen Social Security Campaign.

Sugar Law Center for Economic and Social Justice; TESOL International Association; Transportation Communications Union; Transportation Equity Network; Transportation Trades Department, AFL-CIO; Treatment Access Expansion Project; Treatment Action Group (TAG); Trust for America's Health (TFAH); Union for Reform Judaism; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada; United Cerebral Palsy; United Church of Christ Justice and Witness Ministries; United Electrical, Radio and Machine Workers of America (UE); United for a Fair Economy; The United Methodist Church—General Board of Church and Society.

United Methodist Women; United Mine Workers; United Spinal Association; United

States Student Association (USSA); United Steelworkers (USW); USAction; US Psychiatric Rehabilitation Association (USPRA); VillageCare; Voices for America's Children; Voices for Progress; Wider Opportunities for Women (WOW); Women's Institute for a Secure Retirement (WISER); The Woodhull Sexual Freedom Alliance; Working America; YouthBuild USA; YWCA USA; ZERO TO THREE.

Mr. NADLER. Mr. Speaker, I now yield 4 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I'd like my good friend from Virginia, the distinguished chairman of the Judiciary Committee, to engage me in a dialogue on a series of questions.

The most important question to be raised with respect to the BBA, at least for me, and I believe most Americans, is how does the balanced budget amendment narrow certain gaps that are obvious in our society?

The first gap, Mr. Chairman, is the social gap between racial minorities and the majority population.

How does the balanced budget amendment narrow that gap?

I yield to the gentleman from Virginia.

Mr. GOODLATTE. The balanced budget amendment is fair to all because all it simply says is that for all time, the people of this country want their government to live within their means, not just right now, but in the future as well. Right now, we're not anywhere near living within our means; \$1.3 trillion deficits each of the last 3 years, all that's being passed on to those children.

Mr. JACKSON of Illinois. Respectfully, Mr. Chairman, reclaiming my time, it does not reduce the gap between racial minorities and the majority population.

My next question, there's a gender gap in our society. Women earn 76 cents to the dollar of what men earn in our society.

How does the balanced budget amendment close the gap between what women earn in our society and what men earn in our society?

Mr. GOODLATTE. If you don't balance the budget and you continue to pile up enormous debt, women, children, minorities, all will suffer in the future because our economy will shrink, just like Greece's economy is shrinking right now because they can't meet their obligations.

And to answer the gentleman's question, I think it's best to turn to those people themselves.

Mr. JACKSON of Illinois. Respectfully, Mr. Chairman, reclaiming my time, the balanced budget amendment does not close the gap between women who earn 76 cents to the dollar of what men make, because only the Federal Government in the 50 States can close the gap between what women earn in our society and what men earn in our society.

How does the balanced budget amendment close the economic gap between the rich and the poor in our society?

I yield to my friend from Virginia.

Mr. GOODLATTE. Well, I just pointed out that the rich pay far, far, far more in taxes than other people do, and they should. But this balanced budget amendment doesn't make any distinction between how you balance it, whether it's by increasing revenues, whether it's by economic growth, or whether it's by tax increases.

Mr. JACKSON of Illinois. Reclaiming my time, the failure of this balanced budget amendment to not make any distinction between the rich and the poor is part of the fallacy and the problem with the balanced budget amendment.

We are here as representatives of the people to close profound gaps that exist between our constituents and the society. We're supposed to be one America. We're supposed to be all Americans. We're supposed to be one people, *e pluribus unum*, through many, one, going somewhere. But what I'm hearing from the distinguished chairman is that the gaps will not close.

Mr. GOODLATTE. Will the gentleman yield?

Mr. JACKSON of Illinois. I would be happy to yield to the chairman.

Mr. GOODLATTE. I'm not the chairman of the Judiciary Committee; Congressman SMITH is. But I am happy to be here in his stead.

Mr. JACKSON of Illinois. I would be happy to yield to the gentleman controlling time for the majority.

Infrastructure gaps, upgrades to roads in communities that have been left behind, bridges, ports, levees, water and sewer systems—how does the balanced budget amendment propose to close the infrastructure gaps that exist in our society where the States themselves have failed to do so?

Mr. GOODLATTE. If you don't have the resources to pay for what you need because you've spent it on a lot of other things, you're not going to have the infrastructure.

□ 1300

Mr. JACKSON of Illinois. Reclaiming my time, I must assume, then, there is no goal of the balanced budget amendment to actually close the infrastructure gap.

Mr. GOODLATTE. Will the gentleman yield?

Mr. JACKSON of Illinois. I would be happy to yield.

Mr. GOODLATTE. Absolutely there's a goal of doing that, and it is the goal of being able to generate a growing economy that results from living within your means and then using those means to pay for what our society needs.

Mr. JACKSON of Illinois. Reclaiming my time, it is obvious that the bal-

anced budget amendment does not narrow the economic, social, gender, and generational gap and infrastructural gaps in our country.

Mr. Speaker, vote down the BBA. Give the American people a reason to believe that the Federal Government can close the gaps that exist.

Mr. GOODLATTE. Madam Speaker, I yield myself 1 minute to say to the gentleman that the balanced budget amendment also will not deliver a pennant to the Chicago Cubs.

Now, let me also say this. In talking about those groups that the gentleman is rightly concerned about how they will do in the future, CNN asked them what they thought of a balanced budget amendment to the United States Constitution, and 75 percent of women said they favored a balanced budget amendment to the Constitution; 72 percent of nonwhite voters said they favored a balanced budget amendment to the Constitution; 79 percent of our senior citizens said they favored a balanced budget amendment to the Constitution; 79 percent of those who earn less than \$50,000 a year said they favor a balanced budget amendment to the United States Constitution. And the same is true whether you look at urban areas, suburban areas, rural areas, or any geographic region of our country. Consistently, they support a balanced budget amendment to the Constitution.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield.

Mr. JACKSON of Illinois. What would the balanced budget amendment do for the Chicago White Sox? I'm a South Sider.

Mr. GOODLATTE. I don't know. I'm a Boston Red Sox fan. We finally got ours, but we have a ways to go.

I reserve the balance of my time.

Mr. NADLER. Madam Speaker, since the gentleman has admitted that the balanced budget amendment would not deliver the pennant to the White Sox or the Red Sox or the Cubs, or, I suppose, the Yankees, there's no argument to the balanced budget amendment.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 2 minutes to the distinguished gentleman from Illinois, who is the chief deputy whip and a member of the Ways and Means Committee, Mr. ROSKAM.

Mr. ROSKAM. I thank the gentleman for yielding.

There's a level of anxiety that we're all sensing back at home as people are looking at Washington, DC, for solutions, and there are various tales that are going on right now in terms of what the Joint Select Committee is going to be able to produce, and the fact of the matter is we don't know what the yield is going to be of that negotiation. That's still ongoing, and we will be dealing with that next week.

But we know what we can do right now, Madam Speaker. We can create a buoyancy and a sense of clarity and a sense of cohesiveness to seize upon a bipartisan moment, a moment that the country came close to in 1995. It came within a whisker of passing the balanced budget amendment and sending it out to the States. Over 70 House Democrats in 1995, including several of the current leaders, voted in favor of that amendment. And now here we are, and we have that opportunity to do the same thing, although, to do it successfully.

This is not about donkeys and elephants. This is ultimately about us coming together as a Congress in a thoughtful way that says one thing to the United States, and that is we can govern wisely; we can govern forthrightly; we can live within our means; and we can do what the overwhelming majority, Madam Speaker, of what the American public wants us to do, and that is to balance our budget.

I urge both sides of the aisle to shrug off the bad advice, frankly, of the Democratic leadership and to come down here in a short period of time and vote "aye."

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a member of the House Energy and Commerce Committee.

Mr. LATTA. I thank the gentleman from Virginia for yielding.

I had the privilege for 6 years of serving as a county commissioner in Ohio and serving in the general assembly. During that time, we saw good times and we saw bad times in the economy. But in the bad times, our constitution told us in the State of Ohio that we had to balance our books to make sure that we didn't overspend. And that's what this House has to do and this country has to do.

You know, when we look back, we don't have a very good track record—over 50 years and only balanced a budget six times during that period of time. That's horrendous.

It's kind of interesting. I was at a town hall. I was talking one day, and one of my farmers came up and asked this question. He said, I don't understand what the problem is in Washington. He said, What's the President want to spend?" And I told him it's about 3.8 trillion. He said, How much have you got? I told him what we thought the revenue was going to be for the year. He said, It's simple. All you've got to do is subtract your revenues from what you want to spend, and that's all you get to spend is just that revenue. You don't spend over the top of it.

People back home understand it. Because people back home sit around their kitchen tables, their dining room

tables, and they get their pencils and papers out and they figure out how much they can spend. It's not complicated.

But we've got to start thinking about this because we're in debt now \$15 trillion. And it went over this week. When I have to look at my kids' faces and kids down the street, and when I go into schools and talk to these young children, they're going to ask me in 10 to 15 years, What did you do to us, not for us?

It's time that this Congress acts and passes this balanced budget amendment. We've been talking about it for years, and we have that opportunity today. I thank the gentleman for bringing it forth. I wish I could vote for it more than once today. But we must pass this today.

Mr. NADLER. Madam Speaker, I yield 4 minutes to the distinguished whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from New York for yielding.

I spoke yesterday on this issue. My good friend, Mr. GOODLATTE, and I have talked a number of times about this.

In 1995, as I said yesterday, I voted for an amendment very similar to this, almost exactly like it. I had a confidence at that point in time that, in an emergency, three-fifths of us would come together and vote to do that which the country needed to keep it stable and safe.

Regrettably, over the 16 years, I have lost that confidence. I've lost that confidence this year, where, frankly, on the majority's side of the aisle we would not have passed a CR to keep the government open once. We wouldn't have passed it a second time; and, very frankly, had we had to rely on the votes solely of the majority side, as we have in the past on my side, we would have defaulted on our debt.

That is not a good context in which to adopt an amendment that puts the country at risk if three-fifths are not available to act in an emergency. As a result, I will not vote for this amendment, and I urge my colleagues to oppose this amendment.

We are engaged at this very day in an effort to try to come to agreement on how we balance the budget; and, very frankly, we only need 51 percent, and 51 percent is not there.

But we have balanced the budget, and we balanced it without an amendment. We balanced it in 1998, 1999, 2000, and 2001. And my Republican colleagues rightfully say, "Well, we offered those budgets." Yes, they did. But I will tell you, I have no doubt, not a single doubt, that if the surpluses that were created by those budgets had been available in 1998 and Bill Clinton had not said save Social Security first, that what we would have done is cut revenues deeply and had deficits during those 4 years. Now, you may disagree,

but I have no doubt, based upon the philosophy that I have heard since 1981 from my Republican friends, that that would have been the case.

□ 1310

I said yesterday that what we need is not a balanced budget amendment, that what we need is a balanced budget.

How do we get to a balanced budget?

The gentleman from Ohio (Mr. LATTA) pointed out he was a county commissioner. Now, I'll bet as a county commissioner he probably had to pay for what he bought. He gave the analogy, if you've got X coming in, then that's what you spend, not X plus Y. The fact of the matter is his party has spent X plus Y, plus Z, plus A, plus B, plus C, and has run a deficit for every single year they had the Presidency during the last 30 years I've been in the Congress—without fail.

Now, what happened to bring us a balanced budget?

First of all, we had two parties responsible. I don't think we could have done it with just one party—my party or your party. We had two parties responsible, and we constrained one another. Then we had extraordinary growth in our economy, and that's what brought us a balanced budget. But we also adopted in 1990, again in 1993 and in 1997—and I tell my good friend, the sponsor of this, sometimes he voted for PAYGO and sometimes he did not, and your party abandoned the principle of paying for what you bought in 2001.

The SPEAKER pro tempore (Mrs. ROBY). The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional minute.

Mr. HOYER. As a result of abandoning that PAYGO responsibility, you could cut revenues very deeply and not pay for them, not cut spending. It takes no courage, I suggest to my friends, to cut taxes—none whatsoever. Everybody is happy. Paying for bills is a lot tougher. It requires a lot more courage, a lot more responsibility. But you jettisoned statutory PAYGO in the 2000s, and you went on a spending binge. Not only did you blow a hole in the deficit, but you also blew a hole in the economy, and we saw the worst job creation of any administration since Herbert Hoover because the economy, rightfully, was not confident that we would manage our finances correctly.

What we need, ladies and gentlemen, in this House is a balanced budget, not a balanced budget amendment. Let us summon the courage, the will, and the ability to work together immediately on this Joint Select Committee on Deficit Reduction, but let us do it day after day after day. Then when the issues come before you, have the courage to either vote against spending or to vote for the revenues to pay for what all of us have wanted to buy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. GOODLATTE. Madam Speaker, I yield myself 1 minute to respond to the distinguished minority whip and to point out this chart.

The gentleman is quite right when he talks about profligacy when there have been Republican Congresses. Although, I would point out to the gentleman that, when we were in the majority and when we had President Bill Clinton and when we had those four balanced budgets, he voted for one but not the three others. We did not cut taxes then. Taxes were cut after the attack on this country, on September 11, 2001, to stimulate the economy, and we got roundly criticized for the deficits that ran up during that time.

Mr. HOYER. Will the gentleman yield? Because the gentleman is not accurate on that.

Mr. GOODLATTE. I will yield to the gentleman from Maryland in just a minute.

This chart show that, in 2004, we had a \$400 billion deficit. It was the highest deficit in American history, and it was part of the reason we lost our majority later on. Then in 2007, as the deficit stepped down each of the interceding years, the gentleman from Maryland became the majority leader, and the gentlewoman from California became the Speaker of the House—and look at what has happened to our deficits ever since.

The Congress writes budgets; the Congress doesn't balance budgets. Both parties are to blame.

There have been six balanced budgets in the last 50 years. In 37 of those years, Democrats only balanced it twice. This is a bipartisan balanced budget amendment that the gentleman voted for once before. He should join us today and set the future on a different track.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. The gentleman, I take it, has no time to yield.

Mr. GOODLATTE. I don't. I have all these speakers.

Mr. NADLER. Madam Speaker, I yield 30 seconds to the distinguished whip.

Mr. HOYER. The gentleman's chart is very interesting. He talks about voting for budgets.

I didn't agree with some of the priorities in your budget; that's accurate. He is correct that we didn't cut taxes, but he is incorrect as to when you cut taxes. You cut taxes in April, months before 9/11, and you gave away a lot of money and you didn't pay for it. You didn't cut spending in order to pay for it in your budgets that you offered. Furthermore, what the gentleman

doesn't point out is in 1993, to a person, you voted against a program which was designed to pay our bills—to a person. You said it would destroy the economy.

We had the best economy and the largest budget surplus that you've had and an administration that is the only administration in your lifetime that ended its 96 months with a surplus, Bill Clinton's.

Mr. GOODLATTE. Madam Speaker, I am delighted to yield 2 minutes to the gentleman from Texas (Mr. BARTON), the former chairman of the House Energy and Commerce Committee.

Mr. BARTON of Texas. I thank the gentlelady from Alabama for her chairmanship of this historic debate, and I thank the gentleman from Virginia for his leadership and his willingness to yield me time.

Madam Speaker, in January 1985, I held up my right hand, and I held my 2-year-old daughter in my left hand as I stood right out here in front of the podium and took the oath to be the Congressman of the Sixth Congressional District of Texas. As soon as I was sworn in, I signed my first bill and put it right over there in the hopper—the Tax Limitation/Balanced Budget Amendment.

The total public debt that year was less than \$5 trillion. In January of 1995, I took the oath of office and then led the debate on the Contract with America balanced budget amendment. We actually had two votes that day—one on the Tax Limitation/Balanced Budget Amendment, which got about 260-something votes, and then we came back and voted on a balanced budget amendment without the tax limitation provision, and it passed and went to the Senate.

The public debt that day was a little under \$8 trillion. Today, the public debt is \$15 trillion—\$10 trillion more than in January of 1985 and \$7 trillion more than in January of 1995.

How many years do we have to stand here and bemoan the fact that we need more courage or more this or more that and then pile up more public debt?

The annual deficit this year, the deficit in 1 year, is more than the total Federal budget was in 1985—the total budget.

I want to thank Mr. GOODLATTE for bringing this bill forward. I want to thank the Republican leadership for putting it on the floor.

We owe \$15 trillion, Madam Speaker, and we're going to borrow another \$1.5 trillion. Let's stop the madness. Let's vote for this amendment and send it to the Senate.

Mr. NADLER. Madam Speaker, I yield to the gentleman from Georgia (Mr. JOHNSON) for a unanimous consent request.

Mr. JOHNSON of Georgia. Madam Speaker, I ask unanimous consent to submit the following two documents into the RECORD:

One is from the International Association of Fire Fighters, and the other is from the AARP—both of which express their opposition to this ill-founded measure before us, H.J. Res. 2.

The SPEAKER pro tempore. Without objection, the gentleman's request is granted.

There was no objection.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
JULY 28, 2011.

MEMBER OF CONGRESS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE, On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I urge you to oppose any balanced budget amendment to the United States Constitution.

Although there is a clear need to lower the long-term federal budget deficit, requiring a balanced budget through a constitutional amendment would be disastrous for the U.S. economy. During periods of economic downturns, the federal government's safety-net programs like unemployment insurance, Medicaid, and food stamps face greater demand right when federal receipts are in rapid decline. Requiring a balanced budget every year would force cuts to these and other important programs or force tax increases. Either prescription would risk tipping a faltering economy into recession or making recessions worse.

Furthermore, any constitutional balanced budget amendment would limit the ability of the federal government to make important investments in worthy causes, including crucial public safety and homeland security programs. Even at a time of fiscal austerity, we must continue to provide for the country's public safety and homeland security needs. Any constitutional balanced budget amendment would grossly undermine the ability to protect the lives and well-being of Americans nationwide.

The nation's fire fighters understand and support the need to reduce federal spending, but passage of a constitutional balanced budget amendment would further damage the already weakened economy and prevent the federal government from making critical investments.

Again, I urge you to vote against any balanced budget amendment to the United States Constitution. Thank you for considering the views of our nation's first responders.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

AARP,

NOVEMBER 17, 2011.

DEAR REPRESENTATIVE: On behalf of our members and other Americans who are age 50 and older, AARP is writing to express our opposition to H.J. Res. 2, a balanced budget amendment to the Constitution of the United States. H.J. Res. 2 would subject Social Security and Medicare, as well as all other spending, to potentially very deep cuts, without regard to the impact on the health and financial security of individuals. AARP strongly opposes proposals that can result in arbitrary and harmful cuts to Social Security and Medicare.

N.J. Res. 2 would prohibit outlays for a fiscal year (except those for repayment of debt principal) from exceeding total receipts for that fiscal year. This is the equivalent of imposing a constitutional cap on all spending

that is equivalent to the revenues raised in any given year. Revenues, however, fluctuate based on many factors, including the health of the economy and the rate of labor participation. Consequently, spending would of necessity also fluctuate, and as a result, a balanced budget amendment would not allow the provision of predictable Social Security and Medicare benefits that can be reliably delivered during an individual's retirement years. Individuals who have contributed their entire working lives to earn a predictable benefit during their retirement would find that their retirement income and health care out of pocket costs would vary significantly year to year, making planning difficult, and peace of mind impossible.

It is particularly inappropriate to subject Social Security to a balanced budget amendment given that Social Security is an off-budget program that is separately funded through its own revenue stream, including significant trust fund reserves to finance benefits. Imposing a cap on Social Security outlays is unjustifiable, especially when the Social Security trust funds have run a surplus for decades—which have reduced the past need for additional government borrowing from the public—and resulted in a public debt that is less today than what it otherwise would have been.

Older Americans truly understand that budgets matter and that we all need to live within our means. But they also understand that budgets impact real people; and they certainly understand the difference between programs to which they have made a contribution and earned over the course of a lifetime of work, and those they have not. From surveys, letters, e-mails, town hall meetings, and numerous other interactions, we know older Americans of all political affiliations reject cuts to Social Security and Medicare to balance the budget. We therefore oppose the adoption of a balanced budget amendment that puts Social Security and Medicare at risk, and on behalf of our millions of members and all older Americans, we urge you to vote against H. J. Res. 2.

If you have any questions, feel free to call me, or please have your staff contact Cristina Martin Firvida of our Government Affairs office at 202-434-6194.

Sincerely,

NANCY LEAMOND,
Executive Vice President.

□ 1320

Mr. NADLER. I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. We do not need a constitutional amendment. We need a supercommittee congressional agreement now.

To the Republicans: do it now. Call President Obama now. Tell him tax breaks for the billionaires, on the table. Tell him defense spending, on the table. Tell him tax breaks for oil companies, on the table. The President says he'll put the social programs on the table.

You don't have to go back 200 years to amend the Constitution. You just have to next week, next Wednesday say, We want to do it now. We, who are here, will do it now. We will balance the budget by putting all of our programs on the table.

Do it now. Do it now, Republicans. Don't pretend and hide behind a con-

stitutional amendment when you can do it now. You can be the Founding Fathers of a balanced budget in 2011.

Mr. GOODLATTE. Noting that the Republicans on the supercommittee have put a proposal on the table and the Democrats have not, I now yield 1½ minutes to the gentleman from Illinois (Mr. MANZULLO), a member of the Financial Services Committee.

Mr. MANZULLO. Madam Speaker, there are over 10,000 Federal programs and counting. No one quite knows how many there are.

I do most of my work in Congress on manufacturing; and for 12 years, I've been working on a chart to identify every agency, every bureau that is involved somehow in manufacturing. And it continues to grow and grow and grow. And my objective was to find a way with a common portal to be able to access via the Internet exactly what's going on, but it's impossible. And that's the problem with this government. People run to Congress and say, I have got a program for this and for that.

Well, you know what, it's time to start eliminating programs around here. It's time to just keep those programs that are absolutely necessary, and the best way to do that is to have the fiscal restraint imposed by a balanced budget amendment. No longer is it a matter of going to the backroom and simply printing money to cover this program or that program. We need to come to the realization that Washington doesn't have the answer for everything. And the best way to cut back on these 10,000 programs is to have the discipline of a balanced budget amendment so that the Members of the House and Members of the Senate can realize you really can't spend more than what you take in.

Mr. NADLER. I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 4 minutes remaining, and the gentleman from New York has 2¾ minutes remaining.

Mr. GOODLATTE. Madam Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Arkansas (Mr. WOMACK), a member of the Appropriations Committee.

Mr. WOMACK. Today is payday. It's Friday. For a lot of people, it's payday. They're going to get a check from their employer, if they're lucky enough to have a job. And I'm for sure for most of them, before ever cashing that check, they know exactly where it's going. These people have likely already come to the realization that there are a lot more needs, a lot more things they would like to have or do, but there's just so much money.

I find it incredible that my friends on the other side of the aisle believe this Federal Government should not have

to go through the same process of discerning between what they want and what they need and what they can afford, like the rest of America. In the 10-plus months I have been here, I consider this vote the most important vote I will have cast because it's the vote that has the most impact on the future of my grandson.

It is sad that Congress does not have the discipline to live within its means, and I strongly believe the only way to constrain an undisciplined Congress is to enshrine its obligation in the Constitution. An overwhelming majority of Americans believe that the balanced budget amendment, as proposed today, is the right way forward for America.

I thank my friend from Virginia for his leadership on the issue, and I urge its passage.

Mr. NADLER. I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from South Carolina (Mr. MULVANEY), a member of the House Budget Committee.

Mr. MULVANEY. Madam Speaker, I have enjoyed sitting here listening to the arguments against this amendment. They range from the bizarre to the completely incredible. We've heard it's not 1985. I wish it were and that the deficit were only \$5 trillion. Imagine what the world would have been like if we could have accomplished this 15 years ago.

I have heard that we don't need this amendment to do our job against the backdrop of only being able to do it four times in the last 50 years. That argument simply does not pass the laugh test. I heard just a few moments ago from the honorable minority leader that this was not the right time to pass this amendment because somehow this body was too partisan, too partisan to pass an amendment to the Constitution that would take partisanship out of the equation and force us to balance the budget. These are all extraordinarily weak arguments, Madam Speaker, and they are weak because they do not go to the heart of the matter of why you would be against this amendment.

There's only one reason to be against this amendment. The only true argument against this amendment is that you want to continue to spend money that we don't have, and there are people in this Chamber who believe that is the way that they keep their jobs, that if we continue to run up debt, that if we continue to spend money that we don't have, that somehow back in their district it will encourage their voters to send them back to this Chamber.

Madam Speaker, I believe there are more important things than our jobs. There are more important things than simply remaining a Member of Congress. More so than any amendment, any bill that we will take up this year, this amendment is the opportunity

that we have to send a message to the people back home that we are willing to do what is right, that we're willing to stand up for them and to give them the opportunity to change the Constitution of the United States in a way that they see fit.

Mr. GOODLATTE. Madam Speaker, I would advise my colleague that I have only one speaker remaining.

Mr. NADLER. I yield myself the balance of my time.

Madam Speaker, since 1995, when this amendment was last on the floor, we proved we could balance the budget without a balanced budget amendment. But a balanced budget is not the highest goal. The highest goal is prosperity, a full employment economy; and that requires a balanced budget over the business cycle. It requires that in good times we have a surplus and pay down the deficit. But then in recessions, you should have a deficit to spur the economy; you should spend money to spur the economy to get out of the recession. To try to balance the budget by cutting spending during a recession is to increase unemployment, is to guarantee that every recession becomes a depression. Just look at what's happening in Germany, which was in pretty good shape until they elected a government that enacted austerity to try to balance the budget. Their economy is tanking. The same thing in Great Britain.

The second point I want to make is that when we talk about balanced budgets in the States, they have a separate budget for operating expenses and for capital budgets. Here, this balanced budget amendment would say we should never borrow money for anything; the Federal Government should never borrow money. That's insanity economically. It means we have no money for our bridges, roads, highways, et cetera.

Third, this amendment would say if we couldn't reach agreement, if we didn't pass the balanced budget, the courts would have to decide whether to increase taxes and, if so, which taxes, or cut programs, and in such a case, which programs. We should not be giving the courts the power to make such decisions.

Finally, Social Security, Medicare, these are not debts. They're obligations of the Federal Government. A balanced budget amendment would put them at risk. We would have to cut Social Security, cut Medicare, cut all these things if we passed a balanced budget amendment. And if we're unwilling, as our colleagues on the other side are, raise taxes on the rich. The fact is taxes on the rich are much less than they've ever been, which is the basic cause of the deficits that we're running now.

The balanced budget amendment would not balance the budget. You would still have a stalemate between

Republicans, who want no taxes on the rich and want draconian cuts on lower- and middle-income programs, and those on our side of the aisle who disagree on them. If you can't reach agreement on those things now in the supercommittee, what makes you think you would reach agreement just because you had a requirement on the books that said you should? It would end up in court.

□ 1330

The balanced budget amendment is simply a sop to be able to say we are doing something about a balanced budget when we are, in fact, unwilling to make the tough decisions that could, in fact, balance the budget. We showed, during the Clinton administration, that those decisions could be made. And if we really want to balance the budget, we have to undo most of the Bush tax cuts, we have to stop voting for wars that we don't pay for, and we have to really balance the budget, not pass an amendment.

I yield back the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself the balance of my time.

The gentleman from New York and I agree on one thing: Prosperity is the goal. And this is not a pathway to prosperity. Fifty years with six balanced budgets is a pathway that has led to a \$15 trillion debt that we have right now. That's not prosperity. The largest debtor nation on Earth is not prosperity. \$50,000 per American citizen in debt is not prosperity. And the \$60 trillion in future obligations that we have yielding this result is definitely not prosperity for our children and grandchildren.

That is why we need the discipline that a balanced budget amendment to the Constitution provides. That is why this is a bipartisan vote. That is why dozens of Democrats will join us today in enshrining in our Constitution something that will require that future Congresses balance the budget.

I urge my colleagues to join us in this matter, and I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to traffic the well when another Member is under recognition.

Mr. VAN HOLLEN. Madam Speaker, Democrats remain committed to responsibly putting the budget on a fiscally sustainable path through a balanced approach that includes both spending and revenue. But the Republican Constitutional amendment defeated on the House floor today was not the answer. It could have dire consequences for the economy, on needed services to seniors and others, and on the government's ability to quickly and appropriately respond to changing needs.

This Constitutional amendment would have made it easier to cut Social Security or Medicare than to cut corporate tax loopholes or eliminate tax breaks for millionaires. It required

a roll call vote by the majority of the whole number of each House—218 votes in the House regardless of how many Members are absent—to raise revenue, but allowed spending cuts with a simple majority vote of those present. Why should there be a different standard for cutting Social Security benefits than for cutting even a dime of special interest tax breaks?

The disparity clearly highlighted that this Amendment was not actually about balancing the budget, but rather about establishing a constitutionally mandated path to impose the Republican budget priorities. In fact, the Amendment would have required even deeper cuts than the House Republican budget resolution, which never reached balance. The Republican budget ran \$1.6 trillion in deficits from 2018 through 2021, when this Amendment could have been in effect.

This Constitutional amendment would have jeopardized Social Security and Medicare benefits, veterans' benefits, and all other guarantees to our citizens by limiting annual spending to that year's receipts. Regardless of whether the country has brought in receipts over many years, saving to cover upcoming obligations—and regardless of the retirement guarantee made to our seniors who contributed to the Social Security trust fund throughout their working years—this Amendment would not have let us make those payments unless we had an equal amount of receipts coming in that year.

The Constitutional amendment also would have deprived Congress of the flexibility to address national needs and economic emergencies by limiting spending to the level of that year's receipts. For example, during a recession the Amendment would have required spending cuts or tax increases at the very time the country required additional spending or tax cuts to provide needed help and to boost the economy. Even in the face of a natural disaster there was no emergency exemption to allow immediate extra assistance.

This year has illustrated the economic consequences of risking default on the nation's obligations, yet the Constitutional amendment would have made default more likely by increasing the difficulty of raising the debt limit by requiring a 3/5th supermajority vote. In fact, the need to raise the debt ceiling has no correlation to whether future budgets are balanced; increases in the debt ceiling reflect past decisions on fiscal policy.

Some have argued that this Amendment would have put the federal government in the same position as state governments and households, which balance their budgets. And while many states are required to balance their operating budgets, they still can and do borrow for capital projects. Likewise, families regularly do not balance their budgets on an annual basis; a 30-year home mortgage or a student loan are both examples of ways families can responsibly take on debt and pay it back over time. By requiring the federal government to balance spending and receipts each year—regardless of the country's economic circumstance or the need for immediate resources—the Amendment would have prohibited the nation from making necessary investments.

This Constitutional amendment was not a responsible budget plan. It did not make any

of the hard choices necessary to fix our fiscal and economic crisis. Instead, it would have enshrined in the Constitution a fixed budgetary goal without providing guidance on how to reach it or how to enforce it. The Amendment could send budget decisions to the courts, tying up federal budgeting and transferring the power to make the laws from Congress to the federal judiciary. If cases were filed arguing that the budget is not balanced, court involvement could lead to shutting down all federal operations—even emergency services.

The Constitution provides broad guarantees for citizens, but is not designed to implement particular policies. Congress must confront the difficult choices before it. Passing the Amendment may make for good theater, but it is simply a device for pretending we are doing something while ducking difficult choices. Instead, we are working hard now to responsibly put the budget on a sustainable path, and that is the right thing to do.

Mr. HOLT. Madam Speaker, the right question to ask is not, "How can Congress create the political will necessary to balance our budget?" The right questions to ask are, "What is the right budget to enable a vigorous economy?" And that is not necessarily a budget in exact numerical equality between income and outgo. And, second, "How has America balanced its budget in the past?"

Madam Speaker, I took great personal satisfaction during my first term as a member of this body in voting for and helping to achieve America's first balanced budget in a generation. It was not easy to attain. Those members of Congress, myself included, who believe in fiscal responsibility and budgetary discipline, had to make tough choices and cast difficult votes in order to put the federal government's fiscal house in order. The White House and Congress can balance the federal budget without a constitutional amendment.

We needed two things: sufficient income and no unnecessary spending. A revenue base made balancing the budget possible. We also had a recognition that a vibrant economy produces more revenue than an economy in a recession.

That, Madam Speaker, is what is lacking today—not the political will, but the economic fundamentals. America's revenue base was decimated by the Bush tax cuts, which gave away hundreds of billions of dollars to the most fortunate Americans while doing little to help middle-class families. And America's economy has been devastated by the financial crisis, which has diminished the federal government's revenue base and required us to spend money to sustain the social safety net and to create jobs.

Madam Speaker, if America truly wants to return to the era of balanced budgets, we don't need a misguided and destructive constitutional amendment. What America needs is to invest in those things that allow and help our people to be productive—education, research, health care, and things that help the wheels of commerce turn, like banking and trading regulations, environmental protection, and freer migration of talented people. We need the wealthiest Americans and our wealthiest corporations to pay their fair share of the cost of running this nation. And we need to act with urgency and compassion to

put to work the 25 million Americans who are out of work or underemployed. We need to create jobs in the short-term to stop the damage to our long-term economy.

Madam Speaker, our history of amending the Constitution has been about the enhancement of individual rights or the correction of fundamental structural flaws in the federal government. Politics—not a structural flaw—created our current deficit problem, and political compromise can fix it. We must be committed to reaching the political compromises that are necessary in order to exercise fiscal responsibility and balance budgets consistently.

Madam Speaker, a balanced budget amendment is nothing more than a fine example of political theater. We will debate this amendment for hours, but without any chance to amend it or consider any alternatives. The majority is putting the bill on the floor under a procedure normally reserved for non-controversial measures, despite the very controversial nature of this flawed constitutional amendment. It is bad policy that will not bring us any closer to solving our budget problems, and I urge my colleagues to oppose it here today.

Mr. YOUNG of Florida. Madam Speaker, I rise in support of this Balanced Budget Amendment.

I have always been hesitant to support changes to our Constitution. It is the most significant document in our Nation's history and I am reminded of its guiding principals by the copy I carry with me each day.

Truthfully, I wish this step had not become so necessary. A simple majority of us in the House, working with the Senate and the President have the ability to balance our budget without this Amendment.

It has been done before. I have been honored to serve in this House for the last 41 years. During this time, we have managed to balance our budget twice, and both times occurred during my tenure as Chairman of the House Appropriations Committee.

The way we balanced the budget then was by making the hard, but necessary choices. The Appropriations Committee had to say no to many funding requests. It was not always easy and I was not always the most popular person around here. But we had to do the right thing for the country and we did it as a Republican House working with a Democrat President.

In this Congress, the House and the House Appropriations Committee have made the difficult decisions to cut wasteful spending, consolidate duplicative programs, and reign in the excesses of recent years. We have reduced excessive spending and passed a responsible budget resolution. We have brought our bills to the floor under regular order—in contrast to recent years. Every Member on the Committee and in the entire House has had the opportunity to make their voices heard and offer their amendments. In fact, we have considered almost 500 amendments to appropriations bills just this year.

I am proud to say that the House has made real progress towards fiscal responsibility. Unfortunately, much of our budget process has become dysfunctional.

We are stuck with a Senate that has been unwilling to do their part. It has been more

than two and a half years since they have completed the basic task of passing a budget.

Under this President, spending has skyrocketed to consume more than 25 percent of the economy. Since 2008, annual spending has jumped by close to \$1 trillion. The President's budget proposed to keep the spending going for the next decade, with spending growing from its historical average of 18 percent to 24 percent of GDP in 2021.

We have mandatory spending that is spiraling out of control.

For the first time in America's proud history, our credit rating was downgraded because we have been unable to come to an enforceable agreement on how to bring our debt under control.

I have come to believe that the only guaranteed way to bring spending under control is to pass this Balanced Budget Amendment. The only way to get the entire Congress and the President to consistently agree on a fiscally responsible budget is to amend the Constitution to require it to happen. It is a common sense proposal that has widespread support.

In 2009, I asked every voter in my district how they felt about requiring a balanced budget and 79.64 percent of the more than 32,000 who responded to my survey said that they support it.

The National Federation of Independent Businesses recently asked small business owners in my district if they support the Balanced Budget Amendment and 78 percent responded that they do.

National polls point to more overwhelming support. After all, families and small businesses across the country have to sit down and balance their own budgets, just as our state of Florida must. Why can't the federal government do the same?

America has a spending problem. Just on Wednesday our national debt topped \$15 trillion. We are borrowing 43 cents for every dollar we spend. This year gross interest payments on the debt reached \$466 billion. Every one of our children and our grandchildren already owes more than \$46,000 to our creditors.

We owe it to the next generation to leave them a better country and a better future, as those who came before us did. It is essential that we change the culture of spending in Washington and restore fiscal sanity to our federal budget. It is crucial to the future of our Nation that we solve this debt problem, because if we don't, I hate to think what might happen to our economy, what might happen to our currency, and what might happen to our standing in the world.

Let me close by saying that to have a strong national defense we must have a strong robust economy.

Mr. THORNBERRY. Madam Speaker, it would be a mistake to believe that a Balanced Budget Amendment to the Constitution will solve all of our fiscal woes. There are no magic answers to what ails us. Fiscal discipline and common sense applied day-by-day, year-by-year are required.

A Balanced Budget Amendment to the Constitution would, however, help impose the discipline needed on the taxing and spending decisions of the federal government. It would be a very significant step—perhaps one of the

most significant we could take—in repairing our fiscal house.

It forces Congress and the President to make choices. If new spending is proposed, other spending must be cut or some other way to finance the new program must be found.

A basic principle for individuals, businesses, and other organizations is that one should not spend more than one has to spend, except in extraordinary circumstances. That is common sense. Yet, for too long, that principle has been commonly absent from Washington. This vote on this Amendment is our opportunity to apply this basic idea to the federal government. We should do it now.

Mr. POSEY. Madam Speaker, nearly every State in the union is required to balance its budget each year, including my home State of Florida. Our counties, cities, school boards and special districts are all required to make financially responsible decisions with the hard-earned tax dollars of Florida's working families and small businesses.

It is long past due for Washington to do the same, which is why the Balanced Budget Amendment to the U.S. Constitution is one of the first bills I cosponsored as a new Member of Congress in 2009.

For 235 years, the United States has been the greatest economic success story the world has ever known. Yet, the most significant threat ever to our continued success is our unprecedented and rapidly growing national debt. From 1776 to 2008, Washington accumulated a debt of \$10.6 trillion. Yet in just the last 3 years alone, another \$4.4 trillion in debt has been added for a grand total of \$15 trillion and counting.

Washington doesn't just have a spending problem. It has an insatiable addiction to spending money it does not have and it is threatening our children's future. The Chairman of the Joint Chiefs of Staff called it the greatest threat to our Nation.

The last time the House voted on and passed a Balanced Budget Amendment to the Constitution—back in 1997—the national debt stood at \$5.4 trillion. That year the Balanced Budget Amendment fell just ONE VOTE short of passage in the Senate. It's something I like to call "The Ten Trillion Dollar Vote."

So, you might ask: How do these gigantic numbers relate to the American taxpayer? Because of Washington's failure to control spending, each and every taxpayer's share of the debt amounts to \$130,000. It gets worse. On our current path, the non-partisan Congressional Budget Office estimates the national debt will reach \$23 TRILLION in 2015. That's \$200,000 in debt per taxpayer. This must change.

The American people were promised in 1997 that Washington would balance the budget without a Balanced Budget Amendment. Given what we now know, it's ridiculous to believe that Washington will balance the budget and begin paying down the debt without the requirement of a Balanced Budget Amendment.

Future generations of Americans deserve to live with the same opportunities we have had. Burdening them with this unprecedented debt load is immoral and unthinkable. Only by passing a Balanced Budget Amendment can we eliminate their greatest threat to success

and guarantee them the same opportunities that we have had.

I urge my colleagues to support the Balanced Budget Amendment and set our Nation on a more financially responsible and stable course.

Mr. WOLF. Madam Speaker, I rise today to support H.J. Res. 2, which is a common sense, balanced budget amendment to the U.S. Constitution. I am proud to join my friend from the Shenandoah Valley, BOB GOODLATTE, as a cosponsor of his legislation and I thank him for his work in bringing it to the floor for a vote.

I have long supported this legislation because I believe Washington must live within its limits when spending the hard earned money of the American taxpayers. This balanced budget amendment is one of the necessary steps we must take in order to address our Nation's crushing fiscal obligations. That is why I have consistently voted for a balanced budget amendment every time it has come before the House—in 1982, 1990, 1992, 1994 and 1995.

The national debt is over \$15 trillion, annual deficits are over \$1 trillion and we are looking at unfunded obligations and liabilities of \$62 trillion. I am concerned that if we don't deal with this crushing burden now it could lead to another downgrade of our Nation's credit rating. This could make credit, from car loans to mortgage loans to college loans, more difficult and expensive to obtain. Everything must be on the table for consideration—all entitlement spending, all domestic discretionary spending, including defense spending, and tax policy—particularly reforms to make the tax code simpler and fairer and free from special interest earmarks.

That is why I have supported every serious effort to resolve this crisis: the Bowles-Simpson recommendations, the "Gang of Six" effort, the "Cut, Cap and Balance" bill, and the Budget Control Act. None of these solutions were perfect, but they all took the steps necessary to rebuild and protect our economy. I also joined a bipartisan group of 102 of my colleagues in sending the enclosed letter to the Joint Select Committee on Deficit Reduction to "go big" and identify \$4 trillion in savings through spending cuts and tax reform in its proposal due later this month.

A balanced budget amendment to the Constitution is but one tool to get our fiscal house in order. This balanced budget amendment would establish critical institutional reforms that would ensure that the Federal Government lives within its means. We must reduce the deficit and pay down the debt to ensure that we have the ability to support the critical programs that citizens expect the government to provide.

In his Farewell Address, George Washington instructed the Congress to use the public credit as sparingly as possible. We should heed his wise words and pass this balanced budget amendment.

Mr. HASTINGS of Washington. Madam Speaker, I rise today in strong support of H.J. Res. 2, which would require the Federal Government to do what American families do every day—balance our budget.

One of the first votes I cast in Congress was in support of the Balanced Budget

Amendment. That was in 1995 when the Federal deficit was \$4.9 trillion—a level that I considered unacceptable to pass on to our children and grandchildren. And we came so close, Madam Speaker. The Balanced Budget Amendment passed by a two-thirds majority in the House.

This included 72 Democrats. Many of my colleagues from the other side of the aisle that I see here today stood with us to do what is best for the future of our country.

We came just one vote shy of passing it in the Senate, and have paid for this failure every day since, Madam Speaker. It has been 16 years and over 10 trillion dollars more in debt since I voted for the Balanced Budget Amendment.

The Federal deficit was unacceptable then, and it is unconscionable today—growing an incredible \$1.6 billion per day.

This has led us to where we are today—facing a \$15 trillion dollar debt that leaves future generations in even greater jeopardy and is causing serious harm to our economy.

Former Joint Chiefs of Staff Admiral Mike Mullen recently said that the greatest threat to our country is not Al-Qaeda—it is our national debt.

It is threatening our economy, our standard of living, and our very way of life.

Madam Speaker, just think of how different our country would be if we had succeeded in 1995.

It seems like such a simple concept—only spending as much as we take in.

This is our chance to make history. Let's not force future generations to look back and see how Congress once again failed to change the course of American history and get our economy back on track.

As a grandfather, Madam Speaker, I strongly urge all of my colleagues, regardless of political affiliation, to stand up for the future of our country and join me in voting for this vital resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in opposition of the proposed Balanced-Budget Amendment to the U.S. Constitution.

The constitutional balanced budget amendment we are debating this week could force Congress to indiscriminately cut all programs by an average of 17.3 percent by 2018. According to the Center on Budget and Policy Priorities, if revenues are not raised and all programs are cut by the same percentage, Social Security would be cut \$184 billion in 2018 alone and almost \$1.2 trillion through 2021; Medicare would be cut \$117 billion in 2018 and about \$750 billion through 2021; and Medicaid and the Children's Health Insurance Program (CHIP) would be cut \$80 billion in 2018 and about \$500 billion through 2021.

I am also concerned the measure adds arbitrary caps on Federal spending that achieves nothing but to cripple this government's ability to jumpstart the economy, make the important investments to secure our future, and ultimately put Americans back to work.

That is why I, along with leading economists and Nobel laureates in economics, strongly oppose this radical and debilitating method for addressing our budget woes.

My republican colleagues have already had countless opportunities in this Congress to

work with us to develop a tangible plan to reduce the deficit and fix this economy. In fact, Republicans have voted seventeen times against Democratic proposals or efforts to simply consider proposals to create or protect American jobs.

Fervent calls for a balanced budget make for great political talking points. However, it makes little to no practical sense to stymie this government indefinitely in its ability to borrow reasonable amounts of money to make smart investments in infrastructure, public services, and education. Nobody in this Congress or across the country is claiming that there is anything reasonable about borrowing fifteen trillion dollars. However, what some of my colleagues and I are going even further to say is that it is unreasonable to make severe cuts to vital programs that benefit the majority of Americans at a time when this type of investment is needed the most.

Even ignoring all of these points, a balanced-budget amendment would not even take effect in time to address the budget problems that Americans are experiencing today. In fact, if ratified by three-quarters of the States, the amendment would not take effect until the second fiscal year beginning after ratification, or the first fiscal year beginning December 31, 2016, whichever is later.

The economic problems we are experiencing are a very real threat today. Ignoring all of the fundamental problems with this amendment, it does nothing to address the problems we are having today. Americans are hurting today and we must do what we can today to address these problems. The Balanced-Budget Amendment to our Constitution is not the right solution.

This country is at a crossroad. I am not talking about finances or the economy. I am talking about a fundamental crossroads in beliefs that will affect generations after generations to come. This debate we are having today goes well beyond the national debt. It is about the fundamental beliefs whether or not we want government to provide the vast amounts of public services we enjoy today or to rely on for-profit private entities to provide those services to us on a for-profit basis.

This amendment would force us to shrink government to impractical levels, paving the way for severely reduced public services, very little oversight in the way private entities provide goods and services, and free reign for businesses to operate with the sole purpose in mind of making a profit.

Madam Speaker, I strongly oppose this Balanced-Budget Amendment that is being considered by the House. I implore my colleagues to see reason and oppose this measure that is before us today. It is a radical measure that would prove catastrophic for this country for generations to come.

Mr. BLUMENAUER. Madam Speaker, I oppose this amendment to our Constitution that purports to balance our nation's budget, but instead serves merely as an excuse for Congress to avoid the real responsibilities of governing. When the balanced budget amendment freight train was moving through Congress in 1995 and a number of people piled on, it passed in the House overwhelmingly, but it failed in the Senate by one vote. The only Republican who voted no was Senator

Mark Hatfield. As Chairman of the Appropriations Committee, he was visited repeatedly by some of the most ardent proponents of a "balanced budget," asking him for special treatment so that they might spend more money in their home states. Senator Hatfield recognized that, in his words, a vote for a balanced budget amendment is, "not a vote for a balanced budget, it is a vote for a fig leaf."

Amending the Constitution to require a balanced budget is an irresponsible approach to fiscal discipline. It does not balance the budget; instead, it would restrict the government's ability to provide for the common welfare, to respond to economic crises and natural disasters, and to invest in America. Under a balanced budget amendment, recessions would be longer and deeper because Congress would be forced to raise taxes, cut spending, or both in order to meet the constitutional mandate. This flies in the face of sound economic policy. If the balanced budget amendment were in effect today, it would throw 15 million more people out of work, double the unemployment rate, and slash our economy by 17 percent.

It would also require devastating cuts to critical programs like Social Security, Medicare, and veteran's benefits. No program would be spared: education, job training, natural resources, environmental and financial protection, and transportation would all suffer under spending cuts. Yet a balanced budget amendment would do nothing for the corporate tax loopholes and benefits for the wealthy that cost taxpayers billions of dollars.

A balanced budget amendment limits the government's response to natural disasters. This year alone, our country has experienced flooding, tornadoes, hurricanes and earthquakes that have taken hundreds of lives and caused billions of dollars in damage. Our communities need immediate support to help those who are injured and without a home, and to help clean up the devastation. A balanced budget amendment would tie the government's hands by requiring the slow machinery of Congress to act before relief could be given to suffering families.

A popular argument in favor of a balanced budget amendment is that families across the country must live within their means, and thus, so should Congress. But few families paid cash for their home. And few students paid cash for their college education. Families in Oregon borrow money for important investments that will build their lifetime wealth and improve the quality of their lives. Congress must be able to make similar investments to rebuild and renew America—shoring up the country's crumbling infrastructure, repairing our dilapidated schools, and creating the energy resources that will drive the future of our economy.

Balancing the budget does not require a constitutional amendment. It requires courage and compromise.

After Senator Hatfield courageously voted no on the balanced budget amendment in 1995, Congress in fact was able to move forward to rein in spending and raise an appropriate level of revenue that balanced the budget for four consecutive years. Unfortunately, when Republicans took control of Congress and the Bush administration took power, re-

straint was lost, our nation's wealth was given away, deficits skyrocketed, and their tax cut and spending policies drive our deficit to this day.

A balanced budget amendment is a phony solution. Instead, members of Congress must stand up and work together to provide a balance of increased revenues and sensible spending cuts. Doing otherwise merely avoids our responsibilities and is an insult to the people who sent us to represent them in Congress.

Mr. WAXMAN. Madam Speaker, I am unalterably opposed to this proposed Constitutional amendment. President Obama stated it succinctly earlier this year: "We won't need a constitutional amendment to do our job." He is right. President Clinton and Congress enjoyed balanced budgets in 1998, 1999, 2000 and 2001. The proponents of this deeply flawed and highly dangerous tampering with our Constitution are dead wrong. All that is needed is the responsible exercise of choices about our budget.

This proposed constitutional amendment fails on several counts:

First and foremost, the proposed amendment does not pass the truth in labeling test. There is nothing in it that requires Congress, under any and all conditions, to pass a balanced budget. Under the voting procedures that are established, Congress can pass an unbalanced budget.

Second, there is a dangerous tampering with the fundamental principle of majority rule in the House of Representatives. Today, the majority rules in votes on the budget. Under this proposed constitutional amendment, it will require a three-fifths (60%) vote of the House to pass a budget that is not in balance. The last thing the United States House of Representatives needs is to become more like the United States Senate in its rules for voting on legislation. We need coherence, not paralysis. We elect a President with a majority of the Electoral College. We should certainly be permitted to pass a budget through a simple majority vote in the House of Representatives—just as we do today. That's democracy. This proposed constitutional amendment is undemocratic.

Third, this amendment, by requiring a three-fifths vote in the House to approve any increase in the public debt limit, guarantees an annual repeat of the debacle we experienced this summer. Our debt goes up—or down—based on spending and tax decisions previously taken by Congress. The debt that exists is simply an expression of spending and tax bills already enacted into law. Increasing the public debt should therefore be a simple, technical legislative act. By imposing a supermajority requirement on any increase in the public debt, this guarantees that we will face a recurring risk of default on the full faith and credit of the United States. This summer, we saw fear spread in households across America, and havoc in markets worldwide, out of grave concern over what a default would mean. This amendment would cement such instability into the Constitution itself. To perpetuate uncertainty over whether the United States will default on its obligation is dangerous and irresponsible.

Fourth, this so-called balance budget amendment is, at its heart, a fraud. Section 7

of the proposed amendment provides that the budget is deemed in balance when outlays match receipts—except for revenues derived from borrowing and outlays of interest payments on the national debt. In other words, carrying the national debt does not count. This is not a balanced budget, as payment of the debt will require trillions in spending on interest for decades to come. Even under the draconian Republican budget plan adopted earlier this year by the House, the budget, with all its harsh cuts to Medicare, Medicaid and Social Security, would not approach being truly balanced until the 2030s or later. The House Republicans may want the American people to think this is a vote on a balanced budget constitutional amendment. What they are not telling you up front is that the United States budget will be in deficit for decades even if this becomes part of the Constitution. The American people should not be fooled.

Fifth, this amendment will gravely injure our seniors, and those who rely on Medicare and Medicaid. This amendment will require cuts at least as harsh as those rammed through the House by the Republicans earlier this year.

This will mean the end of Medicare as we know it, and it will be devastating for Medicare beneficiaries. The Congressional Budget Office concluded that the Republican budget, by privatizing Medicare, will more than double beneficiary costs for new enrollees. The average senior will face increased costs of over \$6,000 annually when the program begins. And all of that extra spending by seniors and people with disabilities will go to private health insurance plans. The transfer of seniors into private plans will raise costs by over \$11,000 per beneficiary by 2030. To add insult to injury, the Republican budget reopens the donut hole under the Part D prescription drug benefit, increasing the burden on seniors within 5 years.

For Medicaid, the Republican budget approved by the House was even worse. Medicaid accounts for 43% of total long term care spending in the U.S. But the Republican budget cuts Medicaid in half by 2022, and turns it into a block grant for the states. Moreover, by cutting reimbursement rates, Medicaid will lose health providers. At least 18 million people will be cut off from access to Medicaid. There will be a loss of quality and staffing in nursing homes—which means job losses in the health professions—as well as cuts to programs that provide in-home services to keep seniors independent.

There are other deep flaws in this proposal. The amendment puts our ability to respond to national crisis in a straitjacket. Section 5 of the proposed amendment permits an absolute majority of the House to vote to waive the balanced budget requirement if we are at war. But if we face an economic emergency—like we do today—the balanced budget requirement can only be waived by a three-fifths vote of the House. The economic crisis we face today is at least as significant as the Iraq war—but this amendment would make it harder to respond to recession and unemployment.

Also troubling is the prospect that the courts will become involved in budgets passed by Congress. By placing the budget under a specific constitutional amendment, it is likely that the courts could be asked to rule on whether

a budget, as passed, complies with the requirements of the constitutional amendment. Is it really balanced? If this amendment is passed, we head down a dangerous legal road.

Madam Speaker, this week, 273 organizations representing health, welfare, labor, public advocacy and community groups across the Nation, have written to the Congress to insist that we reject this balanced budget constitutional amendment. Their letter states:

A balanced budget constitutional amendment would damage the economy, not strengthen it. Demanding that policymakers cut spending and/or raise taxes, even when the economy slows, is the opposite of what is needed to stabilize a weak economy and avert recessions. Such steps would risk tipping a faltering economy into recession or worsening an ongoing downturn, costing large numbers of jobs while blocking worthy investments to stimulate jobs and growth and address the nation's urgent needs in infrastructure and other areas . . .

A balanced budget amendment has no place in the Constitution of the United States. Our Constitution has served the nation well because it represents enduring principles that are the foundations of our government. It should not be used as a substitute for real leadership on fiscal policy.

We do not need a constitutional amendment to balance the budget. We do not need to turn the House into the Senate. We do not need to impose inhumane cuts on the most vulnerable in our society. And we do not need to ruin the fabric of the Constitution of the United States of America.

Mr. SENSENBRENNER. Madam Speaker, I rise today in strong support of H.J. Res. 2, which proposes a Balanced Budget Amendment to the Constitution. It's time to tighten the nation's purse strings and keep Washington from spending more than we can afford.

For too long Congress and the President, on a bipartisan basis, have let down the American people in our unwillingness and inability to be responsible with our nation's finances. We have spent too much, borrowed too much, and have failed to face the fact that we can no longer continue to spend money that we do not have. A Balanced Budget Amendment to the Constitution would legally force our government to live within its means. It's interesting to see that while many of my colleagues on the other side of the aisle, including our President, have argued that a constitutional amendment is not necessary, 49 states currently abide by some form of a balanced budget requirement.

President Obama urged opposition to this legislation, clearly showing how out of touch he is. He just doesn't seem to get it. Americans overwhelmingly support a Balanced Budget Amendment to the Constitution because their government has proven that it is unable to be responsible with their money. The arguments against a Balanced Budget Amendment appear to rest on the concerns that this will finally stop out-of-control spending; meaning Congress will no longer be able to spend at will on programs that may be nice to have, but are unnecessary or unaffordable.

The measure on the floor today is a good compromise between those who wanted a stronger Balanced Budget Amendment, and

those who felt such proposals went too far. While I would have preferred the version that placed greater restriction on Congress's ability to tax and spend, I am pleased to support his legislation.

It is simply unfair to continue to pass our financial burdens along to our children and grandchildren. Given Congress's history of not being responsible with the American people's hard earned money, it is time we put in place these limitations on spending. A Balanced Budget Amendment would finally force us to make tough decisions about how we spend our money. This is not a silver bullet; however, it is an important step in controlling spending and restoring confidence among the American people. I strongly support passage of this important legislation, and urge my colleagues to support the bill.

Mr. JACKSON of Illinois. Madam Speaker, I rise in strong opposition to H.J. Res. 2—the Balanced Budget Amendment.

We do need to responsibly reduce our budget deficits and debt, but the best way to do that is by investing, building and growing our economy—or through balanced economic growth—not a Balanced Budget Amendment.

What is the most important question to be raised with respect to the BBA?

We have serious gaps in our society that need to be narrowed: Economic gaps between the rich and the poor—ask the 99%; social gaps between racial minorities and the majority population; gender gaps—women earn 76 cents of what men earn; generational gaps—will Social Security be there for the next generation?; and infrastructure gaps—upgrades to roads, bridges, ports, levees, water and sewer systems, high speed rail, airports and more in order to remain competitive in the world marketplace.

So the most important question is this: How does the BBA narrow these economic, social, gender, generational and infrastructure gaps? It won't! It will exacerbate them!

The BBA will permanently establish the United States as a "separate and unequal" society!

The BBA will balance the federal budget on the backs of the poor, the working class and the middle class.

The Center on Budget and Policy Priorities and Citizens for Tax Justice says the BBA would: Damage our economy by making recessions deeper and frequent; heighten the risk of default and jeopardize the full faith and credit of the U.S. Government; lead to reductions in needed investments for the future; favor wealthy Americans over middle- and low-income Americans by making it far more difficult to raise revenues and easier to cut programs; and weaken the principle of majority rule.

Before we affirm a BBA, we need to consider our future—not just the future of America's debt, but America's future. Do we want a future that is bright with promise? A future with innovation? A future with the best schools, the brightest students, and the strongest and healthiest workers? Do we want to continue to lead the world?

My answer is "yes."

Madam Speaker, I respectfully urge my colleagues to vote "no" on this irresponsible and short-sighted amendment.

Mr. HONDA. Madam Speaker, I rise in opposition to House Joint Resolution 2, the "Balanced Budget" Constitutional Amendment. This misguided proposal would harm our economic recovery by destroying jobs, cutting Medicare and Social Security, and increasing the likelihood that the United States will default on its debt.

With the nation struggling to recover from the economic crisis, the American people want Congress to focus on addressing the root causes of our country's economic hardships, not passing pointless message pieces to satisfy the Republican base that fail to get Americans back to work.

In fact, if we amend our Constitution in the way that H.J. Res. 2 proposes, it will wreak havoc on our economy. If enacted in Fiscal Year 2012, this Balanced Budget Amendment would cost 15 million people their jobs, double our unemployment rate to 18%, and cause our economy to shrink by 17%. As Bruce Bartlett, former advisor to President Ronald Reagan, correctly points out, rapidly cutting spending to balance our budget would throw our country into a recession.

This Balanced Budget Amendment would harm our middle class, seniors, and veterans at a time when they are most vulnerable. This amendment could force Congress to cut all programs by 17% by 2018. Furthermore, it would cut Social Security by \$1.2 trillion, Medicare by \$750 billion, and veterans' benefits by \$85 billion through 2021.

Proponents are suggesting this is a simple balanced budget amendment, but it is not. Instead, H.J. Res. 2 would enshrine in our Constitution a requirement that Congress would need a three-fifths supermajority vote to raise the debt ceiling. This would make permanent the dysfunction we witnessed this summer, which created chaos in our financial markets and nearly unleashed a catastrophic default, and raise the likelihood that our country would default on its debts.

Madam Speaker, this Constitutional Amendment is not only bad for our country, but it is entirely unnecessary. If we want to balance our budget, we should instead allow the Bush Tax Cuts sunset, and bring our wars in Afghanistan and Iraq to an end. This would cut \$5 trillion in spending and leave our country on sounder financial footing without harming our economic growth and our most vulnerable citizens.

This Balanced Budget Amendment would put the federal government under far tighter constraints than States and families operate under every day, and it would open the door to federal courts making the budget decisions that should be made by our elected officials. Our nation needs real legislation that will create jobs and stimulate growth, not a Constitutional Amendment that will cut jobs, kill growth, all in the name of balancing the budget. Our budget problems can instead be resolved in a responsible manner, but this amendment is not it. I urge my colleagues to reject H.J. Res. 2.

Mr. SESSIONS. Madam Speaker, earlier this week the federal budget eclipsed 15 trillion dollars. The passing of this milestone underscores the real, substantive need to address our ballooning debt crisis. It is past time for Congress to take action and put this nation

on a path to fiscal responsibility. That is why today I will vote in favor of a balanced budget amendment to the United States constitution.

Madam Speaker, this country has a spending problem and a balanced budget amendment is the only permanent fix to ensure that we stop burdening our children and grandchildren with a debt they cannot afford. Last year alone, the United States ran a 1.3 trillion dollar budget deficit. That means we spent 1.3 trillion dollars that we do not have. Under this balanced budget amendment, Congress would be forced to live within its means and balance our checkbook, just like millions of Americans across this country. I urge my colleagues to help ensure that America's best days lie in its future and join me in passing this balanced budget amendment.

Mr. STARK. Madam Speaker, I rise in opposition to H.J. Res. 2, the Balanced Budget Amendment. This amendment is just another opportunity for the House Majority to pander to their right wing base instead of focusing on the issue that ordinary families care about—jobs.

The families in my district are concerned about their next paycheck and how they will make that next mortgage or rent payment. Unemployment is unacceptably high, and in California it's even higher than the national average. There are five applicants for every available job. Unemployment benefits are set to expire at the end of the year for 305,000 people in my state, and millions nationwide. Our highest priority should be creating jobs and helping those who need help staying afloat while they search for work.

Instead of creating jobs the Congress is voting on this reckless amendment to the Constitution that would damage our shaky economy and end Social Security and Medicare as we know them. This balanced budget amendment would prevent the U.S. from responding to an economic crisis or making the investments we need to repair our infrastructure. H.J. Res. 2 is designed to guarantee that working families will bear the burden of deficit reduction through steep cuts to vital programs, instead of asking the wealthy to pay their fair share in taxes.

The balanced budget amendment is a distraction. The legislation has no chance of getting 2/3 support in the House and Senate or the support of 3/5 of the states, which is needed for ratification. We certainly won't be seeing a balanced budget amendment added to our Constitution anytime soon. This vote is typical for this Republican Congress. It is no surprise that our approval rating is 9%. Since Republicans took control of the House, the agenda has been dominated by symbolic votes to wipe out environmental protections, eliminate states' abilities to control guns, reaffirm our national motto which no one has threatened, limit access to abortion, weaken social insurance programs, and outsource American jobs.

There are plenty of good ideas to get our economy back on track. We could extend unemployment insurance, create jobs by repairing our infrastructure, and reform our tax code so the wealthy and Wall Street are paying their fair share. This balanced budget amendment doesn't impact our economy at all. Instead, it is a distraction from that work. I urge my colleagues to join me in voting no.

Mr. MICA. Madam Speaker, today I rise in support of the amending the Constitution to include a Balanced Budget Amendment requiring government to live within its means.

This week, our national debt surpassed \$15 trillion. Our nation faces difficult economic times, a good part due to spending beyond our means. Debt per household and for every American is at an unsustainable level and jeopardizes our future. We can balance our budget. I helped and voted for that responsible path which we achieved from 1996 to 2001.

We have today the opportunity to take an important step toward reestablishing fiscal order to our nation. Congress must ensure that the reckless spending and poor choices of today do not doom our children and grandchildren to insurmountable indebtedness.

Having balanced our budgets in the past, and, while it will not be easy, it can be done again. Families and businesses have made the tough choices that are required. Government must now follow.

I strongly encourage my colleagues to support the passage of this resolution and provide Americans the opportunity to vote on a Balanced Budget Amendment. This is a decision not just for the House of Representatives or Congress, but for the American people. History will judge us today on how we have laid the foundation for the success of future generations. I urge my colleagues to make the right choice.

Ms. FOXX. Madam Speaker, today's debate over the balanced budget amendment is highly instructive. It throws the differences between those who believe in limited government and those who believe in an ever-expanding federal government into sharp relief.

This debate brings to mind what American founder Alexander Hamilton wrote in *Federalist Paper 84*.

He said that the Bill of Rights was ". . . not only unnecessary in the proposed Constitution, but would even be dangerous."

He thought that it "would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?"

He made a good point, but the Bill of Rights was adopted and has served to secure many of the liberties we enjoy.

Even though he was somewhat wrong about the Bill of Rights, he was correct in understanding the nature of power and government.

After all, if a power is implied, enthusiasts of big government are bound to leverage the slightest constitutional hiccup into a new "enumerated power." It appears that Hamilton understood very well the tendency of some to rush to the federal government to solve problems, create programs and expand in size and scope. In this sense, Hamilton was correct; the specter of an expanded and powerful central government is one that destroys and suppresses freedom.

That is why this debate over a balanced budget amendment is so important, if only for the sharp contrasts it unveils between the various parties to this crucial debate and the visions for limited government and big government.

Mr. FARR. Madam Speaker, I rise today in strong opposition to the Balanced Budget Amendment. The purpose of Congress is to serve the American people and this Amendment is an unforgiveable disservice to our constituents. Let's look at the facts: the American people want jobs. But this amendment would destroy some 15 million jobs, double unemployment, and contract the economy by an estimated 17%. The American people want security. But this amendment requires draconian cuts to critical lifelines like Medicare, Social Security, and veterans' benefits. The American people want a future for their children. But this amendment blocks investments in education and infrastructure, elevates the risk of federal default, and as Reagan's Economic Advisor Bruce Bartlett said would unquestionably cause another recession. But here's the one thing this Amendment would do for the American people: reinforce their belief that Congress can't get anything good done.

This legislative body is better than that. And it is better than this amendment, which is nothing more than political theater. And at a time of 9% unemployment and a contracted economy, there is no excuse to waste taxpayer dollars on petty political gamesmanship.

Madam Speaker, I urge my colleagues to oppose this amendment and get down to the serious legislative business of restoring order to our fiscal house. I have joined with many of my Democratic colleagues in fighting to stabilize the economy, create jobs, and build a better future for our children and grandchildren. And I will not stop this fight until we have rebuilt our economy so that the men and women of America can get back to work.

Mr. KIND. Madam Speaker, today I rise in support of H.J. Res. 2, the Balanced Budget Amendment.

The Balanced Budget Amendment is now the only check on the last decade Republican fiscal mismanagement. It is a practical solution to the last decade of Republican irresponsible spending. Of course, the easier response than going through the process of amending the U.S. Constitution is reinstituting pay-as-you-go budgeting rules, which I fully support. Unfortunately, my Republican colleagues do not.

Pay-as-you-go budgeting led our country into the healthy economic dynamic we saw in the 1990's under President Clinton. It, too, forced us to make tough decisions about our spending, but led to four years of budget surpluses, 27 million private sector jobs, and excess payments on our national debt. Unfortunately, the Republicans squandered all of that away as they recklessly cast aside fiscal discipline to enter two wars, enact two large tax cuts, and increase entitlement spending, all of which were not paid for. And all of which transformed our country from one with a budget surplus to one with a \$1.5 trillion budget deficit in just eight short years.

I share my colleagues' concerns about the requirement for a supermajority to raise the debt ceiling in light of the irresponsible actions of House Republicans earlier this year when they nearly forced the U.S. Government into default.

We must act with fiscal responsibility and attention to long-term deficit reduction. And time is of the essence for the sake of economic growth and job creation—now and for future generations.

Mr. BURTON of Indiana. Madam Speaker, today the House, as required by the Budget Control Act, voted on a Balanced Budget Amendment (BBA) to the Constitution. It is disheartening that we could not get the required two-thirds votes needed to pass the BBA. With the National Debt topping \$15 Trillion this week and our country continues to reel from the effects of irresponsible government spending, now more than ever, Congress needed to take bold action to permanently stanch the bleeding."

Unfortunately, the BBA was dead on arrival in the House after President Obama announced his formal opposition to the legislation. Today's vote proves that Washington is not serious about solving our Nation's spending problem. Forty-nine out of fifty states have set an example for Washington by passing BBA's of their own. As Hoosier families continue to struggle to live within their means, the President and House Democrats clearly believe those same rules shouldn't apply to Big Government. Washington continues to borrow 40 cents of every dollar it spends, robbing Peter to pay Paul in a vain attempt to perpetuate the existence of the federal government's bloated bureaucracies. The system is broken and they simply refused to see the reason in this common sense measure. The President and his like minded cronies instead have chosen to reduce this debate to election year scare tactics by falsely claiming to seniors that the BBA will kill Social Security and Medicare all the while continuing to stoke the coals of their burgeoning class war, rather than work with their colleagues across the aisle to stave off out of control spending and get American's back to work. In defeating the balanced budget amendment they have made their priorities clear.

Ms. MCCOLLUM. Madam Speaker, I rise in strong opposition to H.J. Res. 2, legislation that would have a devastating effect on the U.S. economy, national security and the well-being of millions of Minnesota families and businesses.

A constitutional amendment that requires Congress to balance the federal budget every year—regardless of economic conditions—would severely damage the U.S. economy. Such a requirement would force Congress to cut spending, raise taxes or both, even when the economy is in recession. That is the exact opposite of what economists recommend in order to escape recession and stabilize a weak economy.

According to new analysis by Macroeconomic Advisers—one of the nation's pre-eminent private economic forecasting firms—a balanced budget amendment would destroy millions of American jobs. Had a balanced budget amendment been in effect today, their analysis concluded that "the effect on the economy would be catastrophic." Assuming the Republicans used spending cuts instead of tax increases to balance the budget this year, the cuts would have totaled approximately \$1.5 trillion. Macroeconomic Advisers determined cuts of this magnitude would throw 15 million more Americans out of work, double the unemployment rate from 9 percent to approximately 18 percent, and cause the economy to shrink by 17 percent instead of growing by an expected 2 percent.

What House Republicans are not telling the American people is that Congress has the opportunity to propose and pass a balanced budget each year. House Budget Committee Chairman PAUL RYAN could have proposed a balanced budget this year—fiscal year 2012—but he did not. The budget proposed by House Republicans delivers another tax cut windfall for America's wealthiest individuals by making the Bush-era tax cuts permanent. To make matters worse, their budget preserves expensive tax breaks to oil companies and corporations shipping jobs overseas. Instead of proposing a fiscal year 2012 budget that puts us on a more sustainable fiscal path, House Republicans chose to continue the same reckless tax policies that have added trillions to our national debt.

In times of recession and weak economic growth, Congress needs the ability to assist struggling families with unemployment insurance and to promote economic recovery by sustaining demand through investments in areas such as transportation infrastructure. In a strong U.S. economy, Congress has the responsibility to reduce expenditures and balance the budget as was done in 1998, 1999, 2000, and 2001 under President Clinton.

Instead of spending two days debating this purely political measure, the House should be focused on debating and passing legislation to create American jobs—including President Obama's American Jobs Act.

I urge my colleagues to join me—and 270 national organizations including AARP, Paralyzed Veterans of America, Easter Seals, AFL-CIO, and the National Committee to Preserve Social Security and Medicare—in strongly opposing H.J. Res. 2.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 2, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds not being in the affirmative, the yeas have it.

Mr. GOODLATTE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules will be followed by a 5-minute vote on adoption of House Resolution 470.

The vote was taken by electronic device, and there were—yeas 261, nays 165, not voting 8, as follows:

[Roll No. 858]

YEAS—261

Adams	Bass (NH)	Boren
Aderholt	Benishke	Boswell
Akin	Berg	Boustany
Alexander	Biggart	Brady (TX)
Altmire	Bilbray	Brooks
Amodel	Bilirakis	Broun (GA)
Austria	Bishop (GA)	Buchanan
Bachmann	Bishop (UT)	Bucshon
Bachus	Black	Buerkle
Barletta	Blackburn	Burgess
Barrow	Boehner	Burton (IN)
Bartlett	Bonner	Calvert
Barton (TX)	Bono Mack	Camp

Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger

Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inlee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson

Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—165

Ackerman
Amash
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney

Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)

DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gohmert
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

□ 1358

Mr. FRANK of Massachusetts changed his vote from “yea” to “nay.”

Mr. INSLEE changed his vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 858, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Madam Speaker, I was absent during rollcall vote No. 858 in order to attend an important event in my district. Had I been present, I would have voted “nay” on the Motion to Suspend the Rules and Pass, As Amended H.J. Res. 2—Proposing a Balanced Budget Amendment to the Constitution of the United States.

Ms. BASS of California. Madam Speaker, on rollcall No. 858 I was unable to be present as I was in California attending a family funeral. Had I been present, I would have voted “nay.”

PROVIDING FOR CONSIDERATION OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations

under that Act, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 167, not voting 27, as follows:

[Roll No. 859]

YEAS—239

Adams
Aderholt
Akin
Alexander
Amash
Amodel
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson

Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)

Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

Womack
Woodall

Yoder
Young (AK)

NAYS—167

Ackerman
Altmire
Andrews
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—27

Baca
Bass (CA)
Butterfield
Capuano
Courtney
Crenshaw
Deutch
Doyle
Ellison

Filner
Gallegly
Giffords
Hirono
Larson (CT)
Marchant
Napolitano
Neal
Nunes

Olver
Pascarell
Paul
Roskam
Ryan (WI)
Sanchez, Loretta
Sires
Tierney
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1405

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RYAN of Wisconsin. Madam Speaker, today, I missed rollcall vote 859. Had I been present, I would have cast the following vote: rollcall 859—H. Res. 470, Providing for consideration of H.R. 3094—“yea.”

Stated against:

Mrs. NAPOLITANO. Madam Speaker, I was absent during rollcall vote No. 859 in order to

attend an important event in my district. Had I been present, I would have voted “nay” on agreeing to H. Res. 470—Rule providing for consideration of H.R. 3094—Workforce Democracy and Fairness Act.

Mr. PASCARELL. Madam Speaker, I missed the last rollcall vote today.

Had I been present, I would have voted “nay” on rollcall vote No. 859, on H. Res. 470—Rule providing for consideration of H.R. 3094—Workforce Democracy and Fairness Act.

Mr. FILNER. Madam Speaker, on rollcall 859, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mr. ELLISON. Madam Speaker, today I inadvertently missed rollcall vote No. 859. Had I been present I would have voted “nay.”

PERSONAL EXPLANATION

Mrs. BIGGETT. Madam Speaker, on rollcall No. 857, I was unavoidably detained. Had I been present, I would have voted “no.”

ADJOURNMENT TO TUESDAY, NOVEMBER 22, 2011

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, November 22, 2011; when the House adjourns on that day, it adjourn to meet at 1 p.m. on Friday, November 25, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Tuesday, November 29, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMERICA'S CUP ACT OF 2011

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “America's Cup Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term “34th America's Cup”

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending

team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term “America's Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term “Eligibility Certification” means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term “supporting vessel” means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title

46, *United States Code*, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, *United States Code*.

SEC. 7. WAIVERS.

(a) *IN GENERAL.*—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, *United States Code*, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) *M/V GEYSIR* (*United States official number* 622178).

(2) *OCEAN VERITAS* (*IMO number* 7366805).

(3) *LUNA* (*United States official number* 280133).

(b) *DOCUMENTATION OF LNG TANKERS.*—

(1) *IN GENERAL.*—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, *United States Code*, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) *LNG GEMINI* (*United States official number* 595752).

(B) *LNG LEO* (*United States official number* 595753).

(C) *LNG VIRGO* (*United States official number* 595755).

(2) *LIMITATION ON OPERATION.*—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the *Deepwater Port Act of 1974* (33 U.S.C. 1502(13)).

(3) *TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.*—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) *OPERATION OF A DRY DOCK.*—A vessel transported in Dry Dock #2 (*State of Alaska registration AIDEA FDD-2*) is not merchandise for purposes of section 55102 of title 46, *United States Code*, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

Mr. LOBIONDO (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, as the largest manufacturing district in the country, and as part of a jobs plan that I think is important for our country, I'm focused on manufacturing throughout not only the country, but specifically Illinois' Tenth Congressional District. That's why I have been focused on science, technology, engineering

and mathematics education, or STEM, so that those that are currently unemployed, or those students who will soon be entering the work force can learn new skills and go into a field with good, high-paying jobs.

In my district, I'm working with high schools and manufacturers on recruiting students to go into STEM fields. We're working on connecting students with manufacturers who are looking for employees.

I want to recognize the efforts of Medusa Consulting, Illinois Worknet and Manufacturing Careers, Incorporated for their leadership in bringing a manufacturing jobs fair to the District 214 Field House in Arlington Heights this upcoming December 5.

I want to encourage my colleagues to support STEM education and to work with their local businesses on hosting these important jobs fairs and manufacturing workshops. This is absolutely critical if we want to get America back to work.

□ 1410

NORTH FOREST INDEPENDENT SCHOOL DISTRICT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, one of the reasons that I rose to the floor of the House to oppose the balanced budget amendment—and I hope the American people and our colleagues can see the value of the vigorous debate, and I applaud the Rules Committee for allowing us the time to deliberate on the issue of the balanced budget amendment—is for the very good reason that my good friend and colleague just spoke about: our young people and opportunities for jobs.

I join him in finding pathways for young people to be transitioned into jobs and others into jobs, along with a college education.

The North Forest Independent School District, a small school district in Texas designated to be closed by Governor Perry's Texas Education Agency, is trying to do just that, to have job training, to have partnerships with the Houston Community College, and I congratulate Mr. Ivory Mayhorn for getting some 7,000-plus signatures to oppose the closing of this school district, a high school that is on the verge of training individuals in the trades and the skills of manufacturing and then bridging them on to community college and then on to college.

We've got to recognize that we've got to build the human resource—and a balanced budget amendment ignores the need to protect Medicare, Social Security, and Medicaid—investing in our children, providing them with the opportunity and the bridge to move on.

So I look forward to working, Mr. Speaker, with the North Forest Inde-

pendent School District and working with this Congress to invest in human resources.

WELD COUNTY, COLORADO

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise to honor the 150th anniversary of Weld County, Colorado. Weld County takes its name from Lewis Ledyard Weld. Weld was appointed by President Lincoln as Colorado's first territorial secretary.

On November 1, 1861, the Colorado Territory's General Assembly officially organized Weld County. This November marks the 150-year anniversary.

As with most Western settlements during the 1860s, Weld County had an extremely sparse population. Today it's got over 250,000 people. From a humble start as an area based predominantly on coal mining, Weld County has flourished with a thriving business sector and strong agricultural economy. In fact, Weld County is the eighth-leading agricultural county in the entire United States and the only county outside of California ranked in the top 10.

From small businesses, great land for farming, Weld County is also home to the University of Northern Colorado and the Pawnee National Grasslands. It's home to over 19 different towns, each one with a unique identity that makes this area of Colorado distinctive. And it's home to thriving energy interests and some of the Nation's leading water pioneers.

One of my favorite events every year is the Fourth of July Greeley Stampede and Parade. It reminds me of what it means to call Colorado home.

Weld County embodies everything that is great about heading West, and I am proud to recognize their 150th anniversary.

SERVING FELLOW AMERICANS ON THANKSGIVING

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, with Thanksgiving approaching, let us think about our fellow Americans and ask ourselves the question, what can we do to serve them this coming week and into the future?

Average incomes for Americans, for the average family, have gone down about 6.7 percent, and we know poverty rates have risen 15 percent. For all of those listening today as we look across our country, think about what you can do this week and every week to help our food banks that are short on supplies across our country. Every class, every religious organization, every person can do something extra to help this

week to give every American a good Thanksgiving.

Think about how you can help a local feeding kitchen. Think about how you might challenge your sports team to go glean in the fields and to collect, if you live in a part of the country where agriculture exists, the extra cabbage, the extra apples that are there and will be plowed under if you don't pick them.

Across our country this is a year when Americans can say to one another, Happy Thanksgiving, we believe in you, we want to help you through these difficult times. It reaches the true heart of the American people, the people full of goodness who know what's right to do. And let's give every American a happy Thanksgiving every day. God bless America.

AMERICAN ENERGY & INFRASTRUCTURE JOBS ACT

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, this week Speaker BOEHNER announced a bill that will be introduced soon to Congress to deal with our jobs issue. It's not one that raises taxes. It's not one which is going to add to the deficit. It is the American Energy & Infrastructure Jobs Act, which will be introduced soon.

It is an act that in part is related to a bill that I have presented in this Chamber for several years now in a bipartisan move to get America back to work.

Instead of importing \$129 billion worth of oil every year and sending them our wealth, it uses our oil off our coasts to create jobs.

Our infrastructure in America has a \$2 trillion pricetag to repair our roads, highways, and bridges. We also still have 14 million Americans out of work and another 10 million looking for work. It's time America got back to work, and we can do it with this bill. I urge all of my colleagues to make sure they're part of this bill when it comes out and get Americans back to work and rebuild America once again.

YUCCA MOUNTAIN

The SPEAKER pro tempore (Mr. LANDRY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, I come down to the floor once a week to talk about the high level of nuclear waste in this country and the fact that this country still doesn't have a single repository to store high-level nuclear waste.

Throughout this last year, I've talked about Hanford, Washington, which has multiple gallons of high-

level nuclear waste. I then went to Zion nuclear power plant right off Lake Michigan to talk about its nuclear waste right next to the lake. A couple of weeks ago, I went to Savannah, Georgia, to talk about the Savannah River and the nuclear power plant that sits right next to the river. Then I went to the Pacific Ocean between Los Angeles and San Diego, San Onofre, where there's a nuclear power plant right on the Pacific Ocean.

Today I take the Nation to Idaho, where Idaho National Laboratory is located, comparing this site, as I do weekly, to the fine location under Federal law in the 1982 Nuclear Waste Policy Act which is Yucca Mountain.

Look at what we have at Idaho National Laboratory. At the national labs we have 5,090 canisters of nuclear waste. Yucca Mountain, none. At Idaho, the waste is stored above ground and in pools. At Yucca Mountain, the waste would be stored 1,000 feet from the surface of the ground. At Idaho, the waste would be 500 feet above the water table. At Yucca Mountain, the waste would be 1,000 feet above the water table. Idaho National Laboratory, 50 miles from Yellowstone Park; Yucca Mountain, the waste would be 100 miles from the Colorado River.

Now, why is it important to address these different locations of high-level nuclear waste across the country? Because there's 104 nuclear reactors in this country, not including all of the high-level nuclear waste that we have at our defense labs, our DOE labs, and the like.

So what this country needs to understand is there's nuclear waste all over the place and next to major population centers and next to major water reserves.

What I've also done in coming down here has been to highlight how do the Senators from the States that surround the Idaho nuclear lab—what are their positions? And their positions are as follows.

Senator BARRASSO from Wyoming is a supporter of Yucca Mountain and has stated that the end result of this saga is a 5-mile long, 25-foot-wide hole in the Nevada desert. It was meant to store America's nuclear waste but instead, because of politics, it stands as a monument to bureaucratic waste of taxpayer dollars.

What does Senator ENZI say, who's also supported and voted for Yucca Mountain in 2002? "In his campaign, President Obama promised change. He promised politics wouldn't interfere when sound science spoke. I'm disappointed that his Yucca Mountain policy ignores that campaign promise."

MIKE CRAPO voted "yes" for Yucca Mountain, and he's disappointed in the administration.

And the new Senator from Idaho, Senator RISCH, says:

"The President's decision to kill the Nation's congressionally directed re-

pository for high-level nuclear waste as a favor to one State is politics at its worst. The Administration's decision to knowingly undermine their commitments to Idaho and 33 other States with no clear alternative cannot stand. This has become a hallmark of this administration, first with the Guantanamo prison site and now Yucca Mountain—to jump without knowing where they are going to land."

□ 1420

The other thing I've been doing has just been highlighting, as I've been taking the country through the high-level nuclear waste areas around this country: Where are the Senators based upon their past votes or current statements?

Right now, we have 17 Senators in support; we have three in opposition; and we have four who really have no defined positions as of yet. Senator FEINSTEIN, of course, has spoken in opposition to Yucca Mountain; but with Fukushima Daiichi and with the fact that she has nuclear power plants on the shore of the Pacific Ocean, I think she is reevaluating that position.

We need 60 votes in the Senate to move forward and to finish the science on Yucca Mountain so that, by Federal law, Yucca Mountain becomes the single repository for high-level nuclear waste in this country.

With that, Mr. Speaker, I yield back the balance of my time.

COMMERCE CLAUSE

The SPEAKER pro tempore. The Chair reallocates the balance of the majority leader's time to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. In Hosea 4:6, God says:

My people are destroyed from lack of knowledge. Because you have rejected knowledge, I also reject you as My priests; because you have ignored the law of your God, I also will ignore your children.

This is a promise from a holy, righteous God who could do nothing else but fulfill that promise. We have to look at this and understand that, in this country, we have a tremendous lack of knowledge about our U.S. Constitution and that we have a tremendous lack of knowledge about the biblical foundations of our Nation and of how our Founding Fathers believed in liberty. We're losing that liberty tremendously because we have a tremendous lack of knowledge.

In Psalm 11, God says:

If the foundations are destroyed, what are the righteous to do?

I believe it's a call to duty to rebuild the foundational principles that are behind liberty.

Sworn officers of the United States—in fact, all public servants—have taken an oath to uphold the Constitution against enemies both foreign and domestic; and for decades, sworn officers

of the United States have been violating that oath to uphold and protect our Nation's most precious document, the U.S. Constitution. Domestically, there are many by their actions, either intentionally or unintentionally, who undermine our governing document.

Every day, officials, ranging from Federal judges to U.S. Senators to Members of the House to leadership, ignore the original intent of our Founders that was put in the Constitution of the United States. The distortion is so great now that there is little correlation between their words and our actions here in Washington, D.C. This has become the norm for today's body of government, but it was not what the great lawmakers of the past envisioned for America's future.

Today, I would like to focus in particular on one clause of the Constitution in which we have seen a dramatic and dangerous distortion of our Founding Fathers' original intent. The Commerce Clause has slowly been eroded by the selfishness of politicians and of the courts alike. Nowadays, it can be carelessly applied to almost any case that expands the size and scope of the Federal Government as it relates to our economy.

Today, I want to walk you through time, starting with our Founding Fathers' original intent for the clause and then moving through the years to point out specific cases that have led to the deterioration of the Commerce Clause. We'll end with a modern-day situation that I know everybody in this country is familiar with—that being the constitutionality of ObamaCare. I hope that all of our viewers will stay with me throughout the hour, because it is so important that you help me to educate the rest of your neighbors, your families, your friends on how the Federal Government has spiraled out of control.

It's up to the American people—the people—to demand that Washington gets back to constitutionally limited government as our Founding Fathers intended. We've gotten away from their thoughts; we've gotten away from their intent of our government; and we see the problems that we have today because of that.

There are many aspects that have contributed to the overreach of today's government, but the single biggest offender has been the ever-expanding interpretation of the Commerce Clause in article I, section 8 of the Constitution. In fact, as an original intent constitutionalist, I say we should not interpret the Constitution; we must apply the Constitution as it was intended.

Article I, section 8 of the Commerce Clause states:

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

So what does it mean “to regulate commerce”?

To understand what is meant by the word “commerce,” a great place to start is with the Constitution, itself.

Article I, section 9 of the document states:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

What does that mean? “Commerce” is between States. Commerce is supposed to go across State lines. That's what “commerce” means. The word “commerce” was regularly understood by both the Framers of the Constitution and the general public at that time to mean “trade between States.”

Now, what about the words “to regulate”?

During that period of time, the term “regulate” meant “to make regular,” not “to control” as it is so often used today. It means to make regular, to make it work, to expand commerce—not to control it. To put it in plain words, the original intent of the Commerce Clause was to make that commerce and trade between the States “normal,” or “regular.” It was designed to promote trade and exchange, not to hinder it with crushing regulations. Moreover, the Framers of the Constitution wanted to make sure that commerce between the States was not limited by taxes or tariffs. Here are some examples of what James Madison and Alexander Hamilton envisioned.

In Federalist 45, James Madison wrote:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite.

I encourage people to read the Constitution of the United States. The 10th Amendment says, if a power is not specifically given to the Federal Government by the Constitution, then the 18 things in article I, section 8—that begin here and end here in this little booklet, these 18 things—are all the Constitution gives Congress the authority to vote upon—18. That's it. National defense—national security should be the major function of the Federal Government. It's certainly not meant to expand beyond what the Constitution says, as James Madison wrote in Federalist 45.

□ 1430

Simply put, Madison was reinforcing the point that the powers of the Federal Government, under the proposed Constitution, should be very limited, while the powers within the States are broad in scope and are more individualized and are extremely broad in character.

Again, the commerce clause was not meant to be stretched as thin as it is today, where it can be applied to almost all forms of economic prosperity

at both the State as well as the Federal levels. We'll get into more specific examples in just a few minutes.

Here is a quote from Alexander Hamilton, one of the Federalists who wanted a strong Federal Government. He wrote in Federalist 11, where he makes the case that the States should have unrestrained economic interaction with each other to, therefore, bolster U.S. productivity and make our exports more desirable to foreign markets:

An unrestrained intercourse between the States themselves will advance the trade of each by an interchange of their respective productions, not only for the supply of reciprocal wants at home, but for exportation to foreign markets. The veins of commerce in every part will be replenished, and will acquire additional motion and vigor from a free circulation of the commodities of every part.

Hamilton felt as though enterprise would have a greater scope from the diversity in the goods of different States. He also felt as though when an industry suffered in one State, it should be able to ask for assistance from other States.

Hamilton went on to say:

The variety, not less than the value, of products for exportation contributes to the activity of foreign commerce. It can be conducted upon much better terms with a large number of materials of a given value than with a small number of materials of the same value; arising from the competitions of trade and from the fluctuations of markets. Particular articles may be in great demand at certain periods, and unsalable at others; but if there be a variety of articles, it can scarcely happen that they should all be at one time in the latter predicament, and on this account the operations of the merchant would be less liable to any considerable obstruction or stagnation. The speculative trader will at once perceive the force of these observations, and will acknowledge that the aggregate balance of the commerce of the United States would bid fair to be much more favorable than that of the thirteen States without union or with partial unions.

He is saying this in an argument geared towards a strong union of Federal Government. But what's he saying there? That the commerce of the States in a whole should be considered. So to sum it up, it is without a doubt that the commerce clause was intended to ensure free trade between the States and to ultimately create the most balanced and desirable American products to sell to foreign buyers.

Let's take a look at some specific cases that led to the destruction of the commerce clause. In the first case, we are going to examine *Gibbons v. Ogden*. This was in 1824. It is the first case in which the commerce clause was broadened beyond its original meaning under the Constitution. Here's a little background on the case:

The State of New York had passed a law granting two operators, Robert R. Livingston and Robert Fulton, the exclusive right to operate steamboats within the waters of the State of New

York. Operators from outside the State of New York wishing to navigate waters within New York were required to get a special permit in order to do so. Aaron Ogden filed suit, arguing that this State-sponsored monopoly was in opposition to Congress' constitutional authority to regulate interstate commerce.

In his opinion, Chief Justice John Marshall ruled that the word "commerce," as found in the Constitution, includes in its definition the transport of goods between States. This ruling is inconsistent with the Framers' intent, as you can see in Federalist 42 when James Madison wrote:

To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors, must appear not less impolitic than it is unfair; since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade.

"Foreign trade," commerce opening up between the States, not control within the States, is what he's saying here.

Madison went on to equate commerce with what he described as "intercourse" between States and wrote that the definition of "among the States," as stated in the Constitution, was quite broad. He wrote:

The word "among" means intermingled with. A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior. It may very properly be restricted to that commerce which concerns more States than one.

As a result, subsequent courts have ruled that Congress has the power to regulate commerce that not only is truly interstate in nature but also commerce which affects more than one State.

As Matthew Clemente of FreedomWorks pointed out in a recent series on how the commerce clause relates to the expansion of the Federal Government through health care, this broad interpretation of the commerce clause has resulted in justifications of a number of Federal laws that regulate purely intrastate activities.

In the end, the Marshall court struck down New York's law because of its view that Congress, not the States, has the power to control navigation within each State so long as it relates to interstate commerce. And this opened the door for even looser readings of the commerce clause in later cases.

So just to quickly recap, in this case the court ruled that Congress has both the power to regulate both commerce that is truly interstate in nature and actions related to commerce which affect more than one State, even if not through one common channel.

But the reality is that in the Federalist Papers, Alexander Hamilton re-

peatedly equates commerce with trade between nations, as we've already seen. He does not ever give it a broader meaning related to activities carried out within each State, which may also affect activities in other States.

Let's look at another case. In this one, it's *Swift & Co. v. United States* in 1905. The case revolved around a number of meat dealers in Chicago that had formed a meat trust in which they agreed not to bet against one another in an effort to control meat prices. At the same time, the members of the trust convinced the railroads to charge them below normal rates to transport their product. The U.S. Government stepped in, attempting to use the Sherman Antitrust Act to break up this trust.

Using the open door left by Marshall's expansion of the language of the commerce clause in *Swift*, the court went a step further and ruled that "activities involved in the 'stream of commerce' were fair game for congressional regulation"—totally against the original intent. In his opinion, Justice Oliver Wendell Holmes wrote that the elements of the meat trust's scheme were such that it was clear that "the participants meant to monopolize the meat trade within the State of Illinois."

Holmes took this observation a step further by saying that while the trust's intention may only have been to create a monopoly within its own State, the trust's "effect upon commerce among the States is not accidental, secondary, remote, or merely probable." He went on to differentiate this case from cases related to manufacturing, stating that "here, the subject matter is sales, and the very point of the combination is to restrain and monopolize commerce among the States in respect of such sales," due to the fact that the meat at issue likely had roots in several different States, not just Illinois, and that its end destination could also have been within a different State, that, in effect, it was affecting the "stream of commerce."

□ 1440

Thus, the ruling in *Swift* had the effect of allowing congressional regulation of actions which could potentially affect commerce in other States—not what actually would affect commerce, but potentially affect commerce in other States—such as the sale of items which could be considered to be within the stream of commerce. Again, a further expansion of the original intent.

Again, to recap what this case has shown us, the court ruled that activities involved in the stream of commerce, or potentially could be involved in the stream of commerce, may be regulated by Congress. But in reality, this decision had the effect of allowing Congress to regulate not just actions which could affect more than one

State, but also actions which are considered to be within the stream of commerce. As a result, it widens the breadth of issues over which Congress might assert authority under the commerce clause, totally against the original intent.

Next in *Stafford v. Wallace* in 1921, we see Congress passed the Packers and Stockyards Act in 1921 to create new regulations on meatpackers in response to charges that their practices were unfair, discriminatory, and encouraged the formation of monopolies.

In *Stafford*, the court reaffirmed its decision in *Swift* that we just talked about, finding that Congress could regulate activities within stockyards—seen as local in nature—because they are a part of a channel of commerce.

Writing the decision, Chief Justice William Howard Taft stated that "the object to be secured by the act is the free and unburdened flow of livestock from the ranges and farms of the West and the Southwest through the great stockyards and slaughtering centers on the borders of that region, and thence in the form of meat products to the consuming cities of the country in the Middle West and East, or, still, as livestock, to the feeding places and fattening farms in the Middle West or East for further preparation for the market."

And he went on to state that in his opinion any practice which "unduly and directly" affects the expenses incurred during the passage of livestock through stockyards is an "unjust obstruction to that commerce," and as a result, Congress has the ability to step in and regulate it.

Here the court rules that the commerce clause allows Congress to act if it believes that a local entity is preventing the "free and unburdened" flow of a good which could have its roots in multiple States, such as cattle moving to stockyards and to packing plants. But in reality, this simply reaffirmed the *Swift* decision which allowed Congress to insert itself into any activity that affects more than one State.

Then in *Wickard v. Filburn*, this case threw open the doors, widely opened the doors to allow Congress to regulate any activity that might relate to interstate commerce. I'm sure the Founding Fathers would roll over in their graves if they knew what kind of power the court bestowed on the Federal Government with the decision in this particular case.

So let me give you a little background information on this case so you can grasp how ridiculous the court's decision was in this case. Roscoe Filburn was a farmer who was penalized by the U.S. Department of Agriculture for harvesting more wheat than he was allotted by a USDA regulation that set quotas for wheat crops. Filburn filed suit, claiming that he was

not going to sell the extra wheat, that he was only going to be using it on his own farm for his own family; and, therefore, the Federal Government should not have any say in the matter. Justice Robert H. Jackson wrote in his opinion that “the commerce power is not confined in its exercise to the regulation of commerce among the States. It extends to those activities interstate which so affect interstate commerce.”

He went on to write, as this poster shows:

Even if an activity be local, and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce.

In other words, anything could be considered under the commerce clause. Anything could be regulated by Congress. Anything. And that's what we see today.

Most recently, in 2005, the court reaffirmed the decision in *Wickard v. Filburn* in the ruling of *Gonzales v. Raich*, which shows the court's anti-original intent interpretation of the commerce clause to date. This, I remind you, was just a few years ago in 2005. This is the widest interpretation of the commerce clause, showing that Congress may not even need to show evidence that an action could affect interstate commerce before it is able to regulate it.

This case also established that Congress needs only to find that a “rational basis” exists for believing that an action could affect interstate commerce in order to regulate it. Again, in this case the court ruled that Congress may regulate any activity which might relate to interstate commerce. How inane. How unconstitutional. The reality is it's just absurd that Congress should have this power under the commerce clause to stop a farmer from using his own crops to feed his own livestock and his own family simply because his doing so may result in his not purchasing wheat from elsewhere within the marketplace.

The cases we just discussed show the court's willingness to use the commerce clause to justify congressional regulation on just about any activity which might affect commerce. However, the Rehnquist court broke from this trend and decided two key cases which limited the use of the commerce clause when the regulation was not firmly based on economic activity. I firmly believe that we need to move even more drastically in the direction that the Rehnquist court established.

In 1995, *U.S. v. Lopez* was the first case where a distinction was drawn between using the commerce clause to regulate economic activity and using it to regulate any activity which could potentially impact commerce.

Alfonzo Lopez was a high school student who was charged with possessing a firearm on school property under the

Gun-Free School Zones Act of 1990. Lopez challenged the act, claiming that the commerce clause does not grant Congress the authority to say where someone may or may not carry a gun. Attorneys for the Federal Government argued that the possession of a gun—and this is just so far out and crazy, it's hard to believe, but this is exactly what they argued—the Federal Government attorneys argued that possession of a gun on school grounds could lead to violent crime—well, the gun doesn't make it lead to violent crime, but that's what they were claiming—and this would increase insurance costs. And it would also deter visitors from coming to the general area, thus dampening the local economy. They also argued that students who fear violence at their schools are more likely to be distracted in the classroom, resulting in a less-educated workforce and an overall weaker national economy. Boy, that's far reaching, but this is what your Federal Government attorneys argued in this case.

In his opinion, Chief Justice William Rehnquist wrote:

The possession of a gun in a local school zone is in no sense an economic activity that might substantially affect any sort of interstate commerce. To uphold the government's contentions here, we would have to pile inference upon inference in a manner that would bid fair to convert congressional authority under the commerce clause to a general police power.

We have seen that over and over where Congress has generated a bigger and bigger Federal criminal justice system under the Commerce Clause when we have absolutely no constitutional authority to do that.

□ 1450

Rehnquist went on to say:

Congress could regulate any activity that it found was related to the economic productivity of individual citizens: family law, including marriage, divorce and child custody, for example. Under theories, it is difficult to perceive any limitation on Federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.

And he is absolutely correct. He added:

Admittedly, some of our prior cases have taken long steps down that road, giving great deference to congressional action, but we decline here to proceed further.

The quote on this poster shows Rehnquist admitting how in cases I have already talked to you about, the cases in the past, the Commerce Clause has been stretched very thin and often misapplied. In *Lopez*, Rehnquist ruled that Congress may not use the Commerce Clause to regulate noneconomic activity, even in cases where it could find a tangential connection between that activity and the health of the economy at large.

U.S. v. Morrison, in 2000, built on the findings of *Lopez* and reaffirmed the Court's opinion that Congress could not reach to the Commerce Clause to regulate activity which only tangentially touched interstate commerce.

In 1994, Christy Brzonkala was sexually assaulted by two of her college classmates. She filed suit against them under the Violence Against Women Act of 1994, which provided a Federal civil remedy for “victims of gender-motivated violence.” Her classmates argued that Congress had no authority to regulate violence against women under the Commerce Clause. Attorneys for the Federal Government argued that gender-motivated violence, and the fear of such violence, substantially affects interstate commerce.

Again writing the opinion of the Court, Chief Justice Rehnquist stated:

The Violence Against Women Act is supported by numerous findings regarding the serious impact that gender-motivated violence has on victims and their families.

And it certainly does.

But the existence of Congressional findings is not sufficient, by itself, to sustain the constitutionality of Commerce Clause legislation. As we stated in *Lopez*, “simply because Congress may conclude that a particular activity substantially affects interstate commerce does not necessarily make it so.”

He added:

Thus far in our Nation's history our cases have upheld Commerce Clause regulation of intrastate activity only where that activity is economic in nature.

In this case, the Court ruled that Congress is not able to use the Commerce Clause to regulate noneconomic behavior. At the same time, the Constitution delegates such regulation to the States as an exercise of the State's police powers, not the Federal Government's, but the police's, the State's police powers.

This particular case is just chock full of great quotes, and I'd like to just take a few minutes to read some of them, the first being on this poster.

The Constitution requires a distinction between what is truly national and what is truly local.

Given petitioners' arguments, the concern that we expressed in *Lopez* that Congress might use the Commerce Clause to completely obliterate the Constitution's distinction between national and local authority seems well founded.

The next quote out of that decision reads:

If accepted, petitioners' reasoning would allow Congress to regulate any crime as long as the nationwide, aggregated impact of that crime has substantial effects on employment, production, transit, or consumption.

He went on to say:

Indeed, we can think of no better example of the police power, which the Founding Fathers denied the Federal Government and reposed in the States, than the suppression of violent crime and vindication of its victims.

Lastly, Rehnquist closed this case by saying this:

If the allegations here are true, no civilized system of justice could fail to provide her a remedy for the conduct, but under our Federal system that remedy must be provided by the State and not by the United States.

As you can see through Rehnquist's decisions in these two cases that we just talked about, the Commerce Clause cannot and should not be utilized to expand the police powers of the Federal Government. The crimes in these cases that were treated as Federal crimes should have been handled either by the State or locally. We do not have constitutional authority to create an ever larger Federal criminal justice system. In fact, initially, there were only three Federal felonies: treason, piracy, and counterfeiting. And that is counterfeiting against coinage, money.

Now let's come to an issue that is important right now. It's one of the biggest assaults on freedom to date, and one of the worst perversions of the Commerce Clause that I have ever seen. And I'm talking about the Patient Protection and Affordable Care Act, commonly known as ObamaCare.

Using the decisions in *Lopez* and *Morrison*, it is clear that Congress lacks the authority to institute the individual mandate set forth in ObamaCare, as well as all the State mandates that are in that law.

The individual mandate requires all citizens to have some form of health insurance, whether they want to have it or not. Chief Justice Rehnquist made it clear in *Morrison* that just because Congress has stated that it has an interest in regulating what kind of health care Americans purchase—or whether they purchase it at all, whether they purchase it or don't purchase it—does not make it so.

And it is not a stretch to infer from Rehnquist's decision that he would have also struck down the individual mandate, especially given the fact that he opposed the idea of the Commerce Clause allowing Congress to regulate anything that could have a substantial effect on employment, production, transit, or consumption.

In a series of articles written by Matthew Clemente of FreedomWorks, he argues that even in the wildest expansions of the Commerce Clause, the cases all involved an individual or company which was proactively trying to engage in commerce.

Here, we see the opposite. Individuals are being told that in order to go about their lives free from penalty, they must purchase a certain product.

Folks, this is socialism. This is not freedom and liberty. The argument has never been made that the Federal Government can mandate that all citizens must purchase a certain product. My Democrat colleagues mandated it through this bill, through this law, that the President has demanded, ObamaCare. If Congress wants to pro-

mote the purchase of health insurance in a constitutional way, it should pass legislation which is constitutional under the original intent of the Commerce Clause that would allow individuals to buy coverage across State lines. This would adhere to the original intent of the Constitution and would allow people to buy insurance, health insurance, at a much lower price than they can today and would get a whole lot better products.

Congresses, Presidents, court judges, every public official in this country swears an oath. I swore the oath when I was sworn into the United States Marine Corps in 1964.

□ 1500

I swore the same oath in 2007, when I came and stood behind this podium. In 2007, I swore to that oath, in 2009, and 2011. Every Member of this body swears to uphold and protect the Constitution against enemies both foreign and domestic.

We have a lot of domestic enemies of the Constitution. A lot of those domestic enemies of the Constitution are wearing black robes and they're sitting on benches in Federal courts all across this land. They have violated their oath of office. Every Member of this body swears to uphold the Constitution. There's violation after violation that occurs right here on this floor.

Think about it: if we don't have a solid foundation upon which to build all our laws, all of our society, then we have no foundation at all and the society is going to fall; it's going to fail. As we read in Proverbs, God says:

There is a way that seems right in the eyes of man, but its path is the way of death.

It's going to be the death of this Nation.

I hear colleagues, particularly on the other side, say the Constitution is a living and breathing document; the Supreme Court is the final arbiter of what is constitutional. And that, my friends, is not factual. The only arbiter of what is constitutional or not is the Constitution and what our Founding Fathers said about it.

If we don't restore a constitutionally limited government, we're going to lose our freedom, we're going to lose our liberty. The bright and shining star of liberty that's been over this Nation for over 200 years is upheld by six pillars. The first of those is a constitutionally limited government as our Founding Fathers meant it. The second one is the free enterprise system, uninhibited by taxes and regulation. The third is the rule of law, where everybody, every entity in this country is treated equal under the law. And certainly we're not being treated equally under the law today.

The fourth is property rights, where people can own and control their property and government cannot interfere with that ownership. And if it does, if

it takes it or devalues it, the Constitution says that they should be appropriately compensated for the loss or the devaluation of that private property.

The fifth pillar that holds up that bright and shining star of liberty is the pillar of personal responsibility and accountability. And the middle pillar that holds up the center of the star of liberty is the pillar of morality. In fact, John Adams said our Constitution is written for a moral and religious people. It is wholly inadequate for the governing of any other. I hear colleagues say, well, you can't legislate morality. They are so wrong. Every law, every piece of legislation, no matter what level of government, is somebody's idea of what's right and what's wrong.

Every law is legislating morality. Our Nation was founded on the premises of Biblical truths, on the Judeo-Christian principles that have made this country so great and have given us the liberty that we have as a Nation.

But, friends, we are standing right on a precipice. We are staring down into a deep, dark chasm of socialism. And the question is, are we going to be pushed off, are we going to leap off and fall into that deep, dark chasm of socialism, where we're going to lose our freedom and liberty? Or are we going to turn around and march up the hill of liberty and regain for this Nation what our Founding Fathers fought and died and sacrificed so nobly for, that liberty? It's up to us.

Right now, today, we are getting the kind of government that the American people have allowed or demanded. We cannot afford to do so anymore. We have to turn around and march up that hill of liberty and reclaim it and start rebuilding those six pillars of liberty that are being eroded. They're being eroded by Democrats and by Republicans, by conservatives and liberals alike.

Going back to that first poster I put up here where God talks in Hosea 4:6, He says, "My people are destroyed for a lack of knowledge." We have a tremendous lack of knowledge of how we've gotten away from the intent of the Constitution. Even lawyers and justices and judges don't have a concept of the original intent of the Constitution. In fact, in most law schools in this country, even in the course of constitutional law they do not teach the Constitution, they do not teach the original intent. They do not teach the principles that have made this country so powerful, so rich, so successful as a political experiment, the greatest of all of human history.

What do they teach? They teach case law, where Justices in the Supreme Court have ruled on the constitutionality of a case and have ruled unconstitutionally. They should be removed from office because they're destroying our liberty, they're destroying

our freedom. And it's up to the American people to say, no, we're not going to put up with this anymore; we're going to make a change.

You see, the most powerful political force in this Nation is embodied in the first three words of the U.S. Constitution: "We the people." We the people can make a difference. I want to remind you of what one U.S. Senator, Everett Dirksen—former U.S. Senator—at one time said. He said when he feels the heat, he sees the light. What he means is if he's heading in one direction and enough of his constituents contact him and say, buster, you're heading in the wrong direction, if enough people contact him, because he's going to stand firm on the principle of his reelection, then he will begin to see the light.

There are Members of this body and the one across the way in the U.S. Senate, as well as Presidents and our Presidential candidates, that need to feel the heat. They need to feel the heat of liberty. They need to feel the heat of "we the people" that demands that different kind of governance, demands going back to the original intent of the Constitution. Because if we don't, our children and our grandchildren are going to live in a socialistic state such as we see in Cuba and Venezuela, we saw in Communist China and the Soviet Union.

We the people have to get up in arms and start building grass fires of grass-root support all over this country for candidates and for Members who are already elected and say we're not going to put up with this anymore.

The only arbiter of the constitutionality is the Constitution and what was meant in the Constitution by those who wrote it. Now, I'm asked all the time, PAUL, you weren't around then, how do you know what they meant? Our Founding Fathers didn't have video games and TV and the Internet. They wrote. They read. I encourage American citizens all over this country to read, read what our Founding Fathers said about the Constitution. Read what they meant by it. Because if we are destroyed by a lack of knowledge, if you turn that around, think about it, we're not destroyed with knowledge.

Then you go on in Hosea 4:6, God says He's going to ignore our children, He's going to reject our children. The future of this Nation depends upon we the people standing firm and saying we're not going to put up with this anymore. We're going to go back to the original intent. We're going to do the hard work of knowing what our Founding Fathers said. We're going to do the hard work of demanding of our elected representatives that they stand by the principles, the foundations that have made this country so great, so powerful, so successful.

□ 1510

There are many Members of this body that need to feel the heat. There

are many of the people in this body that need to see the door because they don't stand on the Constitution, they don't uphold the oath of office, they don't do what they have promised their constituents and the American people that they're going to do.

There are judges all over this country, Federal judges, that need to be impeached and removed from office because they're not upholding the Constitution. They're not defending the Constitution. They're not doing what they promised that they would do. They're violating their oath of office.

It has to stop, and the only way we're going to stop it is for we the people to stand up and say, no more. We're not going to elect anybody who's not going to uphold the Constitution in its original intent. We've got to get the hard work done of restoring those six principles, the six principles that have upheld that bright shining star of liberty over this country for so long.

And I'm excited because we see grass roots all over this country beginning to rise up. We see a sleeping giant that's beginning to wake up and stretch its arms and legs and beginning to walk. The press calls it the Tea Party. Well, there's not a Tea Party. There are many tea parties. There's FreedomWorks, there's Americans for Prosperity. There are groups, grass-roots groups like the NRA and Gun Owners of America and Right to Work and other groups that believe in the Constitution.

We're beginning to see the sleeping giant of we the people waking up. It's time to not only wake up and stretch our arms and legs and to walk, but we've got to run. We've got to do the hard work of re-establishing liberty in this country.

We're losing our liberty, friends, and we're going to lose it all. We're standing on that precipice staring down in that deep, dark chasm of socialism. Are we going to allow ourselves to be pushed off by courts, by Congresses, by Presidents, Democrats and Republicans alike?

Or are we going to turn around as a people and demand liberty and start marching up that hill of liberty? It's going to be a mountain climb, but we can do it.

I'm excited because I see that great sleeping giant, the most powerful political force in America, embodied in those first three words of the U.S. Constitution, We the People. Our Founding Fathers believed in we the people. That's the reason, when they wrote the document they put the letters in such large script, much, much larger, probably four or five times larger than the rest of the text in the document, because we the people is the key, that force of we the people.

So the question I have to ask today, Are we going to jump or be forced down into that deep, dark chasm of social-

ism, or are we going to be a free people? Are we going to demand the liberty?

It's up to each and every freedom-loving citizen in this country today to demand a different kind of governance. I believe we can do it, I believe we will do it because we the people love liberty in America. And I'm trusting in we the people to do the right thing and demand constitutional limited government at all levels.

God bless you, and God bless America.

I yield back the balance of my time.

THE CRITICAL ROLE OF THE FEDERAL GOVERNMENT IN SUPPORTING BIOMEDICAL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY. Mr. Speaker, last year, when I was chair of the Joint Economic Committee, we held a hearing on the pivotal role of government investment in basic research. We found that basic research spurs exactly the kind of innovations that business leaders, academics and policymakers have all identified as critical for our Nation's economic growth.

But we also found that the private sector tends to underfund basic research because it is undertaken with no specific commercial applications in mind. Businesses, understandably, concentrate their research and development spending on the development of products and processes that may have direct commercial value.

A report produced by the Joint Economic Committee showed that the Federal Government funds almost 60 percent of basic research in the U.S. and highlighted one study that estimated that actual R&D expenditures in the United States may be less than half of what the optimal levels would be.

We are now engaged in an important national debate about how much and where to cut Federal spending. And I wish to make the case for how reckless and shortsighted it would be to cut into the budget lines that fund the kind of vital, basic research that led to discovery, innovation, and economic growth, because doing so would be, as that bit of old folk wisdom goes, like cutting off our nose to spite our face.

Take the budget for the National Institutes of Health, for example. The NIH strongly supports the kind of basic scientific research that may not be directly useful in creating practical products yet, but it's precisely this kind of research that can lead to the future development of new and undreamed of biotech and pharmaceutical advances. It is work that can lead to

the kind of advances that will allow the establishment of new products, grow new businesses, and produce private sector jobs.

Studies have shown that the money we spend supporting such scientific research is one of the best investments our country can make. For instance, out in Los Angeles, UCLA generates almost \$15 in economic activity for every taxpayer dollar that it invests, resulting in a \$9.33 billion, with a B, impact on the Los Angeles region.

In Houston, Texas, the estimated economic impact of Baylor is more than \$358 million, generating more than 3,000 jobs.

In my own district in New York, Dr. Samie Jaffrey, a pharmacologist and faculty member at Weill Cornell Medical College, has just recently developed a promising new technology for studying RNA in cells and has just started a biotech company, all with NIH support.

Time and time again, basic research has been a game changer and an economic incubator. Take the biotechnology company Genentech as an example. It was founded on discoveries that were made within our universities, and those discoveries were made with financial support of grants from the National Institutes of Health. And those Federal funds proved to be a very good investment.

Genentech has created over 11,000 jobs, and the company created products that have had major effects on the health and economic well-being of our Nation. Genentech developed drugs that treat certain leukemias and arthritis and breast cancer.

NIH-funded research has also had a major impact on the lives of those suffering from multiple sclerosis. MS is a painful, painful disease that often strikes young women with children. Thanks to NIH research, drugs have been developed that are now in the marketplace that mean MS patients now live longer and have higher quality lives.

Since 1970, over 150 new FDA-approved drugs and vaccines or new indications for existing drugs have been discovered in university laboratories, most funded by NIH. And millions of Americans are hoping that somewhere, just over the horizon, there will be new discoveries and new breakthroughs leading to more effective treatments for cancer, Alzheimer's, Parkinson's, AIDS, autism, bacteria, ADHA, schizophrenia, depression and much more.

□ 1520

But treating these and other diseases will depend on discoveries yet to be made. Discoveries of basic science. Discoveries that can only be made with Federal funding and the work of agencies like the NIH. I suspect that to some this might just sound like pie in the sky.

But just think back into our not too distant past. Think back to the polio of the 1950s, to the children who were crippled and to the patients in iron lungs. Think about 30 years ago, when almost all the children who were diagnosed with non-Hodgkins lymphoma were not expected to live more than 5 years. Think back to the time when AIDS was the equivalent of a death sentence. Polio is now eradicated. The 5-year survival rate for NHL is over 84 percent, and AIDS is treatable, survivable.

This is all because of basic research, much of which was funded by the NIH. Because of the basic research we have funded and made possible. Because of our past investments in our Nation's future. The Founding Fathers had the wisdom and the foresight to write into the Constitution a role for the Federal Government in promoting the progress of science and useful arts. If we are to remain competitive in the global economy, if we hope to remain a leader in biotechnology, if we hope to continue to advance the world's understanding and treatment of diseases such as cancer and Alzheimer's disease, we must continue to invest in the basic research and in the dedicated young scientists who make it all possible.

I yield back the balance of my time.

THANKSGIVING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

Even though this body is composed of a lot of people who have a lot of different political steadfast beliefs, it is still an honor and pleasure to serve with friends like CAROLYN MALONEY.

So it is an honor to serve, and even though we disagree sometimes on the way we get to the end, I know that, for example, Mrs. MALONEY's heart is always in the right place.

It is a pleasure to serve with her.

Mrs. MALONEY. Will the gentleman yield?

Mr. GOHMERT. Certainly.

Mrs. MALONEY. I would like to thank you for that very kind statement, and I look forward to finding common ground on things we can agree on and work to help the economy and growth of this great Nation, and I hope you can help and support the funding of NIH and basic research which has been so helpful to your great State and your great universities and scientists.

Mr. GOHMERT. Thank you. I certainly appreciate my friend from New York.

There are some areas of research that if the Federal Government doesn't do it, it's not going to get done, and I'm sure there are areas we can certainly agree on.

BALANCED BUDGET AMENDMENT

Mr. GOHMERT. I wish I were coming to the floor just full of excitement because we had a vote today on the balanced budget amendment. I came to Congress nearly 7 years ago believing we needed a balanced budget amendment, knowing that Thomas Jefferson regretted not having one, that Ronald Reagan wished there had been one. But since I have been in this body, it has become abundantly clear that this body is more likely to have the will to raise taxes than it is to cut spending.

I came here not believing that that was the case. But after we added over 80 fantastic freshmen coming up here with the right motivation, wanting to get our fiscal House in order, knowing that we went from 2006, when we were last in the majority before this year, when we spent \$160 billion or so over what we took in, and then, because we didn't have our fiscal house in order as the Republican majority, it's my belief that's the reason, the biggest reason, actually, that the public turned over the reins to our Democratic friends. We haven't done a good job of avoiding overspending.

But also in 2006, November, when we lost the majority, I would never have believed that we would go from a time when we were spending \$160 billion more than we were bringing into the Treasury in just a few short years to spending a trillion dollars more than we were bringing into the Treasury. That was just unfathomable. And it appeared very clear that after a year ago, when the majority—we were in the minority at the time—made a pledge, we were going to return to pre-bailout, pre-stimulus spending, and in the first year, we pledged we would cut \$100 billion.

And here we are, we have just at the end of September finished the fiscal year of 2011, and we really didn't make any cuts. The jury's out. Initially we were told we may save \$27 billion over the year before. It is just chicken feed when you're bringing in \$2.2 trillion or \$2.3 trillion and you're spending about \$1.3 trillion more than that, \$3.6 trillion, \$3.7 trillion. And all we could find to cut was \$27 billion?

Then we have had more recent word that we may not even save that much. Some have told me that actually we may have spent just a hair more than we did.

So it became abundantly clear to me, and I know that my friend, Chairman PAUL RYAN, voted against the balanced budget amendment because he knew it ought to have more restraint on spending in there, a spending cap. And Mr. AMASH, I haven't talked to him about his reasons for voting no, and Mr. DREIER, who doesn't believe we should have one at all.

It's really not fun not voting with the people that you serve with, that you're in the same party with. You

share so much in the way of common experiences. Because I am a strong advocate for a balanced budget amendment.

But the bill on the floor today did not have a spending cap. This past year, we had just witnessed the largest wave election since the 1930s. And all of the over 80 new freshmen came forward with one central charge: stop the wasteful government spending.

Following a pledge to make massive cuts in spending, it really appears that Congress finds it easier to talk about “new revenue” which is just code for more taxes, than to cut spending.

It doesn't live up to the pledge that we made.

We made a pledge to the American people to restrain government and to get our fiscal house in order. And we should be doing it. Eleven months into this majority, we should have made more progress than we have.

President Obama has ramped up spending with the help of former Speaker PELOSI, Leader REID, both majorities in the Houses when they were Democrats, by over an additional trillion dollars. It's far more than the Democratic Congress increased the debt under President Bush in 2007 and 2008.

□ 1530

It just is mind-boggling that we could not find enough Members to return even to the liberal Democratic spending of 2007 or 2008. It's clear that, if we had passed a balanced budget amendment without at least having a spending cap, then future Congresses would use the requirement of a balanced budget to increase taxes in order to balance the budget.

We are already at a point at which almost 50 percent of the American public is not paying income tax. We are on the threshold of arriving at that point beyond which no representative societies have ever been able to come back to greatness. When one more than half who is voting is receiving more from the government than they're putting in, you're done. You're doomed. It's over. All that's left is the slow walking and the low talking, but you're virtually at the end.

And we are getting close.

On Wednesday, the national debt exceeded \$15 trillion, which left the United States with one of the highest public debt-to-GDP ratios in the world. This \$15 trillion mark further enhances the uncertainty that is thwarting our economy from moving ahead. It's apparent America is on a route headed for ruin, and if we continue to spend more money that we don't have, we will arrive at that destination.

Washington, this government, needs to stop the runaway train of spending. This President's policies have added \$4.4 trillion to the national debt, all in a fraction of the time that that debt

accumulated under President George W. Bush. If we'd at least had a spending cap as part of the balanced budget amendment, which wasn't even demanding the two-thirds supermajority in order to raise taxes—just a spending cap, make it a relevant spending cap—then what we voted out of committee in the regular order—which we promised that we wouldn't bring bills to the floor unless they went through the regular order—produced a balanced budget amendment that had a two-thirds requirement in the way of a vote before taxes could be raised. It had an 18 percent spending cap, where 18 percent of the GDP was the most we could spend. That was produced through the regular order, but that's not what we voted on here today.

I deeply regret having to vote “no,” but I've seen what we're capable of and what we're not; and we need it in the Constitution that the budget must be balanced and that a spending cap must be there.

Some have said, Well, States don't really have a spending cap. They can't print their own money. They can't go out and borrow money the way we do in the Federal Government. It's different, and it needed to be addressed differently.

We were told, Well, we had to vote for this as Republicans because it's the only one that had a chance to pass. Then, on further inquiry, we were told the people who were saying that didn't believe it was going to pass the Senate, that they knew it wouldn't pass in the Senate, and didn't think it had much chance of passing in the House. Then why weren't we pushing what came out of regular order?—which is what I think most of the Republicans believed was the best bill.

I don't know.

I also know, in going back through this country's history, that, even during some of its most difficult and darkest days, there was a day set aside, sometimes many days set aside, for thanksgiving.

Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman has 19 minutes remaining.

Mr. GOHMERT. I want to share a Proclamation of Thanksgiving from the year 1798, signed by President George Washington.

In 1798, it was toward the end of President Washington's time as President. It was a difficult time; we were not a strong Nation. We were struggling, and some thought we ought to run to the aid of France; but their convictions in France did not appear to be based on sound doctrine and a desire for liberty. There was too much envy and jealousy involved in that revolution, and we were not a strong Nation.

Despite all the difficulties in the United States in those early days, George Washington proclaimed the following:

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and whereas both Houses of Congress have, by their joint committee, requested me to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favor, able interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Signed by George Washington in 1798.

But in the darkest throes of this country, in 1863, during a war that saw the death of more Americans than in any war in our history—more than the Revolution, more than World War I, World War II, Vietnam, Korea, more than any of the wars—the Spanish-American War—there was this proclamation from President Abraham Lincoln simply entitled “A Proclamation.”

Lincoln said this:

The year that is drawing towards its close, has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added, which are of so extraordinary a nature, that they cannot fail to penetrate and soften even the heart which is habitually insensible to the ever watchful providence of Almighty God.

In the midst of a civil war of unequalled magnitude and severity, which has sometimes seemed to foreign States to invite and to provoke their aggression, peace has been preserved with all nations, order has been maintained, the laws have been respected and obeyed, and harmony has prevailed everywhere except in the theatre of military conflict; while that theatre has been greatly contracted by the advancing armies and navies of the Union. Needful diversions of wealth and of strength from the fields of peaceful industry to the national defence, have not arrested the plough, the shuttle or the ship; the axe has enlarged the borders of our settlements, and the mines, as well of iron and coal as of the precious metals, have yielded even more abundantly than heretofore.

Population has steadily increased, notwithstanding the waste that has been made in the camp, the siege and the battlefield; and the country, rejoicing in the consciousness of augmented strength and vigor, is permitted to expect continuance of years with large increase of freedom. No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy.

It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and one voice by the whole American People. I do therefore invite my fellow citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next, as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty Hand to heal the wounds of the nation and to restore it as soon as may be consistent with the Divine purposes to the full enjoyment of peace, harmony, tranquillity and Union.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done at the City of Washington, this Third day of October, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the Eighty-eighth.

By the President: Abraham Lincoln.

□ 1540

We all know—or hopefully most know that John Hancock presided over the Continental Congress from which we got the Declaration of Independence. In 1791, he was Governor of the Commonwealth of Massachusetts and signed this proclamation, from John Hancock:

In consideration of the many undeserved Blessings conferred upon us by God, the Father of all Mercies; it becomes us not only in our private and usual devotion, to express our obligations to Him, as well as our dependence upon Him; but also specially to set a part a day to be employed for this great and important purpose: I have, therefore,

thought fit to appoint, and by the advice and consent of the council, do hereby accordingly appoint, Thursday, the seventeenth of November next, to be observed as a Day of Public Thanksgiving and Praise, throughout this Commonwealth: Hereby calling upon ministers and people of every denomination, to assemble on the said day—and in the name of the Great Mediator, devoutly and sincerely offer to Almighty God, the gratitude of our hearts, for all His goodness towards us; more especially in that He has been pleased to continue to us so a great a measure of health—to cause the Earth plentifully to yield her increase, so that we are supplied with the Necessaries, and the comforts of life—to prosper our merchandise and fishery—and above all, not only to continue to us the enjoyment of our civil rights and liberties; but the great and most important blessing, the Gospel of Jesus Christ: And together with our cordial acknowledgments, I do earnestly recommend, that we may join the penitent confession of our Sins, and implore the further continuance of the divine protection, and blessings of heaven upon this people; especially that He would be graciously pleased to direct, and prosper the administration of the Federal Government, and of this, and the other States in the Union—to afford Him further smiles on our agriculture and fisheries, commerce and manufactures—to prosper our university and all seminaries of learning—to bless the virtuously struggling for the rights of men—so that universal happiness may be allies of the United States, and to afford His almighty aid to all people, who are established in the world; that all may bow to the Scepter of our Lord Jesus Christ, and the whole Earth be filled with His glory.

And I do also earnestly recommend to the good people of this Commonwealth, to abstain from all servile labor and recreation, inconsistent with the solemnity of the said day. Given at the Council-Chamber, in Boston, the fifth day of October, in the year of our Lord, One Thousand Seven Hundred and Ninety-One, and in the sixteenth year of the Independence of the United States of America.

This is from James Madison, the fourth President, 1815. Many credit James Madison as being the most productive person in the writing of our United States Constitution. The greatest building block for any Nation in the history of man.

This is James Madison's proclamation:

No people ought to feel greater obligations to celebrate the goodness of the Great Disposer of Events of the Destiny of Nations than the people of the United States. His kind providence originally conducted them to one of the best portions of the dwelling place allotted for the great family of the human race. He protected and cherished them under all the difficulties and trials to which they were exposed in their early days. Under His fostering care their habits, their sentiments, and their pursuits prepared them for a transition in due time to a state of independence and self-government.

Signed James Madison, fourth President, March 4, 1815, Thanksgiving Day proclamation.

And then in conclusion:

Know that the Lord Himself is God; It is He who has made us, and not we ourselves; We are His people and the sheep of His pasture. Enter His gates with thanksgiving and

His courts with praise. Give thanks to Him, bless His name. For the Lord is good; His loving kindness is everlasting and His faithfulness to all generations.

Mr. Speaker, it is the wish here that you and all those in this body and around the country have a wonderful day of Thanksgiving in the week ahead.

With that, I yield back the balance of my time.

THE FAIR TAX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. Mr. Speaker, this is my first time down here as a freshman during Special Orders, my first time trying to coordinate charts and talk the talk and walk the walk all at the same time.

But I'm excited about it because I'm down here to talk about the Fair Tax. And if folks don't know what the Fair Tax is, it's H.R. 25. You can find it at www.thomas.gov, that site that everybody should have bookmarked if you care about what goes on here on the House floor. Because if you don't know, everything that goes on here is available in realtime at www.thomas.gov. It's done through the Library of Congress. It's not a Republican thing or a Democrat thing. It's just the real deal, what's actually happening down here.

And if you go and you look up H.R. 25, it's the Fair Tax. What the Fair Tax is is a bill that repeals all income-based Federal taxes and replaces them with consumption-based taxes.

Now, my friend from Texas (Mr. GOMMERT) was just down here on the House floor, Mr. Speaker. He was talking about our Founding Fathers and those things that were happening between 1776 and 1787. And in that time, we funded all the Federal Government with consumption taxes—it was not income taxes; it was consumption taxes—under the theory that if you had enough resources to go out and buy that silver tea set from England, then you had enough resources to help fund the Republic. And if you spent all your time working on your farm, and you just barely had enough money to buy thread at the local five-and-dime, then we weren't going to tax you as heavily.

□ 1550

If you look at this poster, Mr. Speaker, in 1913, right before the income tax began, we had 400 pages of Tax Code in America. Just the last century, in the 1900s, 400 pages of Tax Code and regulations. By World War II, that 400 pages had grown to 8,000 pages, 20 times as much Tax Code by the end of World War II. By the time we were in Korea, 14,000 pages of code and regulation. By the 1970s, 19,000 pages of code and regulation. And in the 1980s, 26,300 pages of Tax Code and regulation.

Now, Mr. Speaker, I'm a reader. I love to sit down and educate myself through the written word; but I have to tell you, 26,000 pages of Tax Code and regulation is going to make a criminal out of all of us because you can't possibly understand all of the ramifications of the tax consequences of your decision.

Do you remember 1986? That was the last time we fundamentally overhauled the Tax Code. 1986. In fact, if you go to www.Thomas.gov, like I suggested, and you look at the laws and regulations, you'll see the Tax Code of 1986. It was the Tax Code of 1954, updated Tax Code to 1986. That was the last time we flattened rates and broadened the basis. Flattened the rates and broadened the base. And where did we end up? Between 1984 when we had 26,000 pages of Tax Code and regulation, we went through this process of simplifying the income tax, and 10 years later in 1995, we have 40,000 pages of Tax Code. By simplifying the income tax, we grew it from 26,000 pages to 40,000 pages.

Now, Mr. Speaker, if you're like me, you go out and you shop around. Are you going to use the H&R Block tax software? Are you going to use the Microsoft tax software? What kind of tax software are you going to use, because you hate paying accountants to do your taxes for you.

You know, I used to just sit down with a pen and paper and do it myself. I used to go through with my calculator and do it myself, but it has gotten too complicated. Why? Because since I have reached the age of majority in 1988, here we have 1995 when I'm coming out of college, between 1995 and 2004, we added another 20,000 pages to the Tax Code, from 40,000 pages to 60,000 pages. In 2007, to 67,000 pages; 2008 kept it to just a little over 67,000 pages. And in 2009, it jumped another 3,000 pages; 70,000 pages of tax legislation.

And to be clear, Mr. Speaker, when we talk about tax legislation, we're talking about the ways in which the government separates you and me and all of the American people from our paycheck. That's all there is in the Tax Code. All the Tax Code is, is how do we separate the American people from their productivity? It takes 70,000 pages in 2009 to sort that out. And 71,000 pages in 2010. And now, 72,000 pages of Tax Code in 2011.

Folks, what the FAIR Tax does, H.R. 25, it asks the question that if we could start from scratch—and by scratch I mean from the 72,000 pages that we do today, to just a blank sheet of paper—if you could start from scratch and draft the Tax Code that America ought to have instead of the one that has been forced upon us, what would you do? What would you do?

Well, there's a lot of difference of opinion on what to do, but simplification seems to be one of those things that we can all agree on.

You know, I didn't come to this House to try to be a good Republican. I came to this House to try to be a good American, and there are lots of opportunities to do that. I like to think those things occur simultaneously more often than not. But look at what folks are saying about the United States Tax Code.

I'll quote House minority leader NANCY PELOSI: Any tax reform and closing of loopholes, which is really important for us to do as a sense of fairness, must also reduce the deficit.

Right, because if you close the loopholes, if you close all of the lobbyist-funded loopholes, close all of the special exemptions and exceptions and carve-outs, by definition it brings in more money.

Mr. Speaker, did you get the free golf cart in the 2009 tax bill? Does anyone want to admit to having gotten the free golf cart?

In 2009, in the name of a good energy bill, in the name of green energy, we in the wisdom here in the U.S. House and across the way in the United States Senate, of course I wasn't here at that time, but in our wisdom we created a tax credit, a \$6,500 tax credit if you would go out and buy an electric vehicle.

Well, Americans are smart, and I love that about America. We are ingenious folks. And what folks figured out was that the \$6,500 that folks were giving them if they'd go out and buy an electric vehicle, if you put brake lights, seat belts and side view mirrors on your golf cart, you could get yourself a free golf cart.

Well, it turns out, because we produce golf carts in the great State of Georgia, you couldn't actually get an American golf cart for \$6,500. But our friends in China were willing to import a golf cart to America for \$6,500, Mr. Speaker.

And so in the fall of 2009 and the spring of 2010, the IRS had to release guidance—hear this, Mr. Speaker—the IRS had to release guidance that said when we first crafted the free golf cart regulations, we said you actually had to have delivery of the cart by December 31. But so many Americans are trying to avail themselves of the free golf cart provision that we're going to change the rules here in late December and say really all you need is a VIN number from the manufacturer, and that'll give them several more months to fill all the orders.

Really, Mr. Speaker? Is that what we need in the Tax Code, a Tax Code that distributes free golf carts to folks who likely didn't even want a golf cart but it was free, and so they availed themselves of it?

NANCY PELOSI agrees with me that we need to get rid of those loopholes.

Senate majority leader HARRY REID: Our tax system is broken and needs to be fixed.

Let's take the poll, Mr. Speaker. Let's go to the most liberal Democrat in the House, to the most conservative Republican in the House, who doesn't agree with majority leader HARRY REID? Our tax system is broken and needs to be fixed.

And we have the ability to start with a blank sheet of paper and make it the way we want to make it. Listen to our President, Mr. Speaker.

This is President Barack Obama: You've got too many companies ending up making decisions based on what their tax director says instead of what their engineer designs or factories produce, and that puts our entire economy at a disadvantage.

That's true. Talk to any small business owner, find anybody who's at a CFO or CEO level in a business close to you and ask that question: Are you making business decisions, or are you making tax decisions?

And every single time they make a tax decision instead of a business decision, America loses. Their shareholders may win in the short term. Profits may gain in the short term. But when we in America decide we're going to do something to comply with these ridiculous 75,000 pages of Tax Code, instead of doing what's best for business, instead of what's best for customers, instead of what makes sense, America loses. And in these challenging economic times, we cannot lose that productivity.

Let me go back to President Barack Obama. He says this: We need to make America the best place on Earth to do business. The Tax Code is a barrier government can remove, a burdensome corporate Tax Code with one of the highest rates in the world.

Hear that. We talk so much about Republicans and Democrats. Here, common sense coming from the President of the United States: We need to make America the best place on Earth to do business. A barrier government can remove is a burdensome corporate Tax Code with one of the highest corporate tax rates in the world.

Folks, that's agreement. I will tell you, if I had to characterize him, Mr. Speaker, I would tell you that the President sits a little further to the left than I do. If I had to characterize my own voting record, I'd say I sit a little further to the right than most folks here in this House. But this is common ground that we can all agree on.

Let me just show you what that tax rate is.

□ 1600

I hope the colors are showing up, Mr. Speaker, for folks back in their offices watching on TV because the red line here is the U.S. corporate tax rate. The blue line is the OECD average excluding the U.S. Now the OECD is that group of developed nations around the world, those folks that we would say

have free economies and growing economies.

This chart goes back to 1981. It goes back to the beginning of the Reagan era. You see America's corporate tax rate higher than the average tax rate in the rest of the world. This is that tax reform that I talked about in 1986 where you see the tax rate dramatically drop—dramatically drop—and for a short period of time, Mr. Speaker, we became, on the red line, more productive and more competitive with the rest of the world as the rest of the world was on the blue line.

And look at those years. Do you remember those years—1988, 1989, 1990? Do you remember those productive years? I think that's when the yuppie label came around and folks were buying all their fancy automobiles and the first of the big houses. I was just coming of age in that time, but I remember the conspicuous consumption. And why? Because America was creating wealth. And then what happened? Here's the tax increase of the Clinton years, bumps right up there, and you see a flat line of American corporate taxation at about 39 percent, that flat red line of corporate taxation. Fair enough. I prefer predictability. I think we ought to know the direction things are going, and I think we ought to be able to plan to make business decisions.

Here is a very predictable line of corporate taxation. But what's the rest of the world doing? While America has a very predictable 39 percent tax rate, what's the rest of the world doing? Getting lower and lower and lower. Lower and lower and lower and lower. Folks, do you know who can't leave America? The American worker. Folks in my district. They can't leave. Capital can leave. A click of a mouse and you can take a billion dollars and move it overseas. If you have a business in America, you can pack up your bags and go. I talk to CEOs every day who do exactly that. They say, Rob, it's just not worth it doing business in America.

Why? Because we're not competitive. Do you want to talk about growing jobs? Mr. Speaker, let's talk about keeping the jobs that we've already got.

I see in the Chamber my friend from Iowa, Mr. STEVE KING, who has struggled with these issues firsthand and who I know understands as a small businessman before he came to this House what it means to be out there trying to make payroll and trying to stay competitive.

And if the gentleman would indulge me, what do you think it would mean for jobs in America if we got this U.S. corporate tax rate line below that world average, if we, once again, made it competitive to build jobs in America?

Mr. KING of Iowa. If the gentleman would yield.

Mr. WOODALL. I would be happy to yield.

Mr. KING of Iowa. I'd pose a question back. What do you think about taking it to zero?

Mr. WOODALL. Taking it to zero?

Mr. KING of Iowa. Yes.

Mr. WOODALL. Why not take it to zero? Well, I'll tell you what I might hear back home, I say to my friend. And what do you want to do? Do you want to give business a free pass? Because my understanding is there are only two places we can get taxes. We can either take them from me or we can take them from McDonald's. And wouldn't I rather tax McDonald's than tax me?

Mr. KING of Iowa. Of course we know if the gentlemen would yield—

Mr. WOODALL. I'd be happy to yield.

Mr. KING of Iowa. The folks that are buying food in McDonald's are going to pay the tax if we try to get it from McDonald's. So we know corporations don't pay taxes; they are aggregators of taxes that are paid by individuals, by consumers on the last stop. And so they're efficient aggregators of those taxes. They are actually the tax collectors on behalf of the Federal Government. The corporations that collect taxes don't pay them; they transfer it through them by the way they charge us for the \$152 billion a year that it costs to comply with the Federal Tax Code.

And so I find it an act of frustration to seek to try to collect taxes from corporations when what I'm really doing is adding to the administrative costs for corporations so they add the taxes and the administrative costs on to the cost of the goods that have to be competitive in this marketplace, and that makes it that individuals pay taxes. But it also means that jobs go overseas because corporations that are taxed in America are at a disadvantage to the corporations that are overseas who aren't very good aggregators of America's tax dollars, and so they have to raise the taxes here more.

That's kind of the vision that I see that I would lay out here for the gentleman from Georgia. And we've got a long ways to go before America embraces the concept that I think will solve this problem.

Mr. WOODALL. But you ask the all important question, I say to my friend. Why not take the rate to zero? Why are we arguing about whether it ought to be 25 or 23? I just quoted the President of the United States. He said, let's make America the most competitive place in the world to do business. Well, if we were to lower it to 10, maybe somebody else is going to lower it to 9. If we lower it to 8, maybe somebody else lowers it to 7. What if we take it to zero? And I have voiced my concern that, well, if you take it to zero, that means I, as the American consumer, have to pay all the taxes because cor-

porations won't be paying taxes anymore.

And what my friend, who has years and years, decades and decades of experience in the private sector says is, there's no secret drawer where American businesses get the money to pay taxes. I go out and I buy a Coca-Cola. Where does Coca-Cola get the money to pay taxes? They charge it to me in the price of the product.

My friend is saying that the only taxpayer in America today is the American consumer. There is no other taxpayer. Businesses don't pay taxes—people pay taxes, whether it's the CEO of that business who has a high salary and he pays taxes on his salary, whether it's the consumer of that business who pays in a higher price, or whether it's the shareholder of that business who pays through lower dividends and lower rates of return.

Why not take the corporate tax rate to zero so we will be the most competitive economy in the world?

I yield to my friend.

Mr. KING of Iowa. Just to explore that a little further and that would be, looking at the corporate tax structure, there's corporate income tax, and then there are all of the wages that are paid out in payroll taxes to the employees. And of course one of the most regressive taxes we've is the payroll tax. And so one might argue that, well, those taxes are paid by the corporation, that half of the payroll, that .0765 that I have multiplied so many times with my employees that I've had over the decades. And of course that .0765 which is half of the 15.3 percent in payroll tax, half comes out of the employer, half comes out of the employee.

However, the half that comes out of the employer would be wages for the employee because it is a cost of doing business, it's a cost of competitiveness. And so when we add into the price of the goods and services provided by corporations, and I don't mean just corporations, they can be LLCs, they can be partnerships, sole proprietorships, you name it, a business entity that hires employees and/or provides goods and services for retail market or supplies to those who do, all of that structure of their taxes is built into the price.

And a fair amount of research brings us to a number that is generally considered to be about 22 percent of the retail price of goods and services sold in the United States as the tax component paid by the suppliers that get it into the marketplace and in the end paid by the consumer.

So those corporations that move overseas have a different tax structure, but those products that come in from overseas have a 28 percent marketing advantage over the products produced here in the United States because they don't have the burden of U.S. corporate taxes, and that includes the payroll

taxes that are part of that taxing structure.

So I'd say that if we can remove the taxes from productivity in America, we end up with a 28 percent marketing advantage for U.S.-made products over those made in foreign countries.

And by the way, one more thing: I would not have picked up a nice Georgia company like Coca-Cola to use them as an example, but then that's just me.

Mr. WOODALL. As Coca-Cola is spread out all over the world, where they happen to have their corporate headquarters in Atlanta, but for how long? But for how long? We talk so much about trying to grow jobs in America. What about just trying to keep the jobs that we've got? What about just trying to make it a joy to do business in America instead of making it a hassle to do business in America?

You might not believe this, Mr. Speaker, but this is a \$10 haircut I just got over the weekend. You probably think I paid a lot more than that for this haircut. But as you think about what the gentleman from Iowa said about where costs are hidden, where taxes are hidden, I paid \$10 for this haircut. But Derek, my barber, he had to pay 15.3 percent in self-employment taxes. So \$1.50 of that \$10 went straight to the Federal Government in self-employment taxes. Now he's a good barber, so I suspect he is in higher than the 15 percent tax bracket, but let's just say for the sake of argument, he's in the 15 percent income tax bracket. So out of my \$10 haircut, he had to take a \$1.50 right off the bat and send it to the government in self-employment taxes, then take another \$1.50 right off the bat and send it to the Federal Government in income taxes. So for the \$10 haircut he charged me, he's only taking home \$7 to feed his wife and kids. So is it a \$10 hair cut, or is it a \$7 haircut?

What we tell Americans is, oh, we're going to lower your tax burden. But what we've done is to hide that tax burden in the cost of everything we buy because if Derek didn't have to pay those \$3, he'd be charging me \$7 for a haircut, and he would still take \$7 home to feed his kids.

□ 1610

To have an honest discussion about what kind of spending we ought to do in this place, I think we have to bring all of those hidden taxes out of price. Not only does it make us more competitive, as you suggested, but it makes it possible for us as Americans to have an honest discussion about is government doing too little or is government doing too much.

And I think, as you suggested the studies suggest, it's about 22 percent of the cost of everything that we buy, on average, that is hidden taxes that we think we're getting away with, but

that we are actually paying at the checkout counter.

Mr. KING of Iowa. If the gentleman would yield, I'd slip another anecdote into this that comes from just last weekend. I was over in eastern Iowa doing an event, and I happened to get reacquainted with a young gentleman by the name of Michael Dicks. Now, he is 13 years old; soon he'll be 14. But when he was 8 years old—I've told this story in the CONGRESSIONAL RECORD in the past—he saved up his money to go buy a little box of Skittles. So he had his change counted out just right in his pocket—89 cents for a box of Skittles—and had to reach up to the counter, I presume, and got his Skittles off the shelf and put them up on the counter. And he counted out his 89 cents and the checker rang it up and said, that will be 96 cents. And he said, but the price says 89 cents. And the checker said, but you have to pay the tax—that's the sales taxes in Iowa—so that's 96 cents, young man.

And he turned to his dad and he said, Dad, I have to pay taxes on Skittles? What a painful experience for an 8-year-old young man. But think of what that means if our taxes are transparent. That young man is going to grow up to be a conservative. He's going to put fewer demands on government. He's going to demand one thing—less taxes, less services. We're going to want to have more personal and individual responsibility, and we're going to let people provide for their own security in a lot of ways and achieve on their own. That is a cultural transformation that comes if you have a transparent tax and if you take the tax and stop punishing productivity and put it on consumption.

Mr. WOODALL. Well, I would say to my friend, you talk about cultural transformation, I would tell you that transformation is actually taking us back to that entrepreneurial, self-reliant experience that America began as a Nation. This business of hiding taxes and trying to make people think they're getting something for nothing, that's a relatively new experience in American culture, and it has transformed this country.

I'm big on saying you've got to have skin in the game. To make good decisions you have to have skin in the game. Right now, 50 percent of the American population isn't paying any income taxes. They don't think they have skin in the game. Now, they do because they're paying tax in all of these hidden consumption opportunities that you and I are talking about, but they vote as if they're getting something for free.

And as a Nation, if we're going to make responsible decisions—particularly as it comes to borrowing from our children and our grandchildren—we have to let Americans know what they are really paying for the size and scope

of government. And that's not to say they can't say, I understand how much I'm paying and I'm willing to pay even more, or I hate how much I'm paying and I'm going to pay less. But it will absolutely bring us away from a culture that believes there is a free lunch and back to a culture that understands that decisions have consequences and that there is no taxpayer in America except for we, the American consumers.

Mr. KING of Iowa. Will the gentleman yield?

Mr. WOODALL. I'm happy to yield.

Mr. KING of Iowa. History is replete with the Founding Fathers, literary giants of the time, philosophers of the time, who looked at the Greek democracy and they were appalled at what it had produced. They produced for us a republic instead. But many of them spoke eloquently about what happens when the public would realize that a majority of them could vote themselves benefits from the public treasury. Some of them said democracy ceases to exist; some of them said that will destroy our republic. But I want to guess that most of the people that were providing the wisdom at the time commented on their fear that this country would move towards a majority voting themselves benefits from the public treasury.

So that is one of the reasons that we have a Republic instead of a democracy is because those of us who are elected as representatives of the citizens of the Republic are to have a higher responsibility than to listen to, let's say, people who want the fruits of someone else's labor and don't want to labor themselves.

And so we're at this situation now where, in the early part of this country, there was a policy that you had to be a land-owning male of age and other qualifications in order to vote because they wanted the public policy to be established by people that had skin in the game. And today we saw a constitutional amendment requiring a balanced budget fail here on the floor of the House of Representatives. I'd like to have seen a stronger one, but it failed here on the floor of the House. And that was a constitutional amendment with a cap at 18 percent of GDP and a supermajority to raise taxes.

Put some of that philosophy back in where it requires a supermajority to raise taxes, there is a restraint there that brings back some of that philosophy that helps offset the disadvantage that the working American has today who's paying those taxes. Your barber is at a disadvantage because some of the hair that he cuts is of people that aren't working. I'd say at least one out of every three heads of hair that your barber cuts is somebody that is in that role of 100 million Americans of working age who are not in the workforce,

many of them are voting, they are voting themselves benefits from the public trough.

And I'd suggest that we take the tax off of productivity in America, stop punishing production, put it over on consumption. And I'm just looking around for a bill number that I could attach myself to because I'm drawing a blank.

Mr. WOODALL. I thank my friend.

You're absolutely right. When I talk to young people—I try to get out to the middle schools and high schools in my district every week when we have time back home—I say, I've got a \$10-an-hour job in my congressional office. Who wants to come to work for me? Who wants to come to work for me? And I just gave a powerful presentation about how you can come here and return America to its foundational roots. All the hands go up. And I say, now, just to be clear, though, we're going to have to put a \$9 income tax on that \$10 an hour, so you're only going to be able to take home \$1 at the end of the day. Now, who wants to come work 80 hours a week for me? And all of the hands go down.

The power to tax is the power to destroy, and we use that power here. With all due respect to our colleagues on both sides of the aisle, the Fair Tax that I supported—that you were such a strong supporter of—it has detractors on both sides of the aisle, because what the Fair Tax says is we're not going to manipulate your behavior through the Tax Code anymore. Because the Tax Code allows us to say, if you buy wool sweaters, we're going to give you a tax credit; if you buy polyester sweaters, we're going to take taxes away from you. If you go out and buy Levi's jeans, we're going to give you a tax credit; if you go out and buy Lee jeans, we're going to take taxes away from you.

Over and over and over again we decide who's supposed to win and who's supposed to lose, and we punish or reward the American people and the American small business environment through the Tax Code. And what you and I have said in the Fair Tax is, I don't want that power in Washington. I give that power back to the American people. You choose what kind of jeans you want to wear. You choose what kind of sweater you want to buy. You choose whether you want a golf cart or not.

We are not in the business of picking winners and losers. We're in the business of raising as little revenue as is necessary to run this Federal Government. And that takes power away from this body right here. And it is only those folks who believe that the American people are still smarter than you and I are who want to return that power. And I thank you for being my partner in that.

Mr. KING of Iowa. And I appreciate the opportunity to be your partner in this.

And I would say to the folks on either side of the argument that disagree, they're both wrong, whether they're from the left or from the right. And the bottom line is this: the Fair Tax does everything good that anybody's tax proposal does that is good; it does them all and it does them all better. And I'm happy to take that debate anywhere in this land and have folks that will try that on and we'll finish second in that debate.

I quickly yield back because the gavel is in the air.

Mr. WOODALL. If the gavel is in the air, I'll just say to the Speaker, if you needed more information, Mr. Speaker, you could find it at www.fairtax.org, or you could visit my Web page at Woodall.house.gov. This really does speak to the challenges of America.

I thank the Speaker for the time, and I thank my friend from Iowa.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 99. An act to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Commerce; in addition to the Committee on Science, Space and Technology and the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on November 17, 2011, she presented to the President of the United States, for his approval, the following bill:

H.R. 2112. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Tuesday, November 22, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3930. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Bromeliad Plants in Growing Media From Belgium, Denmark, and the Netherlands [Docket No.: APHIS-2010-0005] (RIN: 0579-AD36) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3931. A letter from the Regulatory Officer, Department of Commerce, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3932. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3933. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Program For Nuclear Power Plants, Regulatory Guide 5.66, Revision 2, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3934. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities, Regulatory Guide 3.39, Revision 1, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3935. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability of Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-510, Revision 2, "Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection" Project No. 753 received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3936. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assuring the Availability of Funds for Decommissioning Nuclear Reactors, Regulatory Guide 1.159, Revision 2, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3937. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3938. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-42, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3939. A letter from the Director, Defense Security Cooperation Agency, transmitting

Transmittal No. 11-37, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3940. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States [Docket No.: 100804325-0351-01] (RIN: 0694-AE97) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3941. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Libya and UNSCR 2009 (RIN: 1400-AC97) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3942. A letter from the Chief Counsel — Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series EE; Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Offering of United States Savings Bonds, Series I received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3943. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — United States — Peru Trade Promotion Agreement (RIN: 1515-AD79) received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3012. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, with an amendment (Rept. 112-292). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. H.R. 10. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with an amendment (Rept. 112-278, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself and Mr. PETRI):

H.R. 3473. A bill to provide employment opportunities for veterans in transportation construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS:

H.R. 3474. A bill to amend titles XI and XVIII of the Social Security Act to prevent fraud and abuse under the Medicare program and to require National Provider Identifiers for reimbursement of prescriptions under part D of the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BERG, Mr. BRADY of Texas, Mr. HERGER, Ms. JENKINS, Mr. MARCHANT, Mr. SCHOCK, and Mr. TIBERI):

H.R. 3475. A bill to protect information received by the Commissioner of Social Security related to deceased individuals; to the Committee on Ways and Means.

By Mr. HANNA (for himself and Mr. KEATING):

H.R. 3476. A bill to provide incentives for economic growth, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. PAUL, Mr. CARTER, Mr. MCCAUL, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. HINOJOSA, Ms. GRANGER, Ms. JACKSON LEE of Texas, Mr. SMITH of Texas, Mr. FLORES, Mr. CONAWAY, Mr. CULBERSON, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. OLSON, Mr. FARENTHOLD, Mr. THORNBERRY, Mr. CANSECO, Mr. HALL, Mr. GOHMERT, Mr. SESSIONS, Mr. BARTON of Texas, Mr. CUELLAR, Mr. REYES, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HENSARLING, Mr. BURGESS, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DUNCAN of South Carolina, Mr. BOUSTANY, Mr. CHAFFETZ, Ms. HAYWORTH, Mr. BACA, and Mr. PENCE):

H.R. 3477. A bill to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNeerney Post Office Building; to the Committee on Oversight and Government Reform.

By Mr. GONZALEZ:

H.R. 3478. A bill to amend the Internal Revenue Code of 1986 to extend bond authority for those empowerment and enterprise zones with unused bond limitation at the end of 2011; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mr. HALL, and Mr. PALAZZO):

H.R. 3479. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas:

H.R. 3480. A bill to amend title 5, United States Code, to provide for the termination of further retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan, and

for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas:

H.R. 3481. A bill to prohibit universal service support of commercial mobile service through the Lifeline program; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida:

H.R. 3482. A bill to prevent identity theft and tax crimes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. CARDOZA, and Mr. JONES):

H.R. 3483. A bill to amend title 38, United States Code, to provide equity for tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs who are pursuing programs of education at institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FARR (for himself, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. HIRONO, Mr. CICILLINE, Mr. RAHALL, Mr. ENGEL, Mr. FATTAH, Mr. OLIVER, Mr. DICKS, and Mr. REYES):

H.R. 3484. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Ms. ROSELEHTINEN, Mr. CICILLINE, Mr. POLIS, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. SPEIER, Mr. HINCHY, Mr. HOLT, Mr. CLAY, Mr. JACKSON of Illinois, Ms. LEE of California, Mrs. MALONEY, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. DAVIS of California, Mr. LANGEVIN, Ms. TSONGAS, Ms. PINGREE of Maine, Mrs. CAPPS, Mr. HONDA, Mr. STARK, Mr. NADLER, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. MOORE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. MORAN, Mr. DOGGETT, Ms. ROYBAL-ALLARD, Mr. QUIGLEY, Mr. SARBANES, Mr. BERMAN, Mr. CUMMINGS, Mr. CAPUANO, Ms. WOOLSEY, Mr. DINGELL, Mr. YARMUTH, Ms. ZOE LOFGREN of California, Mr. FILNER, Ms. DEGETTE, Mr. MICHAUD, Ms. MCCOLLUM, Mr. COHEN, Mr. FARR, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. WELCH, and Mr. MCGOVERN):

H.R. 3485. A bill to provide certain benefits to domestic partners of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS of California (for herself, Mr. SCHILLING, Mr. MCDERMOTT, Mr. FORTENBERRY, Mr. CARNAHAN, Mr. TOWNS, Ms. WILSON of Florida, Mr.

LOEBSACK, Ms. CLARKE of New York, and Ms. RICHARDSON):

H.R. 3486. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Education and the Workforce.

By Mr. BUCHANAN:

H.R. 3487. A bill to encourage job creation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Energy and Commerce, Science, Space, and Technology, Education and the Workforce, Small Business, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCSHON (for himself and Mr. LANDRY):

H.R. 3488. A bill to prohibit foreign assistance to countries with a gross domestic product of \$1,500,000,000,000 or more; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Mrs. MALONEY, Mr. KING of New York, and Mr. SMITH of New Jersey):

H.R. 3489. A bill to require the President to call a White House Conference on Autism; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. LOEBSACK):

H.R. 3490. A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CICILLINE:

H.R. 3491. A bill to amend title 18, United States Code, to prohibit former Members of Congress from engaging in lobbying contacts; to the Committee on the Judiciary.

By Ms. HAHN:

H.R. 3492. A bill to amend section 70107 of title 46, United States Code, to authorize appropriations for the port security grant program through 2015; to the Committee on Homeland Security.

By Mr. HASTINGS of Florida:

H.R. 3493. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. HECK:

H.R. 3494. A bill to restore faith and trust in the United States economy and financial system by reducing Federal spending, reducing the size of the Federal workforce, liquidating certain property and assets of the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Appropriations, the Budget, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. GRIJALVA, Ms. LEE of California, Mr. CARSON of Indiana, Ms. WILSON of Florida, Mr. CICILLINE, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. CLARKE of New York, and Mr. JACKSON of Illinois):

H.R. 3495. A bill to amend the Internal Revenue Code of 1986 to provide market-based

manufacturing incentives, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 3496. A bill to sustain fish, plants, and wildlife on America's public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H.R. 3497. A bill to promote the development of meaningful treatments for patients; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. ANDREWS, and Mr. HUNTER):

H.R. 3498. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PRICE of North Carolina:

H.R. 3499. A bill to require the Secretary of Agriculture to use section 32 of the Act of August 24, 1935, to provide compensation to certain poultry producers whose poultry production contracts were terminated or not renewed because of the closure of poultry processing plants and other cost cutting measures undertaken by a poultry processing company in bankruptcy protection; to the Committee on Agriculture.

By Mr. REHBERG (for himself and Mr. MILLER of Florida):

H.R. 3500. A bill to provide for the conveyance of a small parcel of National Forest System land in the Flathead National Forest in the State of Montana containing a World War II memorial to the Whitefish Mountain Resort; to the Committee on Natural Resources.

By Mr. STUTZMAN:

H.R. 3501. A bill to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office"; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. CLAY, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. CARSON of Indiana, Mr. PETERS, Ms. NORTON, Ms. RICHARDSON, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. CICILLINE, Ms. JACKSON LEE of Texas, Mr. KILDEE, and Mr. CARNAHAN):

H.R. 3502. A bill to create jobs and reinvest in communities through the rehabilitation of abandoned and foreclosed residential and commercial properties, and for other purposes; to the Committee on Financial Services.

By Mr. WESTMORELAND:

H.R. 3503. A bill to amend the Sarbanes-Oxley Act of 2002 to make Public Company Accounting Oversight Board disciplinary proceedings open to the public; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3504. A bill to provide for a website to receive gifts to reduce the public debt; to the Committee on Ways and Means.

By Mr. DEUTCH:

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the

United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; to the Committee on the Judiciary.

By Mr. HALL (for himself and Mr. DINGELL):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARPER:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution; to the Committee on House Administration.

By Mr. DREIER (for himself and Mr. MEEKS):

H. Res. 472. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with Egypt; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself, Mr. LANGEVIN, Mr. MEEKS, Ms. JACKSON LEE of Texas, and Ms. NORTON):

H. Res. 473. A resolution expressing support for the goals and ideals of National Family Caregivers Month; to the Committee on Education and the Workforce.

By Mr. BOSWELL:

H. Res. 474. A resolution recognizing the valuable contributions of community colleges and encouraging local partnerships with such institutions to train and revitalize the United States workforce, inspire entrepreneurship, educate skilled workers, and invest in local communities; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. MYRICK introduced a bill (H.R. 3505) for the relief of Bruce William Stewart, Dianne Stewart, Sarah Jane Caitlin Stewart, and Michael Bruce Albert Stewart; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RAHALL:

H.R. 3473.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. STEARNS:

H.R. 3474.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. SAM JOHNSON of Texas:

H.R. 3475.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. HANNA:

H.R. 3476.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article 1 of the United States Constitution, including Clause 1 and Clause 4.

By Mr. POE of Texas:

H.R. 3477.

Congress has the power to enact this legislation pursuant to the following:

Clause 6, Section 8 of Article 1.

By Mr. GONZÁLEZ:

H.R. 3478.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1
Article 1, Section, 8, Clause 18
16th Amendment

By Mrs. BIGGERT:

H.R. 3479.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. GRIFFIN of Arkansas:

H.R. 3480.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6, Clause 1, of the U.S. Constitution: The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.

By Mr. GRIFFIN of Arkansas:

H.R. 3481.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Ms. CASTOR of Florida:

H.R. 3482.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the U.S. Constitution.

By Mr. BUTTERFIELD:

H.R. 3483.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 1 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Under Article I, Section 8, Clause 18 of Section 8 of the Constitution, Congress may make all laws which shall be necessary and proper for carrying into execution its powers and all powers vested by the Constitution in the government of the United States.

By Mr. FARR:

H.R. 3484.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. BALDWIN:

H.R. 3485.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Ms. BASS of California:

H.R. 3486.

Congress has the power to enact this legislation pursuant to the following:

Article. I.
Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. BUCHANAN:

H.R. 3487.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as enumerated in Article I Section 7 and 8, Article III Section 1 and 2, and Article V of the United States Constitution.

By Mr. BUCHSHON:

H.R. 3488.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. BURTON of Indiana:

H.R. 3489.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, of Article 1, which gives Congress the power to provide for the general welfare.

By Mr. CHANDLER:

H.R. 3490.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 3: "The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. CICILLINE:

H.R. 3491.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. HAHN:

H.R. 3492.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. HASTINGS of Florida:

H.R. 3493.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const., Art. I, §8, cl. 3: Congress shall have the power to regulate commerce with foreign nations and among the various states.

By Mr. HECK:

H.R. 3494.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. HONDA:

H.R. 3495.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution.

By Mr. KIND:

H.R. 3496.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. LANCE:

H.R. 3497.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. McKEON:

H.R. 3498.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. PRICE of North Carolina:

H.R. 3499.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. REHBERG:

H.R. 3500.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3

By Mr. STUTZMAN:

H.R. 3501.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.

By Ms. WATERS:

H.R. 3502.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution of the United States

By Mr. WESTMORELAND:

H.R. 3503.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 3504.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 2

By Mr. DEUTCH:

H.J. Res. 90.

Congress has the power to enact this legislation pursuant to the following:

Article 5 of the Constitution

Mrs. MYRICK:

H.R. 3505.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the United States Constitution, which gives Congress the power to establish a uniform Rule of Naturalization.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. MACK.

H.R. 49: Mr. POSEY.

H.R. 132: Mr. HINCHEY.

H.R. 154: Mr. MCCAUL.

H.R. 157: Mr. LANCE and Mr. SCHILLING.

H.R. 178: Mr. SMITH of Texas.

H.R. 181: Mr. HOLT.

H.R. 308: Mr. LEVIN.

H.R. 321: Mr. STARK.

H.R. 361: Mr. SCHILLING.

H.R. 420: Mr. CUELLAR, Mr. CASSIDY, and Ms. HAYWORTH.

H.R. 451: Mr. QUAYLE.

H.R. 466: Mr. COHEN.

H.R. 539: Ms. WOOLSEY.

H.R. 589: Mr. PIERLUISI.

H.R. 645: Mr. AMODEI.

H.R. 668: Mr. DUNCAN of South Carolina.

H.R. 721: Mr. JOHNSON of Illinois, Mr. MACK, Mr. DAVIS of Kentucky, Mr. SMITH of Texas, and Mr. SCOTT of South Carolina.

- H.R. 733: Mr. CASSIDY.
H.R. 749: Mr. DAVIS of Kentucky.
H.R. 763: Ms. DEGETTE and Mr. SESSIONS.
H.R. 835: Mr. DICKS, Mr. PERLMUTTER, and Mr. BRALEY of Iowa.
H.R. 862: Mrs. LOWEY.
H.R. 886: Mr. MCINTYRE.
H.R. 920: Mr. MCKINLEY.
H.R. 942: Ms. BALDWIN.
H.R. 953: Mr. JOHNSON of Illinois.
H.R. 1005: Mr. ALTMIRE.
H.R. 1148: Mrs. MILLER of Michigan, Mr. MURPHY of Pennsylvania, Ms. LEE of California, Ms. KAPTUR, Mr. HOLT, Ms. EDWARDS, Mr. CLEAVER, Mr. LIPINSKI, Mr. BOSWELL, Mr. McDERMOTT, Mr. KILDEE, Ms. NORTON, Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. AUSTIN SCOTT of Georgia, Ms. WOOLSEY, Mrs. NOEM, Mr. THOMPSON of California, Mr. REICHERT, Ms. ESHOO, Mr. BOREN, Mr. PASTOR of Arizona, Mr. MATHESON, Mr. LANGEVIN, Ms. HIRONO, Mr. MILLER of North Carolina, and Mrs. DAVIS of California.
H.R. 1179: Mr. GRIFFIN of Arkansas.
H.R. 1236: Mrs. SCHMIDT and Mr. BUTTERFIELD.
H.R. 1265: Mr. ROSS of Florida.
H.R. 1366: Mr. SCHIFF.
H.R. 1370: Mr. PAULSEN.
H.R. 1416: Mr. PASTOR of Arizona.
H.R. 1418: Ms. WATERS.
H.R. 1426: Ms. HERRERA BEUTLER.
H.R. 1454: Mr. RIBBLE.
H.R. 1499: Mr. GRAVES of Missouri and Mrs. EMERSON.
H.R. 1513: Mr. WALBERG, Mr. FARR, and Mr. RAHALL.
H.R. 1515: Mr. GUTIERREZ.
H.R. 1533: Mr. LARSEN of Washington and Mr. KUCINICH.
H.R. 1546: Mr. DUNCAN of South Carolina, Mrs. BLACKBURN, and Mr. CARNAHAN.
H.R. 1550: Mr. FALEOMAVAEGA and Mrs. CHRISTENSEN.
H.R. 1580: Mr. PAULSEN, Mr. CASSIDY, and Mr. GIBBS.
H.R. 1581: Mr. GRIFFIN of Arkansas.
H.R. 1614: Mr. BENISHEK.
H.R. 1633: Mr. THORNBERRY.
H.R. 1639: Mr. GIBSON.
H.R. 1653: Mrs. MYRICK, Mrs. BONO MACK, and Mr. ISRAEL.
H.R. 1697: Mr. LOESBACH.
H.R. 1704: Mr. DOGGETT.
H.R. 1716: Ms. HOCHUL.
H.R. 1737: Mr. BARTLETT.
H.R. 1738: Mr. GONZALEZ and Mr. MILLER of North Carolina.
H.R. 1744: Mr. TURNER of Ohio.
H.R. 1815: Mr. GINGREY of Georgia, Mr. MURPHY of Connecticut, Mr. WOODALL, Mr. BASS of New Hampshire, and Mr. MACK.
H.R. 1834: Mr. FRELINGHUYSEN and Mr. MCINTYRE.
H.R. 1842: Mr. MURPHY of Connecticut.
H.R. 1897: Mr. DEUTCH, Mr. GALLEGLY, and Mr. DENT.
H.R. 1940: Mr. MCCOTTER, Ms. MOORE, and Mr. SMITH of Washington.
H.R. 1956: Mr. DUNCAN of South Carolina and Mrs. HARTZLER.
H.R. 1964: Mr. NADLER and Mr. ACKERMAN.
H.R. 1978: Ms. WILSON of Florida.
H.R. 1988: Mr. CICILLINE.
H.R. 2016: Mrs. CAPPS.
H.R. 2028: Mr. MILLER of North Carolina.
H.R. 2051: Mr. WESTMORELAND.
H.R. 2086: Mr. JONES and Mr. GARY G. MILLER of California.
H.R. 2092: Mr. ROSKAM.
H.R. 2139: Mrs. BLACK, Mr. FILNER, Mr. DUNCAN of South Carolina, Mr. MCCAUL, Mr. MURPHY of Connecticut, Mr. GONZALEZ, Mr. MARCHANT, and Mr. CARDOZA.
H.R. 2140: Mr. COURTNEY, Mr. BARTLETT, Mr. PASTOR of Arizona, and Mr. YOUNG of Florida.
H.R. 2229: Mr. MICHAUD.
H.R. 2233: Ms. JACKSON LEE of Texas.
H.R. 2277: Mrs. MALONEY.
H.R. 2284: Ms. ZOE LOFGREN of California.
H.R. 2288: Mr. CONYERS.
H.R. 2299: Mr. BURGESS.
H.R. 2305: Mr. MCGOVERN.
H.R. 2335: Mr. BOREN.
H.R. 2394: Mr. DAVIS of Illinois and Ms. WATERS.
H.R. 2397: Mr. PAUL.
H.R. 2412: Mr. GUTIERREZ and Mrs. NAPOLITANO.
H.R. 2461: Ms. JENKINS.
H.R. 2492: Mr. SCHILLING and Ms. HANABUSA.
H.R. 2499: Mr. MCGOVERN.
H.R. 2500: Mr. MCCAUL.
H.R. 2505: Mr. PAYNE and Mr. MCGOVERN.
H.R. 2514: Mr. KINZINGER of Illinois.
H.R. 2528: Mr. FINCHER.
H.R. 2538: Mr. LONG.
H.R. 2557: Mr. LATHAM.
H.R. 2568: Ms. ROS-LEHTINEN.
H.R. 2569: Mr. ALTMIRE, Mr. FINCHER, Mr. RIBBLE, Mr. BRADY of Texas, Mr. TIBERI, and Mr. TOWNS.
H.R. 2579: Mr. CARNAHAN.
H.R. 2580: Mr. TONKO.
H.R. 2595: Ms. HOCHUL.
H.R. 2655: Mr. GONZALEZ, Mr. SCHIFF, and Mr. PRICE of North Carolina.
H.R. 2672: Mr. HOLDEN and Mr. BURGESS.
H.R. 2697: Mr. FLAKE and Mr. POMPEO.
H.R. 2717: Mr. CUMMINGS and Mr. HOLT.
H.R. 2722: Mr. MICHAUD.
H.R. 2729: Mr. LATHAM and Mr. MICHAUD.
H.R. 2738: Ms. CHU.
H.R. 2750: Ms. MCCOLLUM.
H.R. 2780: Mr. ROSKAM.
H.R. 2827: Mrs. EMERSON and Mr. GIBSON.
H.R. 2834: Mr. ROKITA and Mr. MARCHANT.
H.R. 2866: Mr. HONDA, Mr. COBLE, and Mr. TOWNS.
H.R. 2874: Mr. NEUGEBAUER, Mr. MARCHANT, and Mr. SHIMKUS.
H.R. 2875: Mr. RUSH.
H.R. 2886: Mr. MEEHAN.
H.R. 2888: Mr. GALLEGLY.
H.R. 2902: Ms. BORDALLO, Ms. LINDA T. SANCHEZ OF CALIFORNIA, Mr. DAVIS of Illinois, Ms. LEE of California, and Ms. BROWN of Florida.
H.R. 2910: Mr. AKIN.
H.R. 2925: Mr. LIPINSKI.
H.R. 2948: Mr. ISRAEL, Mr. COURTNEY, and Mr. MURPHY of Connecticut.
H.R. 2964: Mr. WALSH of Illinois.
H.R. 2966: Mr. DICKS and Mr. ELLISON.
H.R. 2969: Mr. FITZPATRICK, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. PLATTS, and Mrs. EMERSON.
H.R. 2970: Mr. COHEN.
H.R. 2980: Mr. GENE GREEN of Texas.
H.R. 2982: Mrs. MILLER of Michigan and Mr. HULTGREN.
H.R. 2985: Mr. RAHALL.
H.R. 2989: Ms. JENKINS.
H.R. 2992: Mr. ROYCE.
H.R. 2997: Mr. FRANKS of Arizona, Mr. GOSAR, Mr. JORDAN, Mrs. LUMMIS, Mr. PENCE, Mr. POMPEO, Mr. QUAYLE, Mrs. SCHMIDT, Mr. TURNER of New York, Mr. YOUNG of Indiana, Mr. WITTMAN, Mrs. ELLMERS, Mr. GRAVES of Georgia, Mr. CARNAHAN, Mrs. NOEM, Mr. MANZULLO, Mr. COFFMAN of Colorado, and Mr. BUCSHON.
H.R. 3010: Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. FLAKE, Ms. JENKINS, and Mr. SHULER.
H.R. 3012: Mr. MORAN, Mr. FLAKE, and Mrs. MALONEY.
H.R. 3017: Mr. THOMPSON of California.
H.R. 3050: Mr. JOHNSON of Ohio.
H.R. 3057: Mr. PITTS.
H.R. 3059: Mr. POSEY and Mr. MURPHY of Pennsylvania.
H.R. 3065: Mr. WELCH.
H.R. 3067: Mr. HANNA, Mr. PAULSEN, Mr. ACKERMAN, Mr. MCGOVERN, Mr. RANGEL, Ms. LEE of California, Mr. LOBIONDO, Mr. MARKEY, Mr. GUINTA, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. ENGEL, and Mr. LANCE.
H.R. 3068: Mrs. BLACKBURN, Mr. GARRETT, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. GUINTA, Mr. BILBRAY, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. FLORES, Mr. BARTLETT, and Mr. ROKITA.
H.R. 3074: Mr. PAULSEN, Mr. ROSS of Arkansas, and Mr. MILLER of Florida.
H.R. 3077: Mr. HINCHEY, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Ms. NORTON, Mrs. DAVIS of California, Mr. HONDA, Mr. LUJAN, and Mr. FILNER.
H.R. 3090: Mr. WESTMORELAND.
H.R. 3091: Mr. HASTINGS of Washington and Mr. TIBERI.
H.R. 3123: Ms. JENKINS.
H.R. 3130: Mr. KLINE and Mr. CHABOT.
H.R. 3134: Ms. JACKSON LEE of Texas.
H.R. 3138: Ms. SUTTON.
H.R. 3159: Mr. DUNCAN of South Carolina.
H.R. 3176: Mr. CAMPBELL.
H.R. 3186: Mr. KING of New York.
H.R. 3192: Mr. WOLF.
H.R. 3207: Mr. COBLE.
H.R. 3210: Mr. MCCLINTOCK.
H.R. 3216: Mr. PASTOR of Arizona, Mr. GUTHRIE, and Mr. GRIMM.
H.R. 3243: Mr. JONES, Mr. LONG and Mr. PRICE of Georgia.
H.R. 3260: Mr. ELLISON.
H.R. 3264: Mr. SCHWEIKERT.
H.R. 3266: Ms. RICHARDSON.
H.R. 3269: Mr. ALTMIRE, Mr. GOWDY, Mrs. NOEM, Ms. SUTTON, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. MARKEY, and Mr. BASS of New Hampshire.
H.R. 3271: Ms. HAHN.
H.R. 3308: Mr. HUELSKAMP, Mr. SCHWEIKERT, Mr. MCCLINTOCK, Mr. ROYCE, Mr. RYAN of Wisconsin, and Mr. DUFFY.
H.R. 3313: Ms. NORTON.
H.R. 3316: Mr. FARR and Ms. LEE of California.
H.R. 3317: Mr. FARR and Ms. LEE of California.
H.R. 3318: Mr. WALSH of Illinois, Mr. KING of Iowa, Mr. HALL, Mr. GINGREY of Georgia, Mr. COBLE, Mr. WEST, Mrs. BACHMANN, Mr. KELLY, and Mr. AMODEI.
H.R. 3323: Mr. JOHNSON of Illinois.
H.R. 3324: Mr. MORAN.
H.R. 3334: Ms. DEGETTE.
H.R. 3337: Mr. WITTMAN, Mr. BENISHEK, Mr. CARNAHAN, Ms. CHU, and Mr. COURTNEY.
H.R. 3341: Ms. BERKLEY.
H.R. 3346: Mr. ROTHMAN of New Jersey, Ms. TSONGAS, Ms. CASTOR of Florida, Ms. CHU, Mr. BISHOP of New York, and Mrs. CAPPS.
H.R. 3362: Mr. LONG.
H.R. 3364: Mr. GUTHRIE and Mr. CLARKE of Michigan.
H.R. 3366: Mr. MARCHANT and Mr. CROWLEY.
H.R. 3393: Mr. MILLER of Florida, Mr. ROONEY, and Mr. WEST.
H.R. 3395: Mr. HANNA.
H.R. 3400: Mr. WILSON of South Carolina, Mr. KLINE, Mr. WESTMORELAND, Mr. ROKITA, Mr. FLORES, Mr. GINGREY of Georgia, Mr. HARRIS, and Mrs. MYRICK.
H.R. 3410: Mrs. MILLER of Michigan.
H.R. 3418: Mr. CONNOLLY of Virginia.
H.R. 3422: Mr. MARCHANT.

H.R. 3423: Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. PAULSEN, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Ms. TSONGAS, Mr. LARSON of Connecticut, Mr. BERG, Mr. LIPINSKI, Mr. COURTNEY, and Mr. RYAN of Ohio.

H.R. 3424: Mr. ROTHMAN of New Jersey.

H.R. 3425: Mr. LEWIS of Georgia.

H.R. 3427: Mr. LEVIN and Mr. PALLONE.

H.R. 3435: Ms. CHU, Mr. LARSON of Connecticut, Mr. PALLONE, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. CAPUANO, Mr. MCGOVERN, Mr. WELCH, and Mr. CARNAHAN.

H.R. 3440: Mr. KLINE and Mr. BARTLETT.

H.R. 3453: Mr. SENSENBRENNER.

H.R. 3466: Mr. BISHOP of New York.

H.J. Res. 20: Mr. GRIFFIN of Arkansas.

H.J. Res. 72: Mr. COHEN.

H.J. Res. 80: Mrs. MALONEY.

H.J. Res. 85: Mr. FLORES, Mr. DUNCAN of South Carolina, and Mr. POSEY.

H.J. Res. 88: Ms. SLAUGHTER, Mr. JONES, and Mr. COHEN.

H. Con. Res. 78: Mr. LEWIS of Georgia.

H. Res. 134: Mr. RIGELL and Mr. LAMBORN.

H. Res. 253: Mr. TURNER of Ohio, Mr. AUSTIN SCOTT of Georgia, and Mr. PEARCE.

H. Res. 306: Ms. LINDA T. SANCHEZ of California.

H. Res. 341: Mr. MORAN, Mrs. NAPOLITANO, Mr. LEVIN, Mr. STARK, Mr. MCCOTTER, Mr. PRICE of North Carolina, and Ms. ZOE LOFGREN of California.

H. Res. 367: Mr. NADLER.

H. Res. 376: Mr. KEATING.

H. Res. 429: Mr. FORBES, Mr. GALLEGLY, Mr. GRIFFIN of Arkansas, and Mrs. MILLER of Michigan.

H. Res. 452: Ms. PINGREE of Maine.

H. Res. 454: Ms. MCCOLLUM, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. MEEKS, and Ms. PINGREE of Maine.

H. Res. 460: Mr. LEVIN, Ms. BASS of California, Mr. FRELINGHUYSEN, Mr. CARNAHAN, Mr. COHEN, and Mr. MCGOVERN.

H. Res. 468: Mr. CICILLINE, Mr. WEST, Ms. HERRERA BEUTLER, and Mr. TOWNS.

SENATE—Friday, November 18, 2011

The Senate met at 9 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Lord God, the center of our joy, give our Senators today a passion for You. May they find joy in doing Your will and delight in obeying Your precepts. Give them courage and resolve to do their duty as You give them the wisdom to see it. Create in them hearts that strive to be spent in Your service, doing all the good they can for as many people as they can.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Michigan.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Resumed

Mr. LEVIN. Mr. President, the pending business is S. 1867, the Defense Authorization Act; is that correct?

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

McConnell (for Kirk) amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran.

Leahy amendment No. 1072, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031.

Udall (CO) amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship pro-

gram for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shahen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

Casey amendment No. 1140, to require a report by the Comptroller General on Department of Defense military spouse employment programs.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, Senators are encouraged to come to the floor to offer their amendments this morning. We are going to be here doing business. Senators who have remarks, speeches,

proponents of the amendments, opponents of amendments are given an opportunity here today which may be one of the relatively few opportunities that are going to be available.

We will be here the Monday after we return as well before the vote at 5:30 on Monday, November 28, on a judicial nomination, but we will also be here before that time to hear from proponents and opponents of amendments and to have people offer amendments. We are not going to have the whole week, we have been told by the leader, when we come back for this bill, so we are going to have to make additional progress today. We made some progress last night. We cleared some amendments last night. We are going to try to clear some additional amendments this morning and adopt some amendments that can be cleared. We have 155 filed amendments, and we have 31 pending amendments. Again, we are going to try to clear some of those today and adopt some of those today, and we are going to try to do the same on Monday when we return.

Again, I urge that Senators who want to speak on pending or filed amendments, proponents of those amendments, opponents of those amendments, let us know immediately, if you would, whether you wish to speak in support of or in opposition to pending or filed amendments. Obviously, if people want to oppose amendments, then we are not going to clear them if we know about that, but we have to know about that. These are on file. The clerk has the amendments. We know which amendments are pending. The list is available.

The staff is going to be here for the first couple days, at least, next week prior to Thanksgiving. Our staffs will be here to work with staffs of Senators to try to revise amendments that may be open to revision. So that work is going to go on, and we have to use these time periods—today and next Monday and Tuesday—for work on amendments and the Monday we get back for work on amendments because we need to get this bill passed.

This is a critically important bill, and with 155 filed amendments, 31 of which are already pending, we have a lot of work to do. We are going to try to do the very best we can, but we have to get a bill passed and we have to debate some of the very significant amendments which have already been filed and are pending.

So I want to thank my friend from Arizona and see whether he might want to comment on my comments or otherwise.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator LEVIN and his staff for their hard work on this very important piece of legislation. I am glad to see the chairman announced that the staff will

be in working next week. For a change, the taxpayers will get a return on their investment. I am very glad to know that. But in all seriousness, they did a lot of work late last night and will be working hard all this week.

I think that maybe our colleagues should plan on some late nights when we get back because we do need to get this done. There is a lot of important business before the Senate.

I would also like to point out that we spent the better part of yesterday on the detainee issue, and I appreciate that the detainee issue is one that is of transcendent importance. It certainly goes beyond just national security. It is a very controversial issue with the American people and Members on both sides of the aisle. On one side of the aisle, they would like to see much more restrictive policies, and on the other side of the aisle there is a very serious concern—and a legitimate concern, although I don't share it—about erosion of the constitutional rights and liberties of American citizens.

Hopefully, we can get a vote on that amendment so we can move forward to other very important amendments that Members obviously, by the large number of amendments, are very interested in in this process. I also hope we are able to get a unanimous consent agreement to limit, to cut off the number of pending amendments so that we can make progress on those that have been filed and those that are pending.

I thank the chairman again and our respective staffs and our colleagues. I thought it was a very beneficial debate we had yesterday that a lot of Members participated in, and I think it served not only to educate our colleagues and the American people who observed it, but I also think it was a healthy discussion that was held on both sides of the aisle and on both sides of this issue, and it very well informed Senators on this issue.

Again, I understand, for example, that the Senator from Illinois, Mr. DURBIN, came to the floor and said we need a very in-depth discussion on this issue. I think we had that. I also think this is a very important issue and one that deserved the attention of the Senate, but now I think it is time to move on.

I also congratulate all Members who took part in sort of a colloquy and discussion we had amongst Members on both sides of this issue yesterday. I have found that those colloquies add a great deal to the debate as we get the input and ideas and sometimes spirited discussion on these issues.

So I thank the chairman, and we look forward to getting this important piece of legislation done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, I thank my friend and colleague

from Arizona, the ranking member, for his comments and for all of his work on the committee. All of our colleagues on the committee have put in a lot of time.

I want to emphasize something he said about the opportunity here for debate—that we have a number of pending amendments, including the amendments on detainees. We are here to hear debate on those or any other amendments today and on Monday. We were here yesterday and had a long debate. As the Senator from Arizona said, we had a lengthy debate, and we were prepared to vote. The supporters were not. That is fair enough. If they want additional time to debate it, we should welcome that. But there is time, there is time today and there is time on Monday when we get back to debate that amendment and those amendments not only on the detainees but on many other issues that are important that are in this bill.

I agree with my friend from Arizona that we should ask the majority leader to make Monday night available for votes after the scheduled vote at 5:30. We need to have votes on amendments. I would hope that amendments that can't be agreed to will be voted on on Monday night after the vote on the judge, which is scheduled for 5:30.

I also agree with the Senator from Arizona about trying to get a limit on the number of amendments. We will try again today to see if we can get a unanimous consent agreement. I haven't had a chance to talk this morning with the Senator from Arizona, but we will try—and he just has given me an indication that this is fine with him—to see if we can't set a time later on today, maybe at noon or 1:00, for the filing of amendments and to limit amendments to those that are filed by that time.

We are going to try to get that done with a safety valve, which I suggested last night and I think is acceptable to the Republican manager, my friend from Arizona, which is that, in addition to whatever amendments are filed by whatever time we put in the unanimous consent proposal, there be an additional two amendments on each side that would be available to the managers that would need to be relevant—just relevant amendments—to an amendment that is filed or relevant to the bill. I think you would need a safety valve, and people would understand that. Those two amendments would be allocable—two amendments each by the Republican manager and myself, if that is agreeable. It would take unanimous consent, but I think everyone realizes we have to have a universe here that we can work with during the next week.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't want to talk too much longer. I see our

dear friend from New Mexico, who has been serious enough to come in this morning and debate and discuss his concerns about the bill and amendments.

But I would ask the chairman, we have, as the Senator mentioned, a large number of pending amendments—not just filed but pending—and one of them, of course, is for the detainee issue, there is another Paul amendment, and there are several others that perhaps we could vote on on Monday, as the chairman mentioned.

If any of our colleagues feel they haven't the time to amend it, they are welcome to come now and they are welcome to come on Monday. I understand that may cause them some small inconvenience in their schedule, but if they filed a pending amendment, then there is an amendment pending and they ought to be able to adjust their schedules to come and debate it. If they aren't able to do that, we should still be able to dispose of those amendments, I say with great respect and courtesy to all of my colleagues.

So I hope that Chairman LEVIN and I and others would say: Look, we are going to notify everybody that we are going to have votes on the following amendments on Monday afternoon after we vote on the judge. If you are interested in debating it, we will be here to debate it and discuss it with you.

We have to get this legislation passed for the good of the men and women who are serving this Nation with far greater inconvenience than, frankly, our colleagues might experience by having to come back on Monday or by coming over here today.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be done in one moment so that our friend from New Mexico can schedule his presentation.

I just wanted to add one additional thing to what the Senator from Arizona said, in addition to agreeing with him. We will be here today and we will be here a week from Monday so that there will be plenty of opportunity to debate these pending amendments or other amendments, and people need to know we are going to be seeking votes on these pending amendments if we can't clear them or work them out. There will be an opportunity for debate before the vote.

One other comment; that is, I will have a detailed statement addressing the detainee issue a little later on this morning. It will address some of the statements that are incorrect and misleading which were in the administration's statement on this subject. Also, some of the statements of our colleagues need to be addressed and, I believe, corrected. Because this is a complex issue it is important to know what

is in the bill and what is not in the bill. If it is properly characterized and if it is properly stated, it is still complex, but to misstate it or overstate it or to mischaracterize what is in our bill just confuses an issue which needs to be debated on its merits and not confused. It is complicated enough without obfuscation and confusion about what is in the bill on detention or other matters and what is not in the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENTS NOS. 1200, 1066, 1067 AS MODIFIED, 1068, 1119, 1090, 1089, 1056, AND 1116 EN BLOC

Mr. MCCAIN. Mr. President, I appreciate the indulgence of my friend, Senator UDALL. If it is OK with the chairman, I ask unanimous consent that the following amendments be considered pending on behalf of their sponsors? Would that be agreeable?

For Senator CORNYN, amendment No. 1200, related to Taiwan F-16s; for Senator AYOTTE, amendment No. 1066, related to financial audits; for Senator AYOTTE, amendment No. 1067, as revised, related to the notification of Congress for the initial custody of members of al-Qaida; for Senator AYOTTE, amendment No. 1068, related to the authorization of lawful interrogation methods; for Senator BROWN of Massachusetts, amendment No. 1119, related to child custody rights; for Senator BROWN of Massachusetts, amendment No. 1090, related to housing allowance rates; for Senator BROWN of Massachusetts, amendment No. 1089, related to disclosures by schools participating in tuition assistance; for Senator WICKER, amendment No. 1056, related to military chaplains; and for Senator WICKER, amendment No. 1116, related to truck licenses for transitioning servicemembers.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Let me notify Senators on our side that we are more than willing to do that same courtesy for them if they would let our staff know at the cloakroom this morning. We can do the same thing for Senators on our side as the Senator from Arizona properly did for Senators on his side.

Mr. MCCAIN. Could I say, I hope Members on both sides, if they have amendments, get them to us this morning so we can bring this part of the process to an end.

Mr. LEVIN. And if I may, doing what the Senator from Arizona just did will also facilitate, hopefully, the acceptance of a unanimous consent request that there then be a cutoff as I described at perhaps noon or 1 o'clock today so we can know what the universe is and begin to whittle it down.

I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will report by number

the amendments called up by the Senator from Arizona.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], proposes amendments numbered 1200, 1066, 1067 as modified, 1068, 1119, 1090, 1089, 1056, and 1116 en bloc.

The amendments are as follows:

AMENDMENT NO. 1200

(Purpose: To provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China)

At the end of subtitle H of title X, add the following:

SEC. 1088. SALE OF F-16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on "Military and Security Developments Involving the People's Republic of China," found that "China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-strait military forces and capabilities continues to shift in the mainland's favor." In this report, the Department of Defense also concludes that, over the next decade, China's air force will remain primarily focused on "building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms".

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2010. The DIA found that, "[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable." The report concluded, "Many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force."

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan "would generate some \$8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US," including 23,407 direct jobs, while "economic benefits would likely be realized in 44 states and the District of Columbia".

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote

separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-Straits military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan's air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan's existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

AMENDMENT NO. 1066

(Purpose: To modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014)

At the end of subtitle A of title X, add the following:

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting “, and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014” after “validated as ready for audit by not later than September 30, 2017”.

AMENDMENT NO. 1067, AS MODIFIED

(Purpose: To require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities)

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS OF AL-QAEDA AND AFFILIATED ENTITIES.

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—

(1) IN GENERAL.—When a covered person, as defined in subsection (c), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (d), within 10 days.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall be in classified form and shall include, at a minimum, the suspect's name, nationality, date of capture by or transfer to the United States Government, location of such capture or transfer, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—

(1) IN GENERAL.—Not later than 10 days before a change of disposition under section 1031(c) is effected, the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of such intended disposition.

(2) REPORTING REQUIREMENT.—The notification required under paragraph (1) shall be in classified form and shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) COVERED PERSONS.—For the purposes of this section, a covered person is a person who—

(1) is a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(2) has participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (c) who are taken into the custody or brought under the control of the United States on or after that date.

AMENDMENT NO. 1068

(Purpose: To authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations)

At the end of subtitle D of title X, add the following:

SEC. 1038. AUTHORITY FOR LAWFUL INTERROGATION METHODS IN ADDITION TO THE INTERROGATION METHODS AUTHORIZED BY THE ARMY FIELD MANUAL.

(a) AUTHORITY.—Notwithstanding section 1402 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), the personnel of the

United States Government specified in subsection (c) are hereby authorized to engage in interrogation for the purpose of collecting foreign intelligence information using methods set forth in the classified annex required by subsection (b) provided that such interrogation methods comply with all applicable laws, including the laws specified in subsection (d).

(b) CLASSIFIED ANNEX.—Not later than 90 days after the date of the enactment of this Act, and on such basis thereafter as may be necessary for the effective collection of foreign intelligence information, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Attorney General, ensure the adoption of a classified annex to Army Field Manual 2-22.3 that sets forth interrogation techniques and approaches, in addition to those specified in Army Field Manual 2-22.3, that may be used for the effective collection of foreign intelligence information.

(c) COVERED PERSONNEL.—The personnel of the United States Government specified in this subsection are the officers and employees of the elements of the intelligence community that are assigned to or support the entity responsible for the interrogation of high value detainees (currently known as the “High Value Detainee Interrogation Group”), or a successor entity.

(d) SPECIFIED LAWS.—The law specified in this subsection is as follows:

(1) The United Nations Convention Against Torture, signed at New York, February 4, 1985.

(2) Chapter 47A of title 10, United States Code, relating to military commissions (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)).

(3) The Detainee Treatment Act of 2005 (title XIV of Public Law 109-163).

(4) Section 2441 of title 18, United States Code.

(e) SUPERSEDITION OF EXECUTIVE ORDER.—The provisions of Executive Order No. 13491, dated January 22, 2009, shall have no further force or effect, to the extent such provisions are inconsistent with the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “element of the intelligence community” means an element of the intelligence community listed or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) FOREIGN INTELLIGENCE INFORMATION.—The term “foreign intelligence information” has the meaning given that term in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)).

AMENDMENT NO. 1119

(Purpose: To protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation)

At the end of subtitle I of title V, add the following:

SEC. _____. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. CHILD CUSTODY PROTECTION.

“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an

order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

“(b) **COMPLETION OF DEPLOYMENT.**—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

“(c) **EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.**—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

“(d) **NO FEDERAL RIGHT OF ACTION.**—Nothing in this section shall create a Federal right of action.

“(e) **PREEMPTION.**—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

“(f) **CONTINGENCY OPERATION DEFINED.**—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary concerned may prescribe.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

AMENDMENT NO. 1090

(Purpose: To provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service)

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.”.

AMENDMENT NO. 1089

(Purpose: To require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense)

At the end of subtitle D of title V, add the following:

SEC. 547. DISCLOSURE REQUIREMENTS FOR POST-SECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAMS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations requiring post-secondary education institutions that participate in Department of Defense tuition assistance programs, as a condition of such participation, to disclose with respect to each student receiving such tuition assistance the following information:

(1) Whether the successful completion of the advertised education or training program by a student meets prerequisites for the purpose of applying for and completing an examination or license required as a precondition for employment in the occupation for which the program is represented to prepare the student.

(2) The completion date of degree, certification, or license sought by the student participating in the tuition assistance program.

(b) **APPLICABILITY.**—For purposes of this section, the term “Department of Defense tuition assistance program” applies to financial tuition assistance provided by the Department of Defense to active duty servicemembers and eligible spouses.

AMENDMENT NO. 1056

(Purpose: To provide for the freedom of conscience of military chaplains with respect to the performance of marriages)

At the end of subtitle C of title V, add the following:

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

AMENDMENT NO. 1116

(Purpose: To improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector)

At the end of subtitle H of title X, add the following:

SEC. —. IMPROVING THE TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE IN THE OPERATION OF CERTAIN MOTOR VEHICLES INTO CAREERS OPERATING COMMERCIAL MOTOR VEHICLES IN THE PRIVATE SECTOR.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver’s licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying

motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) **ELEMENTS.**—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) **IMPLEMENTATION.**—Upon completion of the study required by subsection (a), the Secretary of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) **REPORT.**—

(1) **IN GENERAL.**—Upon completion of the study required by subsection (a)(1), the Secretary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) **DEFINITIONS.**—In this section:

(1) **MOTOR VEHICLE.**—The term “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) **QUALIFYING MOTOR VEHICLE.**—The term “qualifying motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me first say, before I talk about my amendments, I had the opportunity yesterday to listen to Senator LEVIN, Senator MCCAIN, Senator DURBIN, and many other Senators with regard to the debate on this bill. I thought it was excellent debate. I thought it was lively, it was robust, it was to the point, and it was the Senate at its best. I don't know how we get to the point where we have the kind of debate they were having on this Defense authorization bill, but I hope we can do more of it, and I look forward to returning after Thanksgiving and having the opportunity to do that.

I compliment the two top Members of that committee and the other Senators who were here on that debate.

AMENDMENTS NOS. 1153, 1154, AND 1202 EN BLOC

Mr. President, I ask unanimous consent to set aside the pending amendments in order to call up amendments Nos. 1153, 1154, and 1202 by number en bloc, and that once the amendments are reported the Senate return to the regular order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. UDALL], for himself and others, proposes amendments numbered 1153, 1154, and 1202 en bloc.

The amendments are as follows:

AMENDMENT NO. 1153

(Purpose: To include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930)

At the end of subtitle H of title X, add the following:

SEC. 1088. INCLUSION OF ULTRALIGHT VEHICLES IN DEFINITION OF AIRCRAFT FOR CERTAIN AVIATION SMUGGLING PROVISIONS.

(a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—

(1) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.”

(2) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting “, or attempts or conspires to commit,” after “commits”.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply with respect

to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

(b) INTERAGENCY COLLABORATION.—The Assistant Secretary of Defense for Research and Engineering shall, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to detect and track the illicit use of ultralight aircraft near the international border between the United States and Mexico.

AMENDMENT NO. 1154

(Purpose: To direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure)

At the end of subtitle H of title X, add the following:

SEC. _____. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORT BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to develop a report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretary to collect and maintain information on the health effects of exposure to toxic chemicals and fumes caused by open burn pits.

(B) Recommendations to improve the collection and maintenance of such information.

(C) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(2) SUBMITTAL TO CONGRESS.—Not later than 540 days after the date on which the registry required by subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the report developed under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term “open burn pit” means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

AMENDMENT NO. 1202

(Purpose: To clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense)

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

“(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the ‘Buy American Act’), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

“(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are installed on property or in a facility—

“(A) owned by the Department of Defense;

“(B) leased to the Department of Defense; or

“(C) with respect to which the Secretary of the military department concerned has exercised any authority provided under subchapter IV of chapter 169 of this title (relating to alternative authority for the acquisition and improvement of military housing).

“(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term ‘photovoltaic devices’ means devices that convert light directly into electricity.

“(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into before, on, or after such date of enactment.”

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

AMENDMENT NO. 1153

Mr. UDALL of New Mexico. Mr. President, I am offering this amendment, along with my cosponsors Senators HELLER, BINGAMAN, FEINSTEIN, and GILLIBRAND, to provide a simple fix to a loophole in the Tariff Act of 1930.

Our amendment will allow our Federal agents and prosecutors to crack down on smugglers who use ultralight aircraft, also known as ULAs, to bring drugs across the U.S.-Mexico border.

In the last Congress, then-Congressman HELLER introduced a very similar bill in the House with Congresswoman GABRIEL GIFFORDS. That bill passed overwhelmingly by a 412-3 vote. I hope we can have a similar bipartisan result here in the Senate.

ULAs are single-pilot aircraft capable of flying low, landing and taking off quickly, and are typically used for sport or for recreation. However, because of increased detection and interdiction of more traditional smuggling conveyances, ULAs have increasingly been employed along the Southwest border by Mexican drug trafficking organizations to smuggle drugs into the United States.

The use of ULAs by drug smugglers presents a unique challenge for law enforcement and prosecutors. Every year hundreds of ULAs are flown across the Southwest border and each one can carry hundreds of pounds of narcotics.

Under existing law, ULAs are not categorized as aircraft by the Federal Aviation Administration, so they do not fall under the aviation smuggling provisions of the Tariff Act of 1930. This means that a drug smuggler piloting a small airplane is subject to much stronger criminal penalties than a smuggler who pilots a ULA.

Our amendment will close this unintended loophole and establish the same penalties if convicted—a maximum sentence of 20 years in prison and a \$250,000 fine—for smuggling drugs on ULAs as currently exist for smuggling on airplanes or in automobiles.

This is a common sense solution that will give our law enforcement agencies and prosecutors additional tools they need to combat drug smuggling.

The amendment would also add an attempt and conspiracy provision to the aviation smuggling law to allow prosecutors to charge people other than the pilot who are involved in aviation smuggling. This would give them a new tool to prosecute the ground crews who aid the pilots as well as those who pick up the drug loads that are dropped from ULAs in the U.S.

Finally, the amendment directs the Department of Defense and Department of Homeland Security to collaborate in identifying equipment and technology used by DOD that could be used by U.S. Customs and Border Protection to detect ULAs.

AMENDMENT NO. 1154

Mr. President, this next amendment would establish an Open Burn Pit Reg-

istry. This amendment, filed by myself and lead cosponsor Senator CORKER, is important to both our active duty troops and veterans.

In both Afghanistan and Iraq open air burn pits were widely used at forward operating bases. Disposing of trash and other debris was admittedly a major challenge. Commanders had to find a way to dispose of it while concentrating on the important mission at hand.

The solution that was chosen, however, had serious medical and environmental risks. In Afghanistan and Iraq, pits of waste were set on fire, sometimes using jet fuel for ignition. Oftentimes, these burn pits would turn the sky black.

Some burn pits were small, but others covered multiple acres of land. At Joint Base Balad, Iraq, over ten acres of land were used for burning toxic debris.

This was a base, that at the height of its operations, hosted approximately 25,000 military, civilian and coalition personnel. These personnel would be exposed to a toxic soup of chemicals released into the atmosphere. According to air quality measurements taken near the base, the air at Balad had multiple particulates harmful to humans.

These particulates ranged from plastics and Styrofoam, metals, chemicals from paints and solvents, petroleum and lubricants, jet fuel and unexploded ordnance, medical and other dangerous waste . . . all of this was in the air and being inhaled into the lungs of service members.

More specifically, air samples at Joint Base Balad turned up some nasty stuff: Particulate matter—chemicals that form from the incomplete burning of coal, oil and gas, garbage, or other organic substances—Volatile Organic Compounds such as acetone and benzene. Benzene is known to cause leukemia and dioxins associated with Agent Orange.

Our veterans have slowly begun to raise the alarm as they learn why, after returning home, they are short of breath, or experiencing headaches or other symptoms and in some cases developing cancer.

Many other independent organizations have also urged action on this issue, including the American Lung Association which has stated that:

Emissions from burning waste contain fine particulate matter, sulfur oxides, carbon monoxide, volatile organic compounds and various irritant gases such as nitrogen oxides that can scar the lungs.

The registry created by this amendment will help our medical and scientific experts better analyze who was exposed and who is suffering.

In New Mexico, service members and veterans have begun to come forward about their medical conditions. Some, like MSG Jesse Baca, a member of the

New Mexico Air National Guard who was stationed in Balad, Iraq, are facing serious ailments such as cancer and chronic bronchiolitis. It is stories like Master Sergeant Baca's which have motivated me to take action on this issue and I urge my colleagues to hear the stories of heroes like him in all 50 States.

During my meetings with veterans and active duty members of the military, I have truly learned how important it is that we act now.

Among active duty members there is uncertainty regarding the link between burn pits and the illnesses that they are suffering from. This uncertainty is discouraging service members from coming forward to have their illness diagnosed because they are fearful about the implications on their career.

A registry will help create the data set needed to bring certainty to the issue because it will improve our understanding of the link between the burn pits and illness. The information will also help DoD better understand the link and aid their efforts to improve treatment of our troops.

The Open Burn Pits Registry Act has bipartisan and bicameral support. In the House, Representative AKIN, a Republican, is sponsoring this important piece of legislation with a strong bipartisan group.

I thank all the supporters and champions for our veterans suffering from these hidden wounds and I urge my colleagues to support this amendment.

AMENDMENT NO. 1202

Mr. President, solar power increases energy security for American military installations and our troops in the field.

With solar power, our military is less dependent on the surrounding electricity grid or fuel supplies for generators.

As a result, the Department of Defense is a leader on utilizing solar power—not for environmental reasons, but national security reasons.

However, if we are going to use taxpayer funds to support military solar power—which also qualifies for solar energy tax incentives—we must provide a level playing field for U.S. solar manufacturers.

Last year's Defense Authorization bill took an important step, by clarifying that DOD's Buy American Act requirements apply to solar.

Previously, when solar was installed on DOD property, Buy American would not apply because DOD only owned the power, not the panels.

While last year's bill attempted to fix this situation, it left 2 loopholes:

No. 1, first, Buy American requirements still do not apply to many DOD facilities, including much of DOD housing, since these facilities are leased and not technically "owned" by DOD. If we do not close this loophole, several hundred megawatts of DOD taxpayer

funded solar projects could go to Chinese firms.

No. 2, last year's bill only applied Buy American when solar devices are "reserved for the exclusive use" of DOD for the "full economic life." Solar power projects often sell back to the grid, so the combined effect of both of these loopholes is that Buy American does not apply to DOD-purchased solar on DOD property.

The amendment I am offering today, on behalf of myself and Senator SCHUMER, closes these loopholes and applies Buy American requirements to all solar panels that are part of contracts with DOD.

If American taxpayer funds are used to improve our military bases' energy security, American solar firms should have an ability to compete.

We know that other nations like China are spending vast resources to become leaders in the solar power market. They do not play by our trade rules, and they are taking advantage of our taxpayer funds.

This amendment halts that practice, while maintaining all existing provisions of the Buy American Act: nations who are in the WTO are not discriminated against and existing exemptions such as availability and cost still apply.

Our amendment is supported by a strong coalition of U.S. solar manufacturers, many of which are based overseas, and U.S. workers and labor unions.

I thank Sen. SCHUMER and his staff for their work on this and I urge the Senate's support.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Michigan.

Mr. LEVIN. I thank the Senator from New Mexico for his remarks. I agree with him; it was a lively debate. I also agree with him it is to be desired that kind of debate occurs more often in the Senate. The Senator from New Mexico has been very active in the effort to have these kinds of debates by rules changes, which would make these kinds of debates a lot more likely, and by other mechanisms.

To make an inquiry, did the Senator from New Mexico restore the regular order to the Levin-McCain amendment? I missed that.

Mr. UDALL of New Mexico. I did. Let me say to Chairman LEVIN, not only lively, robust, but very informative. I learned a lot in the process of listening to him and to Senator MCCAIN and Senator DURBIN and the other Senators who came down about the issue. I think that is the way the Senate works best: to have the amendments and various provisions of the Defense authorization bill be a part of a lively and informative debate.

I thank the Senator for that, and I yield the floor.

Mr. MCCAIN. Mr. President, I assume, then, having watched the debate

and been informed, that the Senator from New Mexico now takes the position that Senator LEVIN and I do on this issue, and his next mission is to convince his colleague from Colorado of the correctness of our position?

Mr. UDALL of New Mexico. At this point I am still listening and trying to ascertain as much as I can about the actual provisions of the Defense authorization bill. But the Senator is correct. There could be trouble in Udall Valley. There might be a split. We do not see that yet, but there is a possibility of it.

Mr. MCCAIN. One thing I have learned about the Senator from New Mexico is that he does give all issues a fair and objective hearing. He listens and he pays attention and he is informed in his decisions. I thank him for taking part in this one.

Mr. UDALL of New Mexico. I also know that when the two of my colleagues—when the chairman and Senator MCCAIN, the ranking member—come together on a provision and are able to persuade their committee to go with it, that says something to the Senate itself, to have that before the Senate. I want to study it very carefully. I know Senator GRAHAM was down here, who has been very active on this issue and has a tremendous amount of experience. I look forward to the continuing debate, and I yield the floor.

Mr. LEVIN. Mr. President, I thank the Senator from New Mexico again for the comments, but also tell him how very much impressed I have been right from the first day I heard him with his openmindedness on subjects. It is very important that we keep open minds, and he has shown just how to do that. We appreciate that on an issue this complex, particularly on the Defense bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, our staff is working on various amendments that we could get approved by both sides. We think there are a number of those on which we can get agreement to make progress today. While we are going through that process, I would like to point out the front page of this morning's Wall Street Journal, I am sorry to note, may be a harbinger of events that will happen in the future, that will take place in the future, which will be unfortunate for the United States of America and indeed tragic for Iraq.

The front page of the Wall Street Journal today says "Standoff Over U.S. Airbase in Iraq."

A tense standoff between local police and the Iraqi Army played out on Thursday at the gate of the U.S. airbase in the northern city of Kirkuk, where a dispute over land and oil threatens national stability and unity as U.S. forces withdraw.

The territorial conflict, between the central government in Baghdad and the semi-autonomous Kurdistan region, is just one flash point that some American and Iraqi officials say could boil over after the full pull-out of U.S. troops at the end of December.

Fears of a clash between Iraqi troops and Kurdish forces were heightened on Thursday when the Kurdish-dominated police in Kirkuk blocked senior Iraqi Army commanders from entering the airbase, where they said they were planning to take over the facility from the U.S. military.

The Army officials brought reporters from Iraqi State-owned television to document the handover, in what appeared to be an effort to show the nation that Baghdad was in charge. The central government, headed by Prime Minister Nouri al Maliki, is increasingly eager to project its power ahead of the U.S. pullout.

This is about a volatile region, particularly in the area around Kirkuk, which is also symptomatic of the entire northern Iraq border between Kurdistan, the semiautonomous region of Iraq, and the rest of Iraq. The area is inhabited by different ethnic groups that range from Turkmen to Arab to other nationalities who all inhabit the area. One of the reasons some of us wanted to have a residual force remain in Iraq—one of actually three major reasons—was because of the tensions in this area which have already bubbled up on several occasions. In fact, there was a point some months ago where two forces were—the Pershmagi, the Kurdish military, and the Iraqi military—close to a shooting situation. The U.S. forces intervened. Obviously, they are not going to be there. Obviously, already before they have even left there has been a tense standoff at one of the major airbases in Iraq.

I greatly fear—I pray not, but I greatly fear that we will see more and more of these kinds of tensions between the Kurdish area and the rest of Iraq. A lot of it has to do with oil. A lot of it has to do with who is going to control the oil revenues in the area. Other parts go back to the era of Saddam Hussein, where he moved out Kurdish individuals and others and moved in people who were loyal to him. There are still enormous land disputes in the area as well. Suffice to say, it is a place of great tension. I continue to be deeply worried about this kind of tension which could lead to armed conflict, but also over time, in the view of some, could lead to an actual breakup of Iraq into Kurdish areas, Sunni areas, and even two different Shia areas of Iraq.

I am sorry to see this. I am sorry this is happening and that there are more people who are predicting greater tensions in the area, but I have to say, I am surprised. I am not surprised. The sad thing about all this—I had a rather, shall I say, spirited exchange with the

Secretary of Defense the other day in the hearing that was held in the Armed Services Committee. This isn't a policy matter, this is a not an issue of whether we should have French fries served in school lunches. This is an issue we have shed the blood of well over 4,400 young Americans. I greatly fear that the opportunity that was purchased with their expenditure of American blood and treasure may go all for naught because of our failure to maintain a residual force in Iraq which, I repeat, was always envisioned when the agreement for U.S. withdrawal was made by the previous administration—by the way, an agreement I disagreed with at that time.

So I hope that when Prime Minister Maliki comes to Washington next month some of these issues can be ironed out, that we can have greater cooperation. But I don't think there is any doubt that right now up in the area of Kirkuk, they are paying much attention to the statements that may be made by the U.S. Embassy in Baghdad.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise in support of the National Defense Authorization Act for Fiscal Year 2012. I wish to commend Senator LEVIN and Senator MCCAIN for their leadership in bringing this piece of legislation to the floor. All my colleagues in the Armed Services Committee have done a remarkable job and have done it with great discipline and dedication and concern for the men and women of our Armed Forces and the defense of the Nation.

This is the 50th consecutive Defense authorization bill that the Senate has considered, and I hope we will soon be able to send it to the President for his signature. We owe this to our service men and women who are devoting themselves, and indeed their families also, to the protection of the United States.

We made difficult decisions in putting together this bill, especially in these challenging economic times. We were able to find \$26 billion in savings from the original budget request the President submitted earlier this year. But I am confident this bill provides a budget that allows the Department of Defense to combat current threats, plan for future threats and provide for the welfare and protection of those men and women and their families who serve this Nation.

I am pleased that at the start of the debate on this important measure, that

we were able to take up and pass Senator AYOTTE's amendment on strategic airlift, which I was pleased to cosponsor. I was, indeed, very impressed with Senator AYOTTE's thorough understanding of this issue, her ability to seize on a point and make sure it is fully understood. We were able to also bring together leaders of our services, the Department of Defense, TRANSCOM, and the Air Force, so that this decision was based on a very thorough analysis. We owe a great deal of thanks to Senator AYOTTE for her extraordinary performance in this regard.

I am also working on several other amendments that would provide additional assistance, not just to the overall structure of the Defense Department but also to our military personnel. These deal with protecting the individual service men and women from exploitation by businesses and by other financial entities. We have taken some steps going forward with the creation of the new Consumer Financial Protection Bureau's Office of Service Members Affairs, headed by Holly Petraeus, but we have to do more. I hope we can in this bill.

I am also proposing amendments that would address some of the inconsistencies in the policies of National Guard dual-status technicians. A further area of concern is better coordination between the mental health care provided by the Department of Defense and the community providers, particularly for members of the National Guard and Reserve and their families. They often don't have the opportunity to be close to a major military installation and so coordination with local community providers is so critical to helping these members and their families. I hope, again, we can work together to get these provisions included in the legislation.

Let me highlight a few of the measures in the overall legislation that are very important. It authorizes a 1.6-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special pays for our men and women in uniform. This is critical in meeting the needs of our military personnel.

The legislation also authorizes the full funding of the DOD's Mine Resistant Ambush Protected Vehicle, the MRAP program, which provides for the sustainment of MRAPs and M-ATVs to protect our troops on the ground. Again, having recently returned about 3 weeks ago from Afghanistan, these are critical weapon systems. My colleagues on the committee who also frequently travel into these war zones will attest to that fact. I am pleased we included this provision in the legislation.

The proposed legislation also authorizes \$11.2 billion for the Afghan Security Forces Fund to train and equip the Afghan Army and police. This is a \$1.6 billion reduction from the President's

request. The CENTCOM commander, General Mattis, and Lieutenant General Caldwell, who was the commander on the ground, determined that this reduction could be made because of the efficiencies being achieved by the NATO training mission in Afghanistan.

We have to be much more efficient going forward in terms of resources, and we also have to prepare for the long term support, not alone but with our international partners, of the creation and sustainment of the Afghan National Security Forces. It represents probably the most significant component, long term, of stabilizing Afghanistan. We cannot do it alone. There has to be political will and capacity. As we develop this military force, we also have to think ahead about how we are, not alone but together with our allies, going to ensure it is properly resourced in order to be a contributing factor in the stability of Afghanistan.

This year, once again, I also had the privilege of serving as the chairman of the Seapower Subcommittee alongside Senator WICKER, whom I wish to thank for his thoughtful and significant contribution to the legislation. The Seapower Subcommittee is focused on the needs of the Navy, Marine Corps, and the strategic mobility forces. The subcommittee put particular emphasis on supporting Marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs.

The subcommittee specifically included requested funding for two Virginia-class submarines, the DDG-1000 Program, the Aircraft Carrier Replacement Program, the DDG-51 Aegis Destroyer Program, the Littoral Combat Ship (LCS) Program, the LHA@ Amphibious Assault Ship, the Joint High Speed Vessel, the Mobile Landing Platform, and the P-8 maritime patrol aircraft. All these weapons systems are important aspects of Navy and Marine projection power throughout the world.

I am particularly pleased, obviously, about the continued support for the Virginia-class submarine program and the DDG-1000, which are integral parts not only of our national security but of the economy of New England.

The subcommittee also included language that would require the Department of Navy to restructure plans to replace the canceled Expeditionary Fighting Vehicle system for the Marine Corps and to complete an analysis of the Amphibious Combat Vehicle alternatives before launching into a Marine Personnel Carrier acquisition program. Essentially, the Marine Corps is re-studying their ability to move marines from ship to shore and then from shore inland to exploit the beachhead, and that careful study is necessary before they make a commitment for future programs for equipment.

We also included language that would permit the Navy to use multiyear procurement authority to buy common

cockpits and avionic systems for the Navy's H-60 helicopters in the most efficient manner.

Let me conclude by once again thanking Senator WICKER, particularly for his help with respect to the Seapower Subcommittee, and thanking all my colleagues. I think we have a good piece of legislation before us. I hope in the process of amending it, we can improve the bill, and I look forward to sending such a bill to the President for his signature.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank the Senator from Rhode Island, my dear friend, for all the work he does on our committee and the other work he does for the Senate. He is an invaluable member of our Armed Services Committee, and I just want to not let this moment pass without acknowledging that.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 1171, 1172, AND 1173

Mr. MCCAIN. Mr. President, on behalf of Senator CORKER, I ask unanimous consent to temporarily set aside the pending amendment and call up the following amendments en bloc: amendment No. 1171, terrorist activities in Pakistan; amendment No. 1172, coalition support in Pakistan; and amendment No. 1173, Sense of the Senate regarding NATO.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CORKER, proposes amendments en bloc numbered 1171, 1172, and 1173.

The amendments are as follows:

AMENDMENT NO. 1171

(Purpose: To prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies)

At the end of subtitle B of title XII, add the following:

SEC. 1230. PROHIBITION ON ASSISTANCE FOR PAKISTAN SECURITY FORCES WITH CONNECTIONS TO TERRORIST ORGANIZATIONS.

None of the amounts authorized to be appropriated by this or any other Act may be made available to any unit of the security forces of Pakistan if the Secretary of Defense determines that the United States Gov-

ernment has credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

AMENDMENT NO. 1172

(Purpose: To require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom)

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPORT ON ENDING COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Special Representative for Afghanistan and Pakistan, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A characterization of the types of reimbursements requested by the Government of Pakistan.

(2) An assessment of the total amount reimbursed to the Government of Pakistan, by fiscal year, since the beginning of Operation Enduring Freedom.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has denied payment.

(4) An assessment of whether the operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and reimbursed from the Coalition Support Fund have materially impacted the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations for, and a timeline to implement, a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1173

(Purpose: To express the sense of the Senate on the North Atlantic Treaty Organization)

At the end of subtitle C of title XII, add the following:

SEC. 1243. SENSE OF SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) historically set a target commitment for member states to spend two percent of their gross domestic product on their defense expenditures.

(2) In 2010, the North Atlantic Treaty Organization identified only 5 member states meeting this target for defense expenditures, including the United States, Albania, France, Greece, and the United Kingdom, leaving 23 member states short of meeting the target.

(3) Secretary of Defense Robert Gates made the following statement on the North Atlantic Treaty Organization on October 14, 2010, in a conversation with reporters: “[m]y worry is that the more our allies cut their capabilities, the more people will look to the United States to cover whatever gaps are created. . . . And at a time when we’re facing stringencies of our own, that’s a concern for me”.

(4) Secretary of State Hillary Clinton, in an interview with the BBC on October 15, 2010, stated that “NATO has been the most successful alliance for defensive purposes in the history of the world, I guess, but it has to be maintained. Now each country has to be able to make its appropriate contributions”.

(5) On March 30, 2011, Admiral James G. Stavridis stated in a hearing before the Committee on Armed Services of the House of Representatives that “[w]e need to be emphatic with our European allies that they should spend at least the minimum NATO 2 percent”.

(6) In a speech delivered in Brussels on June 10, 2011, Secretary of Defense Gates further stated that “[i]n the past, I’ve worried openly about NATO turning into a two-tiered alliance: Between members who specialize in ‘soft’ humanitarian, development, peacekeeping, and talking tasks, and those conducting the ‘hard’ combat missions. Between those willing and able to pay the price and bear the burdens of alliance commitments, and those who enjoy the benefits of NATO membership – be they security guarantees or headquarters billets – but don’t want to share the risks and the costs. This is no longer a hypothetical worry. We are there today. And it is unacceptable”.

(7) In that same speech on June 10, 2011, Secretary of Defense Gates added that “I am the latest in a string of U.S. defense secretaries who have urged allies privately and publicly, often with exasperation, to meet agreed-upon NATO benchmarks for defense spending. However, fiscal, political and demographic realities make this unlikely to happen anytime soon, as even military stalwarts like the U.K. have been forced to ratchet back with major cuts to force structure. Today, just five of 28 allies – the U.S., U.K., France, Greece, along with Albania – exceed the agreed 2% of GDP spending on defense”.

(8) Secretary of Defense Gates also stated that “[t]he blunt reality is that there will be dwindling appetite and patience in the U.S. Congress – and in the American body politic writ large – to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense. Nations apparently willing and eager for American taxpayers to assume the growing security burden left by reductions in European defense budgets”.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to commend the North Atlantic Treaty Organization for historically providing an extension to the United States security capabilities; and

(2) to call upon the President—

(A) to engage each of the member states of the North Atlantic Treaty Organization in a dialogue about the long-term health of the North Atlantic Alliance and strongly encourage each of the member states to make a serious effort to protect defense budgets from further reductions, better allocate and coordinate the resources presently available,

and recommit to spending at least two percent of gross domestic product on defense; and

(B) to examine and report to Congress on recommendations that will lead to a stronger North Atlantic Alliance in terms of military capability and readiness across the 28 member states, with particular focus on the smaller member states.

Mr. MCCAIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

AMENDMENTS NOS. 1117, 1187, AND 1211

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside to call up, on behalf of Senator BINGAMAN, amendment No. 1117; and on behalf of Senator GILLIBRAND, amendments Nos. 1187 and 1211.

Before the clerk reports, I also ask unanimous consent that Senator GILLIBRAND be added as a cosponsor of amendment No. 1092, the Levin-McCain counterfeit parts amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Senators Bingaman and Gillibrand, proposes amendments en bloc numbered 1117, 1187, and 1211.

The amendments are as follows:

AMENDMENT NO. 1117

(Purpose: To provide for national security benefits for White Sands Missile Range and Fort Bliss)

At the end of subtitle H of title X, add the following:

SEC. ____ . WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Withdrawal Area” on the map entitled “White Sands Military Reservation Withdrawal” and dated May 3, 2011;

(B) the approximately 37,600 acres of land depicted as “Parcel 1”, “Parcel 2”, and “Parcel 3” on the map entitled “Doña Ana County Land Transfer and Withdrawal” and dated April 20, 2011; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 3” on the map described in paragraph (2)(B) is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 1” on the map described in subsection (a)(2)(B)—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—
(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

AMENDMENT NO. 1187

(Purpose: To expedite the hiring authority for the defense information technology/cyber workforce)

At the end of title XI, add the following:

SEC. 1108. EXPEDITED HIRING AUTHORITY FOR DEFENSE INFORMATION TECHNOLOGY/CYBER WORKFORCE.

(a) EXPEDITED HIRING AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599e. Information technology/cyber workforce: expedited hiring authority

“(a) AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense—

“(1) may designate any category of Information Technology/Cyber workforce positions in the Department of Defense as positions for which there exists a shortage of candidates or for which there is a critical hiring need; and

“(2) may use the authorities provided in those sections to recruit and appoint qualified persons directly to positions so designated, and should appoint veterans to those positions to the maximum extent possible.

“(b) ANNUAL REPORT.—The Secretary of Defense shall submit an annual report to the congressional defense committees detailing the number of people hired under the authority of this section, the number of people so hired who transfer to a field outside the category of Information Technology/Cyber workforce, and the number of veterans who apply for, and are hired, for positions under this authority.

“(c) SUNSET.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2017.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599e. Information technology/cyber workforce: expedited hiring authority.”.

AMENDMENT NO. 1211

(Purpose: To authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families)

At the end of subtitle H of title V, add the following:

SEC. 577. SUPPORT FOR NATIONAL GUARD COUNSELING AND REINTEGRATION SERVICES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to a State National Guard to support programs to provide pre-deployment and post-deployment outreach, reintegration, and readjustment services to the following persons:

(1) Members of reserve components of the Armed Forces who reside in the State or are members of the State National Guard regardless of place of residence and who are ordered to active duty in support of a contingency operation.

(2) Members described in paragraph (1) upon their return from such active duty.

(3) Veterans (as defined in section 101(2) of title 38, United States Code).

(4) Dependents of persons described in paragraph (1), (2), or (3).

(b) ELEMENTS OF PROGRAMS.—Programs supported under subsection (a) shall use direct person-to-person outreach and other relevant activities to ensure that eligible persons receive all the services and support available to them during pre-deployment, deployment, and reintegration periods.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific State National Guard under subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(d) STATE DEFINED.—In this section, the term “State” means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(e) FUNDING.—

(1) FUNDS AVAILABLE.—The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army National Guard as specified in the funding table in section 4301 is hereby increased by \$70,000,000, with the amount of the increase to be available for assistance authorized by this section.

(2) OFFSETS.—(A) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301 is hereby reduced by \$33,400,000, with the amount of the reduction to be allocated to amounts otherwise available for the Army for recruiting and advertising.

(B) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Navy as specified in the funding table in section 4301 is hereby reduced by \$16,200,000, with the amount of the reduction to be allocated to amounts otherwise available for the Navy for recruiting and advertising.

(C) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Marine Corps

as specified in the funding table in section 4301 is hereby reduced by \$11,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Marine Corps for recruiting and advertising.

(D) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 is hereby reduced by \$8,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Air Force for recruiting and advertising.

Mr. LEVIN. Mr. President, I ask for the regular order on the Levin-McCain amendment.

The ACTING PRESIDENT pro tempore. The amendment is now the pending question.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 1239, 1256, 1257, AND 1258 EN BLOC

Mr. MERKLEY. Mr. President, I ask unanimous consent that the pending amendment be set aside. I call up en bloc 1239, 1256, 1257, and 1258.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes amendments numbered 1239, 1256, 1257, and 1258 en bloc.

Mr. MERKLEY. Mr. President, I ask that reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1239

(Purpose: To expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty)

At the end of subtitle H of title X, add the following:

SEC. 1088. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) **EXPANSION OF ENTITLEMENT.**—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting “or spouse” after “child”.

(b) **LIMITATION AND ELECTION ON CERTAIN BENEFITS.**—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) **LIMITATION.**—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

“(A) the date that is 15 years after the date on which the person died; and

“(B) the date on which the individual remarries.

“(3) **ELECTION ON RECEIPT OF CERTAIN BENEFITS.**—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

AMENDMENT NO. 1256

(Purpose: To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan)

On page 484, strike lines 8 through 24 and insert the following:

(8) During the course of Operation Enduring Freedom, members of the Armed forces, intelligence personnel, and the diplomatic corps have skillfully achieved the core goal of the United States strategy in Afghanistan, and Secretary of Defense Leon E. Panetta has noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(9) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a “game changer” in a speech on May 6, 2011.

(10) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(11) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(12) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(13) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(14) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(b) **BENCHMARKS REQUIRED.**—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) **TRANSITION PLAN.**—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) **SUBMITTAL TO CONGRESS.**—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress.

AMENDMENT NO. 1257

(Purpose: To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan)

On page 484, strike line 22 through line 24 and insert the following:

(c) **TRANSITION PLAN.**—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) **SUBMITTAL TO CONGRESS.**—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress.

AMENDMENT NO. 1258

(Purpose: To require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) **DESIGNATION.**—

(1) **IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.**—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) **SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.**—

(A) **HUBZONE EFFECTIVE DATE.**—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) **SECTION 42 EFFECTIVE DATE.**—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on

Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

Mr. MERKLEY. Mr. President, I call for the regular order.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

Mr. MERKLEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, in a short while I hope we will have, and expect that we will have, some amendments that have been cleared on both sides that we are going to be able to offer and hopefully adopt.

What I thought I would do now is make a fairly lengthy statement about statements which have been made relative to the detainee provisions in S. 1867. First, I want to comment on the statements that were made in the Statement of Administration Policy—this is a so-called SAP. So when I refer to SAP during these comments, and I use that term, it is the acronym which means Statement of Administration Policy.

I am going to first quote exactly from the SAP, and then I am going to comment and show why these statements I am referring to are inaccurate. From the SAP:

Section 1031 attempts to expressly codify the detention authority that exists under the authorization for Use of Military Force.

The authorization for use of military force is referred to as the AUMF. The quote continues:

The authorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qaida and its associated forces, and have enabled us to confront the full range of threats this country faces from those organizations and individuals.

Well, Mr. President, given how important the administration says these authorities are, it should be helpful to have them codified so they can stand on the strongest possible footing.

The next quote:

Because the authorities codified in this section [1031] already exist, the administration does not believe codification is necessary and poses some risk.

The quote continues:

After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country.

The quote continues:

While the current language minimizes many of those risks, future legislative action must ensure that the codification in statute of express military detention authority does not carry unintended consequences that could compromise our ability to protect the American people.

Well, Mr. President, section 1031 was written by administration officials for the purpose of codifying existing authority. The description of persons covered is identical to the position taken by the administration and upheld in the courts. The provision specifically provides that nothing in the provision either limits or expands the authority of the President or the scope of the AUMF.

It is also worth noting that the SAP does not support the argument made by some Senators that section 1031 creates a new or unprecedented authority. On the contrary, the Statement of Administration Policy, the SAP, acknowledges the provision codifies existing law.

Now, this is hardly surprising since the committee accepted all of the administration's proposed changes to section 1031.

I am continuing to quote from the Statement of Administration Policy:

The administration strongly objects to the military custody provision of section 1032, which would appear to mandate military custody for a certain class of terrorism suspects. This unnecessary, untested and legally controversial restriction of the President's authority to defend the Nation from terrorist threats would tie the hands of our intelligence and law enforcement professionals.

Well, Mr. President, it is interesting that the SAP states the amendment would "appear to" mandate military custody. In fact, it does not mandate military custody and does not tie the administration's hands because it includes a national security waiver which allows suspects to be held in civilian custody.

Next quote:

Moreover, applying this military custody requirement to individuals inside the United States, as some Members of Congress have suggested is their intention, would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets.

Well, the administration itself asked that we delete limitations in section 1031 on the applicability of detention authority inside the United States that would have excluded U.S. citizens and lawful residents based on conduct taking place inside the United States to the extent authorized by the Constitution. The exact words were "except to the extent authorized by the Constitution."

If it is appropriate to authorize military detention inside the United States under section 1031, it is not at all clear what "serious and unsettled legal questions" in this narrow category of cases could be raised by requiring such detention subject to a national security waiver. Further, nothing in section 1032 would require or even permit our military to "patrol our streets."

Section 1032 applies, by its very term, only to a person "who has been captured in the course of hostilities" authorized by the AUMF. The provision has no applicability to a person who has not already been so captured and does not speak to the question of when or where such a capture might be authorized.

The provision does not give the military authority to make arrests or conduct any law enforcement functions inside the United States.

Next quote:

We have spent ten years since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

In answer to that, it is not clear what walls the administration thinks the provision builds. Nothing in this provision limits the participation of law enforcement or intelligence professionals in the interrogation of detainees in military custody or vice versa or the sharing of information.

Next quote:

Specifically, the provision would limit the flexibility of our national security professionals to choose, based on the evidence and the facts and the circumstances of each case, which tool for incapacitating dangerous terrorists best serves our national security interests.

The provision does not limit the flexibility of the executive branch to choose the appropriate tool for taking on terrorists. On the contrary, the provision expressly directs the President to establish procedures for making determinations of coverage, authorizes the executive branch waiver of military detention requirements where they do apply, and expressly authorizes the transfer of any detainee to civilian custody for trial.

The next quote from the SAP:

The waiver provision fails to address these concerns, particularly in time-sensitive operations in which law enforcement personnel have traditionally played the leading role.

It is not clear why the administration thinks the use of a waiver would be problematic in time-sensitive operations. The need for a waiver is not triggered until the executive branch determines an individual is covered. The President has control over who makes these determinations, how they are made, and when they are made, so the executive branch should not be faced by a determination of coverage for which it is not ready. And even if,

for some reason, executive branch officials were not ready to deal with their own determination, the provision specifically provides that a determination of coverage may not be used to interrupt ongoing surveillance, intelligence gathering, or interrogation sessions.

The next quote from the SAP:

These problems are all the more acute because the section defines the category of individuals who would be subject to mandatory military custody by substituting new and untested legislative criteria for the criteria that the Executive and Judicial Branches are currently using for detention under AUMF in both habeas litigation and military operations. Such confusion threatens our ability to act swiftly and decisively to capture, detain, and interrogate terrorism suspects, and could disrupt the collection of vital intelligence about threats to the American people.

The SAP is wrong. Detention under section 1032 is expressly limited to persons for whom detention is authorized under criteria currently used by the executive branch and the courts. The new and untested legislative criteria about which the SAP expresses concern is language narrowing the application of the provision to a small category of those for whom detention is already authorized.

Also, because the provision addresses only the question of whether an individual should be transferred to military custody after capture, it is not clear how it could possibly threaten the ability of executive branch officials to act swiftly and decisively to capture anybody.

Because the provision expressly states it may not be applied to interfere with an ongoing surveillance, intelligence gathering, and interrogations, it is not clear how it could possibly threaten the ability of executive branch officials to interrogate terrorism suspects or disrupt the collection of vital intelligence about threats to the American people.

The next quote from the SAP:

Rather than fix the fundamental defects of section 1032 or remove it entirely, as the administration and the chairs of several congressional committees with jurisdiction over these matters have advocated, the revised text merely directs the President to develop procedures to ensure the myriad problems that would result from such a requirement do not come to fruition.

The administration reviewed the language directing the President to develop procedures and they made several suggestions for improvements to that language. The committee adopted all of the administration's suggestions. The remaining change suggested by the administration, which the committee did not adopt, was a proposal to limit the application of the provision to persons captured abroad. This difference does not constitute a myriad of problems which are complex or hard to understand.

This is the last comment they make on that section:

Requiring the President to devise such procedures concedes the substantial risks created by mandating military custody, without providing an adequate solution. As a result, it is likely that implementing such procedures would inject significant confusion into counterterrorism operations.

The language referred to was included to address concerns expressed by the administration. That does not in any way constitute an acknowledgment that the concerns were valid. Whether these concerns were valid or not, they have now been resolved by specific language in the revised provision.

Continuing:

The certification and waiver, required by section 1033 before a detainee may be transferred from Guantanamo Bay to a foreign country, continue to hinder the Executive Branch's ability to exercise its military, national security, and foreign relations activities. While these provisions may be intended to be somewhat less restrictive than the analogous provisions in current law, they continue to pose unnecessary obstacles, effectively blocking transfers that would advance our national security interests, and would, in certain circumstances, violate constitutional separation of powers principles. The Executive Branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers.

The provision is not only "intended to be somewhat less restrictive" than provisions that are included in previous authorization and appropriations acts signed by the President, it is less restrictive. Unlike last year's bill, this provision includes a waiver, which allows the administration to proceed with a transfer even if the certification requirements cannot be met.

Congress has expressed strong concerns about recidivism among Gitmo detainees who have been released in the past. It cannot be in our national security interests to "act swiftly" if we fail to provide adequate safeguards against terrorists rejoining the fight against us.

In discussions on this issue, administration officials have made a single priority request—that the provision be made a 1-year limitation instead of a permanent limitation. And the committee agreed to that change.

Section 1034's ban—

And I am now continuing the quote from SAP—

on the use of funds to construct or modify a detention facility in the United States is an unwise intrusion on the military's ability to transfer its detainees as operational needs dictate.

This provision is the same as the provisions included in last year's authorization and appropriations acts which were signed by the President. In discussions on this issue, administration officials made a single priority request—that the provision be made a 1-year limitation instead of a permanent limitation. The committee agreed to that change.

The next quote from the SAP:

Section 1035 conflicts with the consensus-based interagency approach to detainee reviews required under Executive Order No. 13567, which establishes procedures to ensure that periodic review decisions are informed by the most comprehensive information and considered views of all relevant agencies.

Section 1035 does not conflict with the Executive order of the interagency review process established in the Executive order; rather, it requires the issuance of procedures to implement the review process required by the Executive order.

The Executive order states that a Gitmo detainee will not be released if the interagency process results in a unanimous recommendation against release. The Executive order states that a Gitmo detainee will be released if the interagency process results in a unanimous recommendation for release. But it is silent as to what happens if the process does not result in a unanimous recommendation.

The provision in the bill addresses that issue by providing that no Gitmo detainee will be released without the consent of the Secretary of Defense. This does not contradict the Executive order; it is a truism, since nobody can be released without agreement of all of the agencies.

In discussions with the committee, administration officials did not even raise this provision as a priority issue.

Finally, on the Statement of Administration Policy, the SAP:

Section 1036, in addition to imposing onerous requirements, conflicts with procedures for detainee reviews in the field that have been developed based on many years of experience by military officers and the Department of Defense.

The only new requirement imposed by section 1036 is the requirement for a military judge and legal representation for any detainee who will be held in long-term custody. In discussions with the committee, the administration did not object to this new requirement. On the contrary, the only change requested by the administration in this provision was to strike the words "long-term." The committee did not agree to this proposed change because it would have been onerous to impose this requirement in the case of all detainees, including those who are captured and released or held on a short-term basis.

Mr. President, I now would like to move to my comments on some of the statements of the senior Senator from California. The first comment of Senator FEINSTEIN that I wish to address is the one where she said: "Section 1031 needs to be reviewed to consider whether it is consistent with the September 18, 2001, authorization for use of military force."

On this one, the committee accepted all of the administration's language changes which were written to ensure that the provision is consistent with

the AUMF. The provision specifically states it does not "limit or expand the authority of the President on the scope of the AUMF." The SAP on the provision states that "the authorities codified in this section already exist" under the AUMF.

The next quote from the Senator from California is the following. Section 1031:

... would authorize the indefinite detention of American citizens without charge or trial. Do we want to go home and tell the people of America that we're going to hold them if such a situation comes up without any review, without any habeas?

The committee accepted all of the administration's proposed changes to section 1031, and as the administration has acknowledged, the provision does nothing more than codify existing law. Indeed, as revised pursuant to administration recommendations, the provision expressly "affirms" an authority that already exists. The Supreme Court held in the Hamdi case that existing law authorizes the detention of American citizens under the law of war in the limited circumstances spelled out here, so this is nothing new.

The initial bill reported by the committee included language expressly precluding "the detention of citizens or lawful resident aliens of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States."

The administration asked that this language be removed from the bill. Mr. President, 1031 does not refer to habeas and in no way limits habeas, nor could it. No American can be held in military detention without habeas review and no non-American can be held in military detention inside the United States without habeas. For non-Americans outside the United States, the bill requires the administration to establish review procedures, including, for the first time, a military judge and access to a military lawyer for the status determination.

The next quote of the Senator from California is the following. Under Section 1032:

... any noncitizen al-Qaida operative captured in the United States would be automatically turned over to military custody. Military custody for captured terrorists may make sense in some cases, but certainly not all.

Mr. President, Section 1032 does not mandate military custody. It does not tie the administration's hands because—and this is critically important—it includes a national security waiver which explicitly allows any suspect to be held in civilian custody. Nothing is automatic. The administration would have the discretion to waive military detention and hold a detainee in civilian custody if it decided to do so.

The next quote in the case of Najibullah Zazi:

If the mandatory military custody in the armed service bill was law—

The committee bill was law—

all of the surveillance activities, all of what the FBI did would have to be transferred immediately to the military. . . . Then the government would have been forced to split up co-defendants, even in cases where they otherwise could be prosecuted as part of the same conspiracy.

Zazi was a permanent legal resident. His co-conspirators were both U.S. citizens. They would be prosecuted on terrorist charges in Federal criminal court, but Zazi himself would be transferred to military custody. Two different detention and prosecution systems would play out and could well complicate a unified prosecution.

It is not accurate to say everything the FBI did in the Zazi case would have had to be "transferred immediately to the military." First, it is not at all clear Zazi was covered by the provision because we don't know that he was al-Qaida, and in any event there is an exclusion because he is a lawful resident alien of the United States.

Second, until a coverage determination was made, no transfer would be required and the President would decide how and when that determination would be made.

Finally, even if Zazi were somehow determined to be covered, the requirement could have been waived and Zazi could have been kept in civilian custody in the discretion of the executive branch.

Also, as to this statement that the executive branch would be forced to split up codefendants in the Zazi case, even if he was covered by the provision or in any other case, that is because the provision includes a waiver that would have allowed him to be held in civilian custody from the outset if the executive branch officials decided to do so and also because the provision expressly authorizes the transfer of any military detainee to civilian custody for trial in the Federal courts even without a waiver. So executive branch officials are always able to consolidate cases should they decide to do so in the Federal courts.

The next statement which the Senator made was the following:

The Department of Justice has said that approximately one-third of terrorists charged in Federal court in 2010 would be subject to mandatory military detention, absent a waiver from the Secretary of Defense.

Taking the Justice Department at its word, there have been approximately 300 terrorist cases in Federal court over the last 10 years or about 30 a year. One-third of that number would be just 10 cases a year in which the executive branch officials would have to make determinations of coverage and, if necessary, exercise their waiver authority.

Even that number appears to be exaggerated. Cases of attempted al-Qaida attacks on American soil have been highly publicized and receive extensive

scrutiny, understandably, in Congress. We are not aware of more than half a dozen cases, total, over the last decade. The reason the debate on this issue always seems to come back to the same handful of cases appears to be there only are a handful of cases that are covered by this provision potentially.

In her next quote:

The administration contends that the mandatory military custody is unwise because our allies will not extradite terror suspects to the United States for interrogation and prosecution or even provide evidence about suspected terrorists if they will be sent to a military brig or Guantanamo.

This provision expressly states that the waiver authority may be used to address these concerns and to assure an ally that a suspect will not be held in military custody if transferred to the United States and if that assurance is necessary to obtain that transfer. Administration officials suggested a wording change to preclude misinterpretation of this provision and the committee adopted the very wording proposed by the administration.

The next quote of the Senator from California is that Section 1033:

... essentially establishes a de facto ban on transfers of detainees out of Guantanamo, even for the purpose of prosecution in United States courts or in other countries.

There is no limitation at all in the bill on the transfer of Gitmo detainees to the United States for trial or for any other purpose. With regard to the transfer to other countries, Section 1033 is less restrictive than current law, which was signed by the President.

The next quote I would address is the following. Section 1033:

... requires the Secretary of Defense to make a series of certifications that are unreasonable and candidly unknowable before any detainee is transferred out of Guantanamo. Again, an example, the administration proposed eliminating the requirement that the Secretary of Defense certified that the foreign country from whence the detainee will be sent to is not quote 'facing a threat that is likely to substantially affect its ability to exercise its control over the individual.'

The same language was included in last year's authorization and appropriations bills that were signed by the President. We added a waiver provision this year to make it easier to transfer detainees. In discussion with the committee, the administration made a single priority request on this issue; that the provision be made a 1-year limitation instead of a permanent limitation, and the committee agreed to that change.

Finally, the last quote of the Senator from California from yesterday that I am going to address is the following:

In March, the President issued an executive order that laid out the process for reviewing each detainee's case to make sure that indefinite detention continues to be an appropriate and preferred course. Section 1035 essentially reverses the interagency process created by the President's order.

This was the same allegation made by the statement of administration policy. It is erroneous, and I addressed the answer to that allegation in my remarks a little earlier today, relative to the statement of administration policy, the SAP, so I am not going to comment further. But I would direct everyone back to those comments on the statement of administration policy similar to that statement of the Senator from California, which I addressed at that time.

I appreciate the patience of our Presiding Officer. This was a long statement, but I think it is essential we understand there are issues that need to be debated and should be debated, but there is nothing but confusion created on an issue that is already complex when misstatements are made about what is in a bill of the committee and what is not in the bill of a committee.

The words in the committee bill are words that are clear. They need to be debated, but they should not be exaggerated or misinterpreted. This is an important debate. We had a good debate yesterday, and I expect we will complete this debate on Monday so we can vote on these detention provisions and amendments relative thereto of Senator UDALL hopefully on Monday night.

I yield the floor.

AMENDMENT NO. 1087

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and amendment No. 1087, the Leahy FOIA amendment, be called up and then be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:
The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1087.

The amendment is as follows:

(Purpose: To improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act)

Strike section 1044 and insert the following:

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the disclosure of such information would reveal vulnerabilities in such infrastructure that, if exploited, could result in the disruption, degradation, or destruction of Department of Defense operations, property, or facilities; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term "Department of Defense critical infrastructure security information" means sensitive but unclassified information that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term "data file" means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

Mr. LEAHY. Mr. President, today I offer an amendment to the National Defense Authorization Act, NDAA, that would address an overbroad exemption to the Freedom of Information Act, FOIA, contained in the bill. This

amendment is supported by a broad coalition of open government groups from across the political spectrum. I hope that the Senate will adopt it.

For 45 years, the Freedom of Information Act has been a cornerstone of open government and a hallmark of our democracy, ensuring that the American people have access to their government's records. My amendment will help ensure that FOIA remains a viable tool for access to information that impacts the health and safety of the American public.

I am concerned that the exemption included in the NDAA would allow the Department of Defense to keep secret important information that Americans need to know to protect their own health and safety. For example, there have been alarming reports about the Department of Defense keeping citizens in the dark about health hazards, such as groundwater contamination on military facilities, by claiming that this information was a matter of national security. While I certainly understand the need for the government to keep certain sensitive information confidential, I believe this exemption goes too far.

This amendment adds a public interest balancing test to the Secretary of Defense's determination about whether to withhold critical infrastructure information from the public. This change will help ensure that truly sensitive information is protected, while allowing the public to obtain important information about potential health and safety concerns. An essentially identical provision is contained in the House-passed version of this bill.

The amendment I offer today will also revise the language in section 1044 related to Military Flight Operations Quality Assurance Systems to ensure that truly sensitive flight information is protected, while maintaining the public's interest in obtaining information about the safety of military aircraft.

This amendment strikes an appropriate balance between safeguarding the ability of the Department of Defense to perform its vital missions and the public's right to know. I hope that all Senators will support this common-sense amendment and that the Senate will adopt it without delay.

I ask unanimous consent that the text of a letter in support of this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 17, 2011.

DEAR SENATORS: On behalf of the undersigned organizations, we are writing to urge you to support an amendment offered by Senator Patrick Leahy (D-VT) to fix an overbroad and ill-defined provision relating to "critical infrastructure information," in Section 1044 of the National Defense Authorization Act that could prevent the public from having access to critical health and security information.

Section 1044, as written in the bill passed by the Senate Armed Services Committee, grants the Secretary of Defense, or his delegate, the authority to expand protections from public disclosure for any information that could result in the "disruption, degradation, or destruction" of Department of Defense (DoD) operations, property, or facilities. The language defining "critical infrastructure information" is exceedingly broad, encapsulating information that is crucial for the public to understand public health and safety risks and information already protected under one of the Freedom of Information Act's (FOIA) other exemptions.

We believe that the provision is intended to address agency concerns about protecting information since the Supreme Court threw out the broad use of FOIA Exemption Two in *Milner v. Department of Navy*. Granting DoD carte blanche to withhold information under an exceedingly broad and ill-defined rubric of "critical infrastructure information" is not the right step, especially given that DoD has misused such authority to hide information in the past.

Between 1957 and 1987, the United States Marine Corps knowingly allowed as many as one million Marines and their family members at Camp Lejeune to be exposed to a host of toxic chemicals, including known human carcinogens benzene and vinyl chloride. Civilian employees who worked on the base and people who live in the communities around the base near Jacksonville, NC, are now reporting a high incidence of cancers. For years, the Marine Corps kept this secret, blocking many attempts to uncover the truth—even after the first news of water contamination broke in 1987. Many FOIA requests for information about the contamination were denied, sometimes using Exemption Two in a way that is no longer allowable after this year's *Milner* decision. The entire truth about the incident only came to light in part from information accidentally (and temporarily) posted on the internet by the Marine Corps.

We support language in Senator Leahy's proposed amendment that helps protect against such cover-ups by requiring DoD to weigh whether there is an over-riding public interest in disclosing the information and further protects public health and safety by tightening the definition of "critical infrastructure security information" to make it clear that the Secretary may withhold only information that could substantially increase effectiveness of a terrorist attack. The Leahy Amendment also would slightly modify another exemption to FOIA in Section 1044 for information in the data files of the Military Flight Operations Quality Assurance System, which we support, though we would prefer it to be further narrowed or stricken altogether.

We urge you to pass the Leahy Amendment to narrow the overly-broad Section 1044, and welcome an opportunity to discuss this issue with you further. To reach our groups, you or your staff may contact Patrice McDermott, Director of OpenTheGovernment.org, at 202-332-6736 or pmcdermottri@openthegovernment.org or Angela Canterbury, Director of Public Policy at the Project On Government Oversight, at 202-347-1122 or acanterbury@gpogo.org.

Sincerely,

3P Human Security; American Association of Law Libraries; American Booksellers Foundation for Free Expression; American Library Association; American Society of News Editors; Association of Research Libraries; Agency for Toxic Substances and

Disease Registry's Camp Lejeune Community Assistance Panel; Center for International Policy; Californians Aware; Citizens for Responsibility and Ethics in Washington—CREW; Defending Dissent Foundation; Environmental Working Group; Essential Information; Federation of American Scientists; Feminists for Free Expression; Freedom of Information Center at the Missouri School of Journalism; Friends of the Earth; Fund for Constitutional Government; Government Accountability Project—GAP.

Heart of America Northwest; Just Foreign Policy; Liberty Coalition; National Association of Social Workers; North Carolina Chapter; National Coalition Against Censorship; National Freedom of Information Coalition; Northern California Association of Law Libraries; OMB Watch; OpenTheGovernment.org; Project On Government Oversight—POGO; Public Employees for Environmental Responsibility—PEER; Reporters Committee for Freedom of the Press; Society of Professional Journalists; Southwest Research and Information Center; Special Libraries Association; Sunlight Foundation; Tri-Valley CAREs (Communities Against a Radioactive Environment); Washington Coalition for Open Government

AMENDMENT NO. 1186

Mr. LEAHY. Mr. President, I ask unanimous consent to call up the Leahy-Grassley amendment No. 1186, Fighting Fraud to Protect Taxpayers Act, and it then be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. GRASSLEY, proposes an amendment numbered 1186.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEAHY. Mr. President, I am proud to have joined once again with Senator GRASSLEY to offer the bipartisan Fighting Fraud to Protect Taxpayers Act as an amendment to the National Defense Authorization Act. Combating fraud is a vital issue on which we have a long track record of working together, with great success. In these trying economic times, cracking down on fraud, which has harmed so many hardworking Americans, is more important than ever.

Fraud in military contracting and procurement is a persistent problem which costs taxpayers millions and hurts our military men and women. This amendment will help the critically important effort to crack down on fraud in the military and elsewhere, and so including this amendment with the Department of Defense authorization bill makes good sense. I urge Senators from both parties to support this amendment.

One of the first major bills the last Congress passed was the Leahy-Grassley Fraud Enforcement and Recovery Act. That bill gave fraud investigators and prosecutors additional tools and resources to better hold those who

commit fraud accountable and has led to significant successes. Our work is not done though. Our amendment reflects the ongoing need to invest in enforcement to better protect hardworking taxpayers from fraud.

In the last fiscal year alone, the Department of Justice recovered well over \$6 billion through fines, penalties, and recoveries from fraud cases—far more than it costs to investigate and prosecute these matters. The recovery of these vast sums of money demonstrates that investment in fraud enforcement pays for itself many times over.

The centerpiece provision of the Fighting Fraud to Protect Taxpayers Act capitalizes on this rate of return by ensuring that a percentage of money recovered by the government through fines and penalties is reinvested in the investigation and prosecution of fraud cases. That means that we can ensure more fraud enforcement, more returns to the government, and more savings to taxpayers, all without spending new taxpayer money.

The bill also makes other modest changes to promote accountability and to ensure that prosecutors and investigators, including the Secret Service, have the tools they need to combat fraud. For example, it extends the international money laundering statute to tax evasion crimes and increases key fines. The bill also promotes accountability through increased reporting and transparency.

The renewed focus on fraud enforcement we have seen from Congress and this administration has yielded significant results, but we must continue to strengthen the tools that law enforcement has to root out fraud. Hardworking, taxpaying Americans deserve to know that their government is doing all it can to prevent fraud and hold those who commit fraud accountable for their crimes. Fighting fraud and protecting taxpayer dollars are issues Democrats and Republicans have long worked together to address. I thank Senator GRASSLEY for his commitment to these issues, and ask all Senators to support this amendment.

AMENDMENT NO. 1160 AND AMENDMENT NO. 1253 EN BLOC

Mr. WYDEN. Mr. President, I ask unanimous consent for the pending amendment to be set aside, and to call up amendment No. 1160 and amendment No. 1253 en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes amendments en bloc numbered 1160 and 1253.

The amendments are as follows:

AMENDMENT NO. 1160

(Purpose: To provide for the closure of Umatilla Army Chemical Depot, Oregon)

At the end of title XXVII, add the following:

SEC. 2705. CLOSURE OF UMATILLA CHEMICAL DEPOT, OREGON.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) **BRAC PROCEDURES AND AUTHORITIES.**—The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(c) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) **RETENTION OF PROPERTY AND FACILITIES.**—The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot totaling approximately 7,500 acres as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

AMENDMENT NO. 1253

(Purpose: To provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life)

At the end of subtitle B of title V, add the following:

SEC. 515. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

“(a) **IN GENERAL.**—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

“(b) **COVERED MEMBERS.**—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

“(1) A contingency operation.

“(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

“(c) **PAY AND ALLOWANCES.**—Notwithstanding any other provision of law, while a

member is retained on active duty under subsection (a), the member shall receive—

“(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

“(2) the basic allowance for subsistence payable under section 402 of title 37; and

“(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

“(d) **EARLY RELEASE FROM ACTIVE DUTY.**—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

“(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O-5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

“(e) **TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.**—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled ‘Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks—Section 1,’ effective January 19, 2007.

“(f) **REINTEGRATION COUNSELING AND SERVICES.**—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

“(2) The counseling and services provided members under this subsection may include the following:

“(A) Physical and mental health evaluations.

“(B) Employment counseling and assistance.

“(C) Marriage and family counseling and assistance.

“(D) Financial management counseling.

“(E) Education counseling.

“(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

“(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

“(4) The counseling and services provided to members under this subsection shall, to

the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

“(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

“12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.”.

AMENDMENT NO. 1160

Mr. WYDEN. Mr. President, this first amendment has previously passed the Senate, and it would solve a problem created by the lawyers at the Pentagon who, in effect, at the last minute on a critical issue for eastern Oregon pulled the rug out from under our communities.

When we have a problem or conflict in our State, we solve it the Oregon way, by finding consensus and building common ground. That is why, when it became apparent 20 years ago that the U.S. Army's chemical depot in Umatilla, OR would be closing once all the chemical weapons were destroyed, the community leaders gathered all of the critical organizations together and began the process of planning what to do with the land once the facility closed.

The depot straddles two counties, several cities, and historic tribal lands. So suffice it to say, there are a lot of folks at home in my State who are interested in what happens to the land.

As progress was made in destroying the weapons at Umatilla, we were able to find consensus. The Federal Government helped. More than \$1 million in grants was made available to move the project along. When the facility was listed in the 2005 BRAC recommendations for closure, the Pentagon eventually recognized the organizations that were involved in building this consensus in an official local reuse authority. Everything appeared on track, until last summer. That was, in effect, the time when at the last moment the Pentagon changed the rules.

After decades of planning and \$1 million was spent pulling together an extraordinary communitywide consensus, a lawyer at the Pentagon decided to reinterpret the law and declared that the 2005 BRAC report, which became law when Congress didn't pass a resolution of disapproval, didn't matter. He decided that the Umatilla depot would be closed outside of the BRAC authority because the last of the chemical weapons wouldn't be destroyed until after the 6-year limit for completion of BRAC actions.

What this lawyer either didn't know, or chose to ignore, is this was precisely

the intention of the BRAC Commission when they put the depot on the closure list. The BRAC report discusses the fact that the mission of destroying the chemical weapons wouldn't be completed until after deadline.

On page 239 of the report, the Commission found Secretary Rumsfeld's assertion that the chemical demilitarization would be complete by the second quarter of 2001 was optimistic. The Commission wrote:

An examination of status information for the depot's mission completion and subsequent closure revealed that dates may slip beyond the six-year statutory period for completing BRAC actions.

Therefore, the Commission took the Secretary of Defense's recommendation: "Close Umatilla Chemical Depot, OR" and changed it to: "On completion of the chemical demilitarization mission, in accordance with treaty operations, close Umatilla Chemical Depot, OR."

These facts make it clear that the Commission did not, as this Pentagon lawyer claimed, make a conditional recommendation that the facility only be closed if the chemical demilitarization mission is completed by September of 2011. Rather, the Commission acknowledged that the closure will have to happen when the demilitarization mission is complete, even if that is after September 2011. That decision by the Commission became law.

It is also important to note that the Commission was aware that the demilitarization mission had a deadline of its own. Under the terms of the Chemical Weapons Convention treaty, Umatilla had to complete the mission by April 29, 2012. The fact is, they actually beat the deadline.

The depot should be closed under BRAC so that the will of the community in the form of this local reuse authority and the will of Congress and the BRAC law will be taken into account. The Pentagon has to implement the law as it is, not as it wants it to be. But since the lawyers at the Pentagon seem to think there is some ambiguity, I seek to clarify it for them with my amendment. The amendment would require the Pentagon to follow the BRAC commission's report and close the Umatilla depot under BRAC.

Once again, I would like to note that this has already passed the Senate once. I am very appreciative of Chairman LEVIN, Senator McCAIN, and all our colleagues who are involved, and I thank them.

AMENDMENT NO. 1253

Briefly—and I appreciate the courtesy of Chairman LEVIN on this matter—I want to discuss my second amendment, which I call the Soft Landing Act. I think we all recognize the extraordinary contributions that are made by our Guard and Reserve. They do tour after tour after tour, and we all understand that never in our Na-

tion's history has the American military relied more on the Guard and Reserve than it has in the last 10 years. More than 800,000 members of the Guard and Reserve have been called to Active Duty since 9/11. As I indicated, they are serving repeated tours in Iraq and Afghanistan.

I strongly believe that, for the period from when a Guard member is holding a rifle to the time when they are holding a child back at home in beautiful Oregon, there is not sufficient time being given in order to have what I call a soft landing—an opportunity to reintegrate and get your life back in order and get back into the community. What we have is a very abrupt period where a soldier faces the trauma of combat and comes right back to the community and really does not get an adequate time to readjust. Literally in a matter of days, these guardsmen go from holding guns in the chaos of a combat zone to holding their children in the serenity of their own homes. It is a difficult transition.

I want to make the point that it is a very different transition than most of our Active-Duty troops have. Many of our Active-Duty troops come back to communities that are close to facilities, close to bases. There is a variety of support services. Many of the guardsmen come back to communities that do not have the support of a large base.

It seems to me that the amount of personal and professional requirements that are placed on these patriotic, courageous Americans who serve in the Guard and Reserve warrants our making it possible for them to have what I call a softer landing getting back into their home communities.

I am very appreciative that Chairman LEVIN has given me the opportunity to discuss this briefly. He and I and his staff have talked about this before.

I will close by saying that to have all these men and women who have served with great valor in the Guard and Reserve coming home—we all understand they already face an unacceptably high unemployment rate. We know that in many instances they feel strongly about taking the time to get mental health services, to get back together again with their families, and very often the time period simply is insufficient for Guard members who come home. And right now, the reality can be pretty harsh. They go and serve their country. Their families are concerned about them being in harm's way for months on end, and then they come back with no job and no source of income to be able to support their families.

What this legislation does is provide a soft landing for Guard and Reserve members by allowing returning guardsmen and reservists to take up to 45 days—it is not a long period of time—

to come back, get home, get their lives in order, and still get paid. My view is that this is part of the promise we have made in this country to take care of our troops. They did their best for us. We ought to do our best for them.

I am hopeful that the soft landing amendment, amendment No. 1253, will be included when this legislation passes here in the Senate.

I again express my appreciation to Chairman LEVIN. I know he is speaking on an important matter. I thank him for working on both of these amendments, and I look forward to working with him on these matters. He is our authority on these issues. I appreciate his courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the Senator from Oregon. We are happy to work with him. He is very deeply into these and so many other issues. His contribution is well known to all of us in the Senate. We are happy to work with him on these matters.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I would like to thank the chairman of the Armed Services Committee for such a thorough analysis of the detainee provisions represented in section 1031 through 1034 of the Defense authorization bill. This is a very important part of the Defense authorization bill, and I certainly appreciate the thoughtful analysis that the chairman did.

I would say that his thoughtful and detailed analysis addressed all the red herrings that have been raised about these particular provisions. Because if you read carefully the language in the provisions that were addressed by the Armed Services Committee, they do provide the flexibility that the administration says they have sought in making the best decisions on how to treat detainees, particularly those who become members of al-Qaida and come to our country to commit an attack against our country. We have to make sure we have the right provisions in place to protect Americans and the flexibility so the executive branch officials are able to decide what is the best track to handle a particular case or member of al-Qaida who comes to our country to, unfortunately, attack us.

I also wish to remind this body that these provisions of the Defense Authorization Act were passed out of the Senate Armed Services Committee on an overwhelming bipartisan basis. In fact, the entire Defense Authorization Act was voted out twice unanimously by the Armed Services Committee, including on Monday of this week, when we again voted out the entire provisions of this act unanimously.

So the particular provisions the chairman just discussed were the result

of extensive discussions not only within the committee but also based upon testimony we heard over months from military officials regarding concerns they had about the lack of clarity in our detention policy, and that is where we came to the provisions in 1031 through 1034.

I wish to also remind this body there were many of us who would have gone much further in terms of how we would handle members of al-Qaida who come to our country to commit attacks against our citizens or those who would commit attacks against our citizens or soldiers overseas and our coalition partners. I brought forth an amendment on the CJS appropriations minibus that would have prohibited funding altogether for civilian trials of this same category for terrorists in the United States. So I would have liked to have gone much further. But I respect the amendment the committee voted out, which, in this instance, addressed the administration's concerns of allowing the administration a national security waiver to decide how to handle these cases whether they wanted to take a military track or a civilian track based on the national security interests of our country, which is, of course, what has to be foremost in these cases.

I wish to again remind everyone of the problem we have, which is that the priority, when we are dealing with a member of al-Qaida who is seeking to attack our country, has to be intelligence gathering. We have to make sure we give our executive branch agencies the tools they need to be able to gather information to know about future attacks and to protect our country.

What happens now in our civilian system is, if someone is arrested here, if they are in the civilian system, they are given rights that are part of our constitutional system, which is Miranda rights, for example. If they are in custody and there is interrogation, they have to be told they have the right to remain silent, that they have a right to a lawyer, and that they have a right to speedy presentment. These types of rights are incredibly important to our civilian system.

When we have a terrorist who is a member of al-Qaida, who is a foreigner, and who comes to this country to attack our country, the first thing they hear should not be "you have the right to remain silent." We have to allow our executive branch officials the ability to make intelligence gathering the first priority. This amendment allows that and gives the executive branch the ability to decide in which system they want to treat them and to be able to prioritize intelligence gathering so we can protect Americans and make sure if someone who is a member of al-Qaida comes to our country to attack us, we can gather information without imme-

diately having to tell them "you have the right to remain silent."

That is what is so important with this amendment. It was a bipartisan compromise. As I said, there are Members of the Senate, including myself, who would have liked to have gone much further. But we addressed so many of the concerns of the administration they came up with to make sure they had, with these provisions, the ability to not have to interrupt an interrogation, to conduct the interrogation as they saw fit, to make sure they could conduct ongoing surveillance, and to decide whether a military or civilian track was best based on our national security interests.

I will say just one thing with respect to the transfer provisions and the concerns that have been raised about the provisions set forth for transferring detainees from Guantanamo. This is an area that cried out for some clarification, and it is important that the standard the committee came up with is in statute. Actually, as the chairman mentioned, the reason the committee addressed this is because our defense officials raised some concerns about what the waiver provisions should be from Guantanamo. This has been an area of interest of mine because of where we are right now with the Guantanamo detainees.

Unfortunately, the reality is that 27 percent of those who have been released from Guantanamo have gotten back into the fight and are back trying to kill us, our troops, and our coalition partners. This is an area where it was very important to have clear standards: where transfer would only be appropriate in the instances where we could ensure there wouldn't be recidivism so that we could protect our troops and our partners from having to see the very same individuals we had already had in custody at Guantanamo. So the provisions set forth here are very important to have that statutory standard for when transfers can be made and how they should be handled.

In fact, I would add, when we think about some of the detainees who have gotten back into theater whom we had in our custody at Guantanamo, they are conducting suicide bombings, recruiting radicals, and training them to kill Americans and our allies. Some of the former Gitmo detainees—and I think unfortunately it is a little bit of a badge of honor now to get back into theater and to be engaged in fighting again. Said al-Shihri and Abdul Zakir represent two examples of former Guantanamo detainees who returned to the fight and assumed leadership positions in terrorist organizations that are dedicated to killing Americans and our allies. Said al-Shihri has worked his way up to be No. 2 in al-Qaida in the Arabian Peninsula. We had him in our custody and, unfortunately, he was released. Abdul Zakir now serves as a

top Taliban military commander and a senior leader in the Taliban Quetta Shura again fighting us and our allies.

Again, I am concerned that in the world of terrorists it has become a badge of honor to be released from Guantanamo and then to get back into the fight against us. So I just wanted to put in perspective what we heard from our senior defense officials over a period of months in the Armed Services Committee as to why it is important to have a standard that allows the Department of Defense, under limited circumstances and based on protecting our country, to transfer the detainees, but only when we have addressed the issue of recidivism and they are assured that these individuals aren't going to get back in theater and try to kill American soldiers or our allies. That is why this provision is in here, and I am very pleased it is in here to make sure we address this important issue to keep Americans protected and our allies protected.

I will repeat again that this was a bipartisan compromise. This morning the chairman very thoroughly went through each of the issues raised in the Statement of Administration Policy. Also, in my view, he thoroughly knocked down many of the red herrings that were raised about this provision on the Senate floor yesterday by Senators who are seeking to strike this provision from the Defense Authorization Act.

It is important that this body pass this Defense authorization. It is important for not only these provisions, but also so many of the provisions of this Defense authorization that give our troops the tools they need, as we tell them we are here to support them, to make sure we move forward with the Defense authorization, including these important provisions that address how we handle detainees.

Again, I wish to thank the chairman of the Armed Services Committee for his leadership on this issue. I know he has worked very hard in meeting with the administration, meeting with those of us on the other side of the aisle who actually wanted to go much further in coming up with a very strong, important piece of legislation that will protect Americans and move us forward and provide some clarity in an area where we need clarity to make sure our executive branch officials have the tools they need to gather intelligence to protect Americans from the terrorist attacks because, unfortunately, those who are members of al-Qaida still seek to kill us for what we believe, not for anything we have done, and we can't forget that.

So I thank the chairman.

AMENDMENTS NOS. 1179, 1230, 1137, 1138, 1247, 1246, 1229, 1230 AS MODIFIED, 1249, 1071, 1220, 1132, 1248, 1250, AND 1118 EN BLOC

Ms. AYOTTE. Mr. President, I ask unanimous consent on behalf of other

Republican Senators to temporarily set aside the pending amendment and call up the following amendments en bloc: amendment No. 1179 on behalf of Senator GRAHAM; amendment No. 1230 on behalf of Senator MCCAIN; amendment No. 1137 on behalf of Senator HELLER related to the U.S. Embassy in Israel; also for Senator HELLER, amendment No. 1138 related to the repatriation of U.S. military remains from Libya; for Senator MCCAIN, amendment No. 1247 related to further restrictions on the use of defense funds on Guam; for Senator MCCAIN, amendment No. 1246 related to a commission for U.S. military force structure in the Pacific; for Senator MCCAIN, amendment No. 1229 related to a cybersecurity agreement between the Department of Defense and the Department of Homeland Security; for Senator MCCAIN, amendment No. 1230, as modified, related to the annual adjustment in enrollment fees for TRICARE Prime; for Senator MCCAIN, amendment No. 1249 related to cost-plus contracting—and this is also an amendment that I am cosponsoring; for Senator MCCAIN, amendment No. 1071 related to the oversight of the evolved Expendable Launch Vehicle; for Senator MCCAIN, amendment No. 1220 related to a GAO report of Alaskan Native Corporation contracting; for Senator MCCAIN, amendment No. 1132 related to a Statement of Budgetary Resource Auditability; for Senator MCCAIN, amendment No. 1248 related to authorizing ship repairs in the Northern Marianas; for Senator MCCAIN, amendment No. 1250 related to a report on the probation of the F-35B program; for Senator MCCAIN, amendment No. 1118 to modify the availability of surcharges collected by commissary stores.

I have to make a clarification on an amendment I previously offered on behalf of Senator MCCAIN: amendment No. 1230, as modified, Senator MCCAIN's amendment on TRICARE.

I ask unanimous consent from the chairman of the Armed Services Committee to allow the Senator from Alabama to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Chair recognizes our friend from Alabama, let me thank the Senator from New Hampshire not just for her kind and warm remarks, but also for the great contribution she has made to our committee. It has been an extraordinary launch for her, if I may put it that way. I think—and I know our Presiding Officer would agree with me on this because he has been a witness as well—it has been a major contribution.

I thank the Senator. She has the kind of experience and is so committed to the security of this country that the Senator is already venerable as a member of our committee.

I yield the floor.

Ms. AYOTTE. I thank the chairman. He is very kind, and it has been wonderful to serve under his leadership on the Armed Services Committee, of which I would say, one of the great experiences in the Senate is that the Armed Services Committee—in a time when people see so much partisan—works on a very strong, bipartisan basis to ensure our country is protected.

With that, I would yield to my colleague who also serves on the Armed Services Committee, whom I have great respect for, Senator SESSIONS from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. Without objection, the amendments the Senator from New Hampshire has offered will be considered to have been read and will be considered in the order they have been offered.

The amendments en bloc are as follows:

AMENDMENT NO. 1179

(Purpose: To specify the number of judge advocates of the Air Force in the regular grade of brigadier general)

At the end of subtitle A of title V, add the following:

SEC. 505. NUMBER OF JUDGE ADVOCATES OF THE AIR FORCE IN THE REGULAR GRADE OF BRIGADIER GENERAL.

Section 8037 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Four officers of the Air Force designated as judge advocates shall hold the regular grade of brigadier general.”.

AMENDMENT NO. 1137

(Purpose: To provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel)

At the end of subtitle H of title X, add the following:

SEC. 1088. RECOGNITION OF JERUSALEM AS THE CAPITAL OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to recognize Jerusalem as the undivided capital of the state of Israel, both de jure and de facto.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel since 1967;

(2) every citizen of Israel should have the right to reside anywhere in the undivided city of Jerusalem;

(3) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(4) the President should immediately implement the provisions of the Jerusalem Embassy Act of 1995 (Public Law 104-45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(5) United States officials should refrain from any actions that contradict United States law on this subject.

(c) AMENDMENT OF WAIVER AUTHORITY.—The Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(d) IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.—Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

AMENDMENT NO. 1138

(Purpose: To provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya)

At the end of subtitle H of title X, add the following:

SEC. 1088. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.

(a) IN GENERAL.—The Secretary of Defense shall take whatever actions may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that cannot be identified, transport the remains to Arlington National Cemetery for interment at an appropriate grave marker identifying the United States Navy Sailors of the USS Intrepid who gave their lives on September 4, 1904, in Tripoli, Libya.

(b) BURIAL SITES DESCRIBED.—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) REPORT.—Not later than 180 days after the effective date of this section, the Secretary shall submit to Congress a report describing the status of the actions under this section. The report shall include an estimate of the date of the completion of the actions undertaken, and to be undertaken, under this section.

(d) EFFECTIVE DATE.—This section takes effect on the date on which Operation Unified Protector of the North Atlantic Treaty Organization (NATO), or any successor operation, terminates.

(e) AVAILABLE FUNDS.—The Secretary shall carry out this section using amounts authorized to be appropriated for the Department of Defense by Acts enacted before the date of the enactment of this Act.

AMENDMENT NO. 1247

(Purpose: To restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met)

Beginning on page 534, strike line 8 and all that follows through page 535, line 17, and insert the following:

(a) **RESTRICTION ON USE OF FUNDS.**—None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

(b) **RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Defense is prohibited from using the authority provided by section 2391 of title 10, United States Code, to carry out any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section that will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam until the requirements under subsection (a) are satisfied.

(2) **PUBLIC INFRASTRUCTURE DEFINED.**—In this section, the term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

AMENDMENT NO. 1246

(Purpose: To establish a commission to study the United States Force Posture in East Asia and the Pacific region)

Strike section 1079 and insert the following:

SEC. 1079. COMMISSION TO STUDY UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a commission to conduct an independent assessment of America's security interests in East Asia and the Pacific region. The commission shall be supported by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs

with ready access to policy experts throughout the country and from the region.

(2) **ELEMENTS.**—The commission established pursuant to paragraph (1) shall assess the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) **MEMBERS OF THE COMMISSION.**—

(1) **COMPOSITION.**—For purposes of conducting the assessment required by paragraph (a), the commission established shall include eight members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) **QUALIFICATIONS.**—Individuals appointed to the commission shall have significant experience in the national security or foreign policy of the United States.

(3) **DEADLINE FOR APPOINTMENT.**—Appointments of the members of the commission shall be made not later than 60 days after the date of the enactment of this Act.

(4) **CHAIRMAN AND VICE CHAIRMAN.**—The commission shall select a Chairman and Vice Chairman from among its members.

(5) **TENURE; VACANCIES.**—Members shall be appointed for the life of the commission. Any vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) **MEETINGS.**—

(A) **INITIAL MEETING.**—Not later than 14 days after the date on which all members of the commission have been appointed, the commission shall hold its first meeting.

(B) **CALLING OF THE CHAIRMAN.**—The commission shall meet at the call of the Chairman.

(C) **QUORUM.**—A majority of the members of the commission shall constitute a quorum, but a lesser number of members may hold hearings.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the commission shall provide to the Secretary of Defense an unclassified report, with a classified annex, containing its findings. Not later than 90 days after the date of receipt of the report, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) **POWERS.**—

(1) **HEARINGS.**—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out this section.

(2) **INFORMATION SHARING.**—The commission may secure directly from any Federal de-

partment or agency such information as the commission considers necessary to carry out this section. Upon request of the Chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(3) **ADMINISTRATIVE SUPPORT.**—Upon request of the commission, the Administrator of General Services shall provide to the commission, on a reimbursable basis, the administrative support necessary for the commission to carry out its duties under this section.

(4) **MAILS.**—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) **GIFTS.**—The commission may accept, use, and dispose of gifts or donations of services or property.

(e) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission under this section. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **TRAVEL.**—Members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission under this section.

(3) **STAFFING.**—

(A) **EXECUTIVE DIRECTOR.**—The Chairman of the commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the commission.

(B) **STAFF.**—The commission may employ a staff to assist the commission in carrying out its duties.

(C) **COMPENSATION.**—The Chairman of the commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) **DETAILS.**—Any employee of the Department of Defense or the Department of State may be detailed to the commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) **TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the

Executive Schedule under section 5316 of such title.

(f) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the commission, and any experts and consultants to the commission, shall possess security clearances appropriate for their duties with the commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the commission under this section.

(g) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c).

AMENDMENT NO. 1229

(Purpose: To provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security)

At the end of subtitle H of title X, add the following:

SEC. 1088. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

AMENDMENT NO. 1230, AS MODIFIED

(Purpose: To modify the annual adjustment in enrollment fees for TRICARE Prime)

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

“(c) COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.—(1)(A) Whenever after September 30, 2011, and before October 1, 2012, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

“(B) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

“(C) Any increase under this paragraph in the fee payable for enrollment shall be effective as of October 1 following the date on which such increase is made.

“(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.”

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) \$260 for individual enrollment.

(2) \$520 for family enrollment.

AMENDMENT NO. 1249

(Purpose: To limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs)

At the end of subtitle A of title VIII, add the following:

SEC. 808. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(2) EXCEPTION FOR JOINT URGENT OPERATIONAL NEEDS.—The prohibition under subsection (a) shall not apply in the case of a particular cost-plus contract if the Under Secretary for Acquisition, Technology, and Logistics—

(A) certifies, in writing, with reasons, and on the basis of a validation of a joint urgent operational need by the Joint Requirements Oversight Council, that a cost-type contract is needed to provide capability required to satisfy a joint urgent operational need; and

(B) provides the certification to the congressional defense committees not later than 30 business before issuing a solicitation for the production of a major defense acquisition program.

(b) CONDITIONS WITH RESPECT TO DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 818(d) of the John Warner National Defense Authorization Act for Fis-

cal Year 2007 (Public Law 109-364; 120 Stat. 2329; 10 U.S.C. 2306 note) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraphs:

“(3) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program; and

“(4) despite these efforts, the Department of Defense cannot define requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program.”

(c) REPORTING OF COST-TYPE DEVELOPMENT CONTRACTS.—Not later than 30 business days before issuing a solicitation for the development of a major defense acquisition program, the Secretary of Defense shall submit to the congressional defense committees notice of the proposed award and the written determinations required under paragraphs (1) and (4) of section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (b), and the reasons supporting the determinations.

(d) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term “production of a major defense acquisition program” means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C, or Key Decision Point C in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

(3) DEVELOPMENT OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term “development of a major defense acquisition program” means the development of a major defense acquisition program or related increment of capability, the completion of full system integration, the development of an affordable and executable manufacturing process, the demonstration of system integration, interoperability, safety, and utility, or any activity otherwise defined as Milestone B, or Key Decision Point B in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

AMENDMENT NO. 1071

(Purpose: To require the Secretary of Defense to report on all information with respect to the Evolved Expendable Launch Vehicle program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase)

At the end of subtitle E of title VIII, add the following:

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

AMENDMENT NO. 1220

(Purpose: To require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts)

At the end of subtitle C of title VIII, add the following:

SEC. 848. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the Department of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

AMENDMENT NO. 1132

(Purpose: To require a plan to ensure audit readiness of statements of budgetary resources)

At the end of subtitle A of title X, add the following:

SEC. 1005. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.

(a) **PLANNING REQUIREMENT.**—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systematically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare

timely, reliable, and complete financial management information on a repeatable basis.

(b) **SEMIANNUAL UPDATES.**—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

AMENDMENT NO. 1248

(Purpose: To expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands)

At the end of subtitle C of title X, add the following:

SEC. 1024. AUTHORITY FOR OVERHAUL AND REPAIR OF VESSELS IN COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Section 7310(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “UNITED STATES OR GUAM” and inserting “UNITED STATES, GUAM, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS”; and

(2) by striking “United States or Guam” both places it appears and inserting “United States, Guam, or the Commonwealth of the Northern Mariana Islands”.

AMENDMENT NO. 1250

(Purpose: To require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter)

At the end of subtitle D of title I, add the following:

SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F-35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F-35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F-35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

AMENDMENT NO. 1118

(Purpose: To modify the availability of surcharges collected by commissary stores)

At the end of subtitle E of title III, add the following:

SEC. 346. MODIFICATION OF AVAILABILITY OF SURCHARGES COLLECTED BY COMMISSARY STORES.

(a) **IN GENERAL.**—Paragraph (1)(A) of section 2484(h) of title 10, United States Code, is amended by striking clauses (i) and (ii) and inserting the following new clauses:

“(i) to replace, renovate, expand, improve, repair, and maintain commissary stores and

central product processing facilities of the defense commissary system;

“(ii) to acquire (including acquisition by lease), convert, or construct such commissary stores and central product processing facilities as are authorized by law;

“(iii) to equip the physical infrastructure of such commissary stores and central product processing facilities; and

“(iv) to cover environmental evaluation and construction costs related to activities described in clauses (i) and (ii), including costs for surveys, administration, overhead, planning, and design.”.

(b) **SOURCE AND AVAILABILITY OF CERTAIN FUNDS.**—Such section is further amended by adding at the end the following new paragraph:

“(6)(A) There shall be credited to the ‘Surcharge Collections, Sales of Commissary Stores, Defense Commissary’ account on the books of the Treasury receipts from sources or activities identified in the following:

“(i) Paragraph (5).

“(ii) Subsections (c), (d), and (g).

“(iii) Subsections (e), (g), and (h) of section 2485 of this title.

“(B)(i) Funds may not be appropriated for the account referred to in subparagraph (A), or appropriated for transfer into the account, unless such appropriation or transfer is specifically authorized in an Act authorizing appropriations for military activities of the Department of Defense.

“(ii) Funds appropriated for or transferred into the account in accordance with clause (i) may not be merged with amounts within the account.

“(iii) Funds appropriated for or transferred into the account in accordance with clause (i) shall not be available to acquire, convert, construct, or improve a commissary store or central product processing facility of the defense commissary system unless specifically authorized in an Act authorizing military construction for the Department of Defense.”.

Mr. LEVIN. If the Senator from Alabama, our friend, would yield for one second.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We are then on the regular order; is that correct?

The PRESIDING OFFICER. The Senator is correct. The regular order will be restored.

Mr. LEVIN. So the regular order is the Levin-McCain amendment; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I do believe the Defense authorization bill has been moved in the way more legislation needs to be handled in the Congress. I am confident that is in large part due to the leadership of Senator LEVIN, who is a professional, skilled lawyer, who knows the big picture and the small details of the legislation. It has been a pleasure to work with him over the years. I have learned a great deal about our defense from him and how legislation is enacted. So I want to express my appreciation for that.

And I thank Senator MCCAIN, who brings a vast knowledge of defense and military issues, and who is courageous

in defending what he believes the legitimate interests of the United States are. That has been a real pleasure.

I will join Senator LEVIN in thanking Senator AYOTTE for her leadership. Her contributions to our committee have been immediate, and that is reflected in the fact that Senator MCCAIN has asked her to manage the floor today for him. I also appreciate the Senator's work on the budget and the effort we have made there.

AMENDMENTS NOS. 1182, 1183, 1184, 1185, AND 1274
EN BLOC

Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up the following amendments en bloc: amendment No. 1182, dealing with Army brigade combat teams; amendment No. 1183, dealing with the nuclear triad; amendment No. 1184, dealing with naval surface vessels; amendment No. 1185, dealing with missile defense; and amendment No. 1274, dealing with the detention of enemy combatants.

The PRESIDING OFFICER. Without objection, those amendments are considered pending in that order.

The amendments en bloc are as follows:

AMENDMENT NO. 1182

(Purpose: To prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command)

At the end of subtitle E of title X, add the following:

SEC. 1049. PROHIBITION ON PERMANENT STATIONING OF MORE THAN TWO ARMY BRIGADE COMBAT TEAMS WITHIN UNITED STATES EUROPEAN COMMAND.

(a) IN GENERAL.—Effective as of January 1, 2016, the number of Army Brigade Combat Teams that may be permanently stationed within the geographic boundaries of the United States European Command (EUCOM) may not exceed two brigade combat teams.

(b) MILITARY CONSTRUCTION.—No military construction project may be commenced or undertaken for or in connection with or support of the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

AMENDMENT NO. 1183

(Purpose: To require the maintenance of a triad of strategic nuclear delivery systems)

At the end of subtitle E of title X, add the following:

SEC. 1049. MAINTENANCE OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

The Secretary of Defense shall take appropriate actions to maintain for the United States a range of strategic nuclear delivery systems appropriate for the current and anticipated threats faced by the United States, including a triad of sea-based, land-based, and air-based strategic nuclear delivery systems.

AMENDMENT NO. 1184

(Purpose: To limit any reduction in the number of surface combatants of the Navy below 313 vessels)

At the end of subtitle C of title X, add the following:

SEC. 1024. LIMITATION ON REDUCTION IN NUMBER OF SURFACE COMBATANTS OF THE NAVY BELOW 313 VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2011 Shipbuilding Plan of the Navy contemplates a baseline of 313 surface combatants in the Navy.

(2) The national security of the United States requires that the shipbuilding activities of the Navy ensure a Navy composed of at least 313 surface combatants.

(3) It is in the national interest that the future-years defense programs of the Department of Defense provide for a Navy composed of at least 313 surface combatants.

(b) LIMITATION.—The Secretary of the Navy may not carry out any reduction in the number of surface combatants of the Navy below 313 surface combatants unless the Secretary, after consultation with the commanders of the combatant commands, certifies to Congress that the Navy will continue to possess the capacity to support the requirements of the combatant commands after such reduction.

AMENDMENT NO. 1185

(Purpose: To require a report on a missile defense site on the East Coast of the United States)

At the end of subtitle C of title II, add the following:

SEC. 234. REPORT ON MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.

(a) FINDING.—Congress finds that the Obama Administration plans to limit or cancel the deployment of the European Phased Adaptive Approach (EPAA) to missile defense.

(b) REPORT.—In light of the finding in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

AMENDMENT NO. 1274

(Purpose: To clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force)

On page 360, between lines 17 and 18, insert the following:

(5) Notwithstanding disposition under paragraph (2) or (3), further detention under the law of war until the end of hostilities authorized by the Authorization for Use of Military Force.

Mr. SESSIONS. Mr. President, I wish to share a few general comments about where we are. All of us have been confronting, whether we want to or not—I think some of us more realistically than others—the debt situation this Nation faces. We are, indeed, borrowing 40 cents of every \$1 we spend. That is an unsustainable path. We have already had 3 consecutive years of deficits exceeding \$1 trillion, and we are projected to have another trillion-dollar deficit next year.

The debt under President Obama has now increased by 42 percent in the first 3 years of his term in office. It is an unsustainable course. We have to do better.

The National Defense Authorization Act represents our committee's vision

for defense in the future. We have done something about the spending problem America has. As we calculate the numbers, we are down from \$548 billion—in actual money spent on the Defense Department last year—to \$527 billion this year, an actual reduction, in noninflation-adjusted dollars, of over \$20 billion, which represents about a 5-percent reduction, a 4-percent reduction in defense spending.

That is what all of our accounts should be doing. But, indeed, that is not happening. In the other aspects of discretionary spending—defense being the largest portion of discretionary spending in the Congress—the other agencies and departments are not showing a reduction at all. Indeed, they are showing an increase, even after nondefense discretionary spending increased 24 percent in the first 2 years under President Obama.

Some think the base defense budget has been surging—and it has been increasing over the last decade—but it has increased 84 percent over the past decade. I will note that Medicaid, for example, has increased over 100 percent. Food stamps are now up to \$80 billion this year. It is four times what it was in 2001, from \$20 billion to about \$80 billion.

So defense has not been surging out of proportion, I would suggest, to the other spending programs in our government. In fact, it has been increasing, even in this decade long of war against terrorism, at a rate that is not excessive, in my view. It has been a pretty significant increase under realistic controls and not out of proportion to what we are concerned about. However, it is looking to be hammered a great deal more in the future, disproportionate, again, to what is happening in other spending accounts.

The Defense Department now is working on a total reduction in spending of \$489 billion more, which is about 10 percent of what we would expect to spend in the next 10 years. That is because of the Budget Control Act we passed in August that required reductions in spending in discretionary accounts. The choices so far have been to reduce defense spending far more than the other accounts.

In addition, if the deficit committee—the 12 supercommittee members—if they do not reach an accord, we all need to understand there will be an automatic sequester. Many people thought—and I think Senators probably thought—if that were to be done, it would be done across the board in an equal way. Not so. If that happens, \$600 billion additional would be taken out of defense, and items such as food stamps, Medicaid, the earned income tax credit, Social Security—all of those would have no reductions. So it would amount to almost a 20-percent reduction in the Defense Department in real dollars over 10 years.

It should not have been that way. The agreement should not have targeted the Defense Department in such a Draconian way. We cannot allow that to happen.

All accounts need to be tightened. Every agency and department has to tighten its belt, including the Defense Department, but not disproportionately so.

Admiral Mullen said, if this were to occur, it would "hollow us out," it could break the Defense Department and our military; so did Leon Panetta, President Obama's Secretary of Defense. He said it was basically an unacceptable situation, and he agreed with Admiral Mullen, who was sitting beside him at the time of that testimony, and in response to questions I asked of him.

When I asked him about it—the hearing was on another subject—he responded with passion, Secretary Panetta did, and expressed deep concern about the course of our Defense Department if these cuts were to take place.

I will quote former Secretary Robert Gates, who served President Bush and President Obama. Recently, he said this:

I think, frankly, the creation of this super-committee was a complete abdication of responsibility on the part of the Congress. It basically says, "this is too hard for us. Give us a BRAC. Give us a package where all I have to do is vote it up or vote it down and I don't have to take any personal responsibility for any of the tough decisions." So now we're left with this sword of Damocles hanging over the government, hanging over defense, and if these cuts are automatically made, I think that the results for our national security will be catastrophic.

That is what the former Secretary of Defense, a most respected Secretary, said not long ago. So I think that is fundamentally correct, that we are proceeding on a path that disproportionately impacts the Defense Department and would be damaging in a way that is not necessary and should not happen.

A lot of these other programs have been surging out of control with problems after problems—whether it is Solyndra loans that were made, apparently knowing the company is going under—those kinds of things we need to focus on. To suggest they cannot have any cuts, and all the cuts have to fall on defense, or a disproportionate number of them, is a mistake.

I am a firm believer that the Defense Department, and every department of our government, has to tighten its belt, and we cannot continue with business as usual, and we should be having reductions in spending in every single bill that is coming before us. But I am afraid the only bill that will actually show an actual reduction in spending is the Defense bill, when we have men and women in harm's way right now on guard to defend our country.

I feel we need to get our act together. I am hopeful this committee of 12 can

reach an accord that would not hammer the Defense Department additionally from the huge cuts they are already being asked to make over the next 10 years. Maybe they can help us begin to get on a path to fiscal responsibility. But I am doubtful they are going to make a big change. Hopefully, they will make some agreement, but it does not look hopeful we will have the kind of financial alteration of spending in America that is necessary to get our country on the right path.

After all, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said last year that the greatest threat to our national security is our debt. We are already seeing how it impacts us when you see these cuts being discussed and being threatened.

I want to thank Senator AYOTTE—a former prosecutor, attorney general of New Hampshire—for jumping in right away into the very critical issue of detainees and how they should be treated in the United States. In the short time she has been here, she is making a big difference on that.

I was involved in it on the Judiciary Committee. I have been involved in it on the Armed Services Committee. I am basically exhausted with it. I remain flabbergasted. I think you are right, Senator AYOTTE. This is progress I believe you have made in these negotiations, but I think we have gone too far in many of these ideas already. It does not make common sense.

Let me say a couple of things about it. When a person is at war against the United States and they are captured in combat activities against the United States, they are able to be detained. They do not have to be tried. They do not have to be given Miranda rights. They have to comply with the Geneva Conventions about food and the right to communicate, and, within limits, they can be interrogated. All of those things are part of the Geneva Conventions. And they are to be detained until the war is over. That is so fundamentally logical. Why in the world would a person who is fighting an enemy and could have killed the enemy at one moment and captures them the next moment then be required, while the war is still ongoing, to release them so they can shoot you again and attack you again?

This is perfectly logical. It is part of the history of war, and it has long been established that when you capture enemy combatants, you can detain them until the conflict is over. But we have had this obsessive desire and attack by some that the people who have been captured need to be released, and they insisted that they be released. So they started with the least dangerous members, and they have released. I guess now, a majority of the people who have been detained. And among the least dangerous members who have been released, as Senator AYOTTE says,

we now have 27 percent who have been identified as in the war, attacking us now, and one of them is one of the top leaders in al-Qaida. This was never necessary.

Guantanamo is a perfectly logical place to hold these individuals, and how it became such a political issue—and President Obama campaigned on it, and Attorney General Eric Holder was out there complaining about it. Then he gets in as the Attorney General of the United States, and they commence to make some serious errors, in my opinion.

One of the biggest errors was to create a presumption that somebody who has been apprehended attacking the United States should be treated in civilian courts. I know Senator AYOTTE just said this earlier, but people need to know. If you are going to try someone in civilian court, you have to give them the Miranda immediately because when they come before the judge, if they made an admission without Miranda, it cannot be used against them. And you have to tell them immediately that they are entitled to a lawyer. When you capture people in a war, you don't give them lawyers. That has never been a part of the rules of war. And they are guaranteed presentment, the right to speedy trial in Federal court within 70 days. They are entitled to a preliminary hearing. So all of the other bad guys and terrorists now have an opportunity to know that you have captured their co-conspirator, perhaps, and are aware of the circumstances and may scatter in a way that you would not want to occur.

So these are realistic things. So if there is a presumption—first of all, I would say all of the cases should be tried in military commissions, if they are tried, and not in civilian court. But certainly the presumption should be that they would be in military commissions because if the presumption, as Attorney General Holder has declared, is that it is civilian, then you have to do the warning.

I remember in one of my hearings, Senator LINDSEY GRAHAM, a JAG officer in the Air Force—still trains as a reservist—grilled I believe it was Attorney General Holder and asked him: Well, what would happen if bin Laden were captured? Would you give him Miranda rights? And he could not answer the question. He would not answer the question because under his presumption, if Osama bin Laden were apprehended, he should be given Miranda rights.

So that is the nub of the problem we have been wrestling with, and we have had a lot of political rhetoric, in my opinion, attacked President Bush time and time again. They did not conduct everything perfectly, but many of the attacks on President Bush, his Department of Justice, and his military were unfair.

Do you know that not a single person in Guantanamo was ever waterboarded, that the U.S. military never participated in that? These were intel interrogations done under limited circumstances to a very few people. Whether they should have been done or not, we can all argue and disagree, but the idea that the U.S. military, the Defense Department, was systematically torturing and abusing prisoners is absolutely untrue. No military under such difficult circumstances has performed so well.

Another subject. One of my amendments deals with a subject I have had an opportunity to be engaged in for some years. Around 2002, 2003, or 2004, I led a congressional delegation to Europe dealing with the extent of our forces in Europe, how many we have deployed there, and the opportunity we had and maybe the need we have to bring home some of those forces.

We were going through a BRAC process in the United States, closing bases and consolidating bases. That process did not apply officially to Europe and bases around the world. And a number of us were engaged in that. I recall that Senator SAXBY CHAMBLISS and MIKE ENZI traveled with us to Europe, and we examined—went to Germany and Italy and Spain, and we saw the bases that were important to the United States, bases that we really needed and we had good support from our allies on and that would be enduring bases. And there was a plan in place to reduce the deployment in areas where it was less important.

So as a matter of background, I would share these thoughts. Since 2004, the Defense Department has had a plan to transfer two of its four combat brigades in Europe back to the United States as part of a larger post-Cold War realignment. However, in April of this year—April of this year—the Department of Defense announced it would maintain three combat brigades and the fourth would not leave Europe until 2015.

Earlier this year, Admiral Stavridis told the Senate Armed Services Committee that roughly 80,000 troops remain in Europe. Moving a brigade combat team back to the United States would have cut U.S. forces by 5,000 personnel.

A 2010 plan developed by a congressionally appointed committee found that cutting one-third of the U.S. military presence in Europe and the Pacific would save billions of dollars over 10 years. I do believe significant cost savings can be realized. In addition to these savings, stationing these troops in the United States would have a stimulative effect on State and local economies, with these soldiers and families living in their local economies and being able to stay with their families more easily and reducing the number of extensive movements of per-

sonnel and families to deploy in different places around the world. So I believe we need stay on track with this plan.

A February 2011 GAO report found that DOD posture planing guidance does not require the EUCOM—the European Command—to include comprehensive cost data in its theater posture plan. As a result, DOD does not have critical information that can be used by decision-makers as they deliberate posture requirements.

The GAO analysis showed that of the approximately \$17 billion obligated to the services to support installations in Europe between 2006 and 2009, approximately \$13 billion—78 percent—was for operation and maintenance costs. Now, those countries want our people there. It brings American money to their economy—just like we would like to have a brigade combat in Alabama, New Hampshire, or some other places. It is good for the economy.

NATO and European allies, however, are not meeting their defense spending obligations. Many of our allies do not meet the EU standard. The United States should not be continuing to subsidize NATO and European allies' defense spending. They need to participate some more.

I believe there are significant savings that could be found by bringing both of these brigade combat teams to the United States, as has been planned.

I would ask, is Europe more threatened today than it was 2, 3, 4, 6 years ago? I do not think so. They do not think so. Europeans committed to 2 percent of their GDP to be committed to defense, but many of those nations are down to 1 percent. They are not even fulfilling their 2 percent goal. The United States is at 4 percent of GDP on defense, almost.

I think the Europeans need to be prepared to understand that they cannot live off the United States. There is a great book by Kagan called "Paradise and Power." It is very insightful, a very insightful book. It says, in a sense: Europeans are comfortable. Why? Because they are under the umbrella of American power. They have been comfortable with that. They do not feel threatened. They are not paying their fair share of the defense burden. And they do not like it when we want to bring home troops. Give me a break. It is time to do something about that.

I believe all of our allies around the world, whether in the Pacific or in Europe or in other areas of the globe, ought to work with us in partnership so that we can be most effective in providing some stability around the world. But the idea that the United States can unilaterally fund a security force for the whole world is unrealistic. It can't be sustained.

I just cannot possibly see how we need this many troops in Europe at

this point in history. I believe it would be good for our economy to have those troops back home in the United States. You can have the bases there that we could surge and meet any challenge in short order. I believe that is the right approach.

I see my friend, Senator ENZI. We traveled together on that trip to Europe a number of years ago to examine the bases that we felt should be permanent and the ones that should be closed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I would like to give my thanks to the Senator from Alabama for his comments about the concerns he has about our detainee policy and about how important it is that we have the right policies in place to protect Americans so that we can prioritize gathering intelligence.

I also wanted to share in his concerns about what is happening with the supercommittee in terms of the impact on our national security. There is no question that there are areas where we can do much better and be more effective with taxpayer dollars on defense spending. But we cannot subjugate our national security for our failure around here to do our job and to have courage to take on the entire budget and bring ourselves on a path of fiscal responsibility.

So I know the Senator from Alabama has been a great leader in this area, and I appreciate his comments in that regard.

AMENDMENT NO. 1249

Mr. President, I also wanted to speak briefly on an amendment that has already been made pending that Senator MCCAIN and I are cosponsoring together.

Over the last year, as a new Member of the Senate and the Senate Armed Services Committee, one of the concerns I have had is the way we do contracting at the Department of Defense. My overall impression has been that a third year law student could negotiate much better terms for the United States than we have been negotiating for the country. In some of the negotiations with our defense contracts we end up on the hook when contractors don't perform or it takes longer than they indicate, and we seem to always bear the financial burden of that.

When we look at the fiscal state of the country and where we are, we need to reform that process. That is what drew my interest to this issue. Senator MCCAIN has long worked on this issue of reforming our acquisition process, and I have great respect for the work he has done there. So we have offered on this National Defense Authorization Act amendment No. 1249, which would prevent millions of dollars in wasteful contract cost overruns from the Department of Defense on major defense

acquisition programs and help to ensure that our warfighters have the weapons and systems they need to protect our Nation but doing so within budget and on time frames that contractors commit to for our needs to make sure we have what we need to protect our country.

According to the Government Accountability Office, in a March 2011 report entitled "Defense Acquisitions: Assessments of Selected Weapons Programs," from fiscal year 2010 collectively, we ran more than \$400 billion over budget and were an average of almost 2 years behind schedule for major defense acquisitions programs.

Today, half of the Department of Defense major defense acquisition programs do not meet cost performance goals. Eighty percent of our major defense acquisition programs have an increase in unit costs from initial estimates that were given. While there can be many factors that explain the cost overruns, the cost-type contracts have been a significant contributing factor in why we have these overruns both for production and development of our major defense acquisition programs. We have to address these cost overruns, particularly at a time when we are asking our Department of Defense to reduce spending. We need to get the maximum bang for our buck and hold contractors accountable when they do not perform what we have contracted them for. We need to make sure the terms of our contracts are good for the United States and are fiscally responsible, and that is what this amendment would do.

It would prohibit the use of cost-type contracts for the production of major defense acquisition contracts and limit the use of cost-type contracts for major defense acquisition development contracts. This represents the core investment in our Nation's military, and as these costs increase, and as the Department of Defense faces the looming prospect of major budget cuts over the next decade, we have to address this now for our troops and for our national security. We have to get this right.

I am hoping for and I ask my colleagues to support this amendment we are bringing forward. Again, I would say on behalf of Senator McCAIN, who has done so much work in this area, reforming our acquisition process and getting this right is so important to what we are asking our military to do right now, which is to do more with less.

I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1146, 1147, 1148, 1204, 1294, 1293, 1206, AND 1292

Mr. LEVIN. Mr. President, I ask unanimous consent to call up the following amendments, the first four on behalf of Senator JACK REED, Nos. 1146, 1147, 1148, and 1204; a fifth for Senator

REED, amendment No. 1294; No. 1293, a Levin amendment; No. 1206, a Boxer amendment; and No. 1292, a Menendez amendment; and I then ask unanimous consent that we return to the regular order.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1146

(Purpose: To provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category)

On page 114, strike line 2 and insert the following:

the study; and

(8) ensure the involvement and input of military technicians (dual status), including through their exclusive representatives in the case of military technicians (dual status) who are members of a collective bargaining unit.

AMENDMENT NO. 1147

(Purpose: To prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component)

At the end of subtitle B of title V, add the following:

SEC. 515. PROHIBITION ON REPAYMENT OF ENLISTMENT OR RELATED BONUSES BY CERTAIN INDIVIDUALS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS) WHILE ALREADY A MEMBER OF A RESERVE COMPONENT.

(a) PROHIBITION.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) PROHIBITION ON REPAYMENT OF CERTAIN ENLISTMENT AND RELATED BONUSES.—The Secretary concerned may not require an individual who becomes employed as a military technician (dual status) while the individual is already a member of a reserve component to repay an enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment if the individual becomes so employed in the same occupational specialty for which such bonus was provided."

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals first becoming employed as a military technician (dual status) on or after that date.

AMENDMENT NO. 1148

(Purpose: To provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians)

At the end of subtitle B of title V, add the following:

SEC. 515. RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND THE ADJUTANT GENERAL FOR MILITARY TECHNICIANS.

(a) RIGHTS IN ADVERSE ACTIONS NOT RELATED TO MILITARY SERVICE.—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking "Notwithstanding any other provision of law and under" and inserting "Under"; and

(B) in paragraph (4), by striking "a right of appeal" and inserting "subject to subsection (j), a right of appeal"; and

(2) by adding at the end the following new subsection:

"(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

"(2) The rights in paragraph (1) shall not apply to actions relating to military service.

"(3) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period."

(b) ADVERSE ACTIONS COVERED.—Subsection (g) of such section is amended by striking "3502, 7511, and 7512" and inserting "and 3502".

(c) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

AMENDMENT NO. 1204

(Purpose: To authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships)

At the end of subtitle C of title VII, add the following:

SEC. 723. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers through community partners described in subsection (c).

(2) DURATION.—The duration of the pilot program may not exceed three years.

(b) GRANTS.—In carrying out the pilot program, the Secretary may award not more than five grants to community partners described in subsection (c). Any grant so awarded shall be awarded using a competitive and merit-based award process.

(c) COMMUNITY PARTNERS.—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in each of the research, treatment, education, and outreach activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the pilot program.

(d) ACTIVITIES.—Amounts awarded under a grant under the pilot program shall be utilized by the community partner awarded the grant for one or more of the following:

(1) To engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) To provide treatment to such members and their families for such mental health and substance use disorders and Traumatic Brain Injury.

(3) To identify and disseminate evidence-based treatments of mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(4) To provide outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(e) **REQUIREMENT FOR MATCHING FUNDS.**—

(1) **REQUIREMENT.**—The Secretary may award a grant under this section to an organization or institution (or organizations and institutions) only if the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources (whether public or private), an amount equal to not less than \$3 for each \$1 of funds provided under the grant.

(2) **NATURE OF NON-FEDERAL CONTRIBUTIONS.**—Contributions from non-Federal sources for purposes of paragraph (1) may be in cash or in-kind, fairly evaluated. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of contributions from non-Federal sources for such purposes.

(f) **APPLICATION.**—An organization or institution (or organizations and institutions) seeking a grant under this section shall submit to the Secretary an application therefore in such a form and containing such information as the Secretary considers appropriate, including the following:

(1) A description how the activities proposed to be carried out with the grant will help improve collaboration and coordination on research initiatives, treatment, and education and outreach on mental health and substance use disorders and Traumatic Brain Injury among the Armed Forces.

(2) A description of existing efforts by the applicant to put the research described in (c)(1) into practice.

(3) If the application comes from multiple organizations and institutions, how the activities proposed to be carried out with the grant would improve coordination and collaboration among such organizations and institutions.

(4) If the applicant proposes to provide services or treatment to members of the Armed Forces or family members using grant amounts, reasonable assurances that such services or treatment will be provided by a qualified provider.

(5) Plans to comply with subsection (g).

(g) **EXCHANGE OF MEDICAL AND CLINICAL INFORMATION.**—A community partner awarded a grant under the pilot program shall agree to any requirements for the sharing of medical or clinical information obtained pursuant to the grant that the Secretary shall establish for purposes of the pilot program. The exchange of medical or clinical information pursuant to this subsection shall comply with applicable privacy and confidentiality laws.

(h) **DISSEMINATION OF INFORMATION.**—The Secretary of Defense shall share with the Secretary of Veterans Affairs information on best practices in research, treatment, edu-

cation, and outreach on mental health and substance use disorders and Traumatic Brain Injury identified by the Secretary of Defense as a result of the pilot program.

(i) **REPORT.**—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs, and to Congress, a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the community partners awarded grants under the pilot program, the amount of grants so awarded, and the activities carried out using such grant amounts.

(2) A description of any research efforts advanced using such grant amounts.

(3) The number of members of the National Guard and Reserves provided treatment or services by community partners using such grant amounts, and a summary of the types of treatment and services so provided.

(4) A description of the education and outreach activities undertaken using such grant amounts.

(5) A description of efforts to exchange clinical information under subsection (g).

(6) A description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury.

(7) Such recommendations as the Secretary of Defense considers appropriate in light of the pilot program on the utilization of organizations and institutions such as community partners under the pilot program in efforts of the Department described in subsection (a).

(8) A description of the metrics used by the Secretary in making recommendations under paragraph (7).

(j) **AVAILABLE FUNDS.**—Funds for the pilot program shall be derived from amounts authorized to be appropriated for the Department of Defense for Defense Health Program and otherwise available for obligation and expenditure.

(k) **DEFINITIONS.**—In this section, the terms “family member” and “caregiver”, in the case of a member of the National Guard or Reserves, have the meaning given such terms in section 1720G(d) of title 38, United States Code, with respect to a veteran.

AMENDMENT NO. 1294

(Purpose: To enhance consumer credit protections for members of the Armed Forces and their dependents)

At the end of subtitle H of title V, add the following:

SEC. 577. ENHANCEMENT OF CONSUMER CREDIT PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) **PROHIBITED ACTIONS.**—Subsection (e) of section 987 of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) by redesignating paragraph (7) as paragraph (9); and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) the creditor charges the borrower a fee for overdraft service (as that term is defined by the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) and implementing regulations) in connection with a withdrawal from an automated teller machine or a one-time debit card transaction;

“(8) the creditor charges the borrower a fee for overdraft service (as so defined) where such fee is triggered as the result of the in-

stitution having posted the borrower's transactions in order from largest to smallest; or”.

(b) **REGULATIONS.**—Subsection (h)(3) of such section is amended—

(1) by inserting “at least every two years” after “consult”; and

(2) by adding at the end the following new subparagraph:

“(H) The Bureau of Consumer Financial Protection.”.

(c) **CONSUMER CREDIT.**—Subsection (i)(6) of such section is amended by adding at the end the following new sentence: “Such term shall also include credit under an open end consumer credit plan (as defined by section 103 of the Truth in Lending Act (15 U.S.C. 1602) and implementing regulations), except that the Secretary of Defense may exclude credit under such a plan that provides for amortizing payments over a period of at least 92 days.”.

AMENDMENT NO. 1293

(Purpose: To authorize the transfer of certain high-speed ferries to the Navy)

At the end of subtitle C of title X, add the following:

SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) **TRANSFER FROM MARAD AUTHORIZED.**—The Secretary of the Navy may, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed \$35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUKAI.

(2) M/V ALAKAI.

(b) **USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.**—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

AMENDMENT NO. 1206

(Purpose: To implement common sense controls on the taxpayer-funded salaries of defense contractors)

Strike section 842 of division A and insert the following:

SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

“(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.”.

AMENDMENT NO. 1292

(Purpose: To require the President to impose sanctions with respect to the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States)

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.—

“(1) DETERMINATION REQUIRED.—

“(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall determine whether the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States, taking into consideration whether the Bank has—

“(i) facilitated activities of the Government of Iran that threaten global or regional peace and security;

“(ii) sought to evade multilateral sanctions directed against the Government of Iran on behalf of that Government;

“(iii) engaged in deceptive financial practices or mechanisms to facilitate illicit transactions with non-Iranian financial institutions;

“(iv) conducted transactions prohibited by binding resolutions of the United Nations Security Council or allowed itself to be used to permit conduct prohibited by such resolutions;

“(v) conducted transactions on behalf of persons designated by the United States for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

“(vi) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

“(I) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

“(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

“(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

“(vii) facilitated a transaction or provided financial services for—

“(I) Iran's Revolutionary Guard Corps; or

“(II) a financial institution whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

“(aa) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

“(bb) Iran's support for acts of international terrorism.

“(B) SUBMISSION TO CONGRESS.—The President shall submit in writing to the appropriate congressional committees the determination made under subparagraph (A) and the reasons for the determination.

“(2) IMPOSITION OF SANCTIONS.—Subject to paragraphs (4), (5), and (6), if the President determines under paragraph (1)(A) that the Central Bank of Iran has engaged in conduct described in that paragraph, the President shall—

“(A) prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any significant financial transaction with the Central Bank of Iran; and

“(B) impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

“(3) ADDITIONAL SANCTIONS.—In addition to the sanctions required to be imposed under paragraph (2), and subject to paragraph (4),

the President may impose such other targeted sanctions with respect to the Central Bank of Iran as the President determines appropriate to terminate the engagement of the Central Bank of Iran in conduct described in paragraph (1)(A) and activities described in subsection (c)(2).

“(4) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under this subsection on a person for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

“(5) APPLICABILITY OF PROHIBITIONS AND CONDITIONS ON ACCOUNTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (2)(A) applies with respect to financial transactions commenced on or after the date that is 60 days after the date on which the President makes the determination required by paragraph (1)(A).

“(B) PETROLEUM TRANSACTIONS.—Paragraph (2)(A) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date on which the President makes the determination required by paragraph (1)(A).

“(6) WAIVER.—The President may waive the application of paragraph (2) for a period of 180 days, and renew such a waiver for additional periods of 180 days, if the President—

“(A) determines that such a waiver is necessary to the national security interest of the United States; and

“(B) submits to the appropriate congressional committees a report—

“(i) providing the justification for the waiver; and

“(ii) describing—

“(I) any concrete cooperation the President has received or expects to receive as a result of the waiver; and

“(II) any assurances the President has received or expects to receive as a result of the waiver from foreign financial institutions that such institutions have ceased engaging in financial transactions with the Central Bank of Iran related to terrorism or the facilitation, acquisition, or financing of weapons of mass destruction.”.

The PRESIDING OFFICER. The majority leader.

RENO WILDFIRE

Mr. REID. Mr. President, Reno, NV, is a beautiful place. It is right below the great Lake Tahoe, the beautiful Sierra Nevada Mountains. It is a beautiful picturesque place.

I was troubled this morning to wake up and find that Reno, NV, is in trouble because of a devastating fire. We have more than 500 acres that have been burned, and we have a number of homes that have been destroyed. The problem we have is, because of these beautiful Sierra Nevada mountains that are towering over Reno, we get devastating winds, and those winds are blowing now. The winds are at 60 miles an hour while they are trying to control this fire. It is ravaging everything in its path.

So my thoughts are certainly with the families who have lost their homes and the thousands of residents who have been evacuated. The Pinehaven and Caughlin Ranch neighborhoods at

this time have been particularly affected. But this terrible fire is raging across these acres in Reno and Washoe County. We have fire crews from all over the region that are trying to stop this disaster, trying to get this ram-paging fire under control, but the winds are so strong that helicopters can't take off. So there is a lot of help that should be available that isn't because the winds are so difficult and because, as I said, the helicopters can't get off the ground.

Of course, I called my son Leif as soon as I heard about this. The phone was answered by my little granddaughter Nina, who was trying to explain to me what was going on. Her dad—my son—had been called to his best friend's home to try to help him. He had been ordered to evacuate. They have no water. Alfredo Alonso's home has no water because there is a well and the electricity is out so he can't pump water. But my son couldn't make it there because the police stopped him. They wanted no one coming into the neighborhood because they are evacuating everyone. But my son and his children—my four grandchildren—seem to be well, and they are quite a ways away from the fire.

Of course, I express my appreciation to the brave firefighters who have been working around the clock to contain the blaze and to the dedicated first responders who acted so quickly to protect lives and assist in the evacuation.

Mr. President, it is times such as this we understand what happens to local governments when they have to lay off people—firefighters, police officers. It has happened all over Nevada and all over this country. We were here, as you remember, a week or two ago trying to get assistance for places such as Reno and other communities in America for their fire and police, but the bill was defeated. But these people who are working are short-handed, so they are working long hours there. It is impossible to say how many lives they have already saved, but they have.

So my heart, and all our hearts, go out to the firefighters as they carry on with this difficult work to control the flames and protect the communities. I will continue to follow the progress of this fire, and, of course, I will assist Mayor Bob Cashell and members of the Reno City Council and the Washoe County Commission with anything they think I can do to help. I support Governor Sandoval's decision to request a Federal emergency declaration, as firefighters and first responders are doing their utmost to contain things.

So Reno and all of Washoe County can depend on my support in any way they think I can help, and I will continue, as I have indicated, and I indicate for the second time, to monitor this situation very closely.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, first of all, let me say to the majority leader that our thoughts and prayers go out to folks in Nevada, and we certainly hope this emergency situation is rectified in the near term.

In Georgia, we had about 400,000 acres destroyed by a forest fire back earlier this summer, and it is always a tragedy. Loss of property is one thing, but injury and potential loss of life, obviously, is very much a part of that, and our hearts go out to all the residents. Our thanks go out to these brave men and women who are fighting those fires out there, as they did in my State, to get them under control.

AMENDMENT NO. 1304

Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment, which is at the desk, be made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] for himself and Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN, proposes an amendment numbered 1304.

The amendment is as follows:

(Purpose: To require a report on the reorganization of the Air Force Materiel Command)

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capa-

bility to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON AIR FORCE MATERIEL COMMAND REORGANIZATION.—

(1) RESTRICTION ON REORGANIZATION ACTIVITIES.—With respect to the planned reorganization of the Air Force Materiel Command announced on November 2, 2011, the Secretary of the Air Force shall make no changes related to organizational alignment, reporting officials, or any other change related to oversight or the duties of system program managers, sustainment program managers, or product support managers who reside at installations where Air Logistics Centers or depots are located until 60 days after the report required under paragraph (2) is submitted to the congressional defense committees.

(2) REPORT.—

(A) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report containing an analysis of alternatives for alignment and reporting of Air Force System Program Managers and Product Support Managers.

(B) ELEMENTS.—The report required under subparagraph (A) shall—

(i) focus on the impacts to Air Force life cycle management, sustainment, readiness, and overall support to the warfighter that would likely be realized through the various alternatives;

(ii) address legal, financial, and other relevant issues;

(iii) identify criteria for evaluating alternatives;

(iv) include a list of alternatives, including analysis and recommendations relating to the alternatives;

(v) describe cost and savings factors; and

(vi) focus on how the Air Force should be best organized to conduct life cycle management and sustainment, with overall readiness being the highest priority.

Mr. CHAMBLISS. Mr. President, I rise to voice my support for the 2012 National Defense Authorization Act, S. 1867. This is one of the most important bills the Senate considers each year, and this is the ninth Defense authorization bill I have been involved in drafting since being elected to the Senate. It sets funding levels and implements policies for the Department of Defense and provides pay raises for our men and women in uniform.

After extended debate, this bill, which authorizes \$662 billion for the Department of Defense and national security-related aspects of the Department of Energy, was passed unanimously out of the Senate Armed Services Committee. The committee was in

a difficult situation this year, considering our Nation's fiscal crisis. As I have firmly believed all along, everything, including defense spending, must be on the table to address our fiscal circumstances.

In the midst of intense budget negotiations, I am pleased we can offer and debate a bill that addresses the real need to reduce government spending in a responsible and calculated manner. As several of my colleagues have already stated on the Senate floor, the National Defense Authorization Act cuts a considerable amount from the defense budget, as requested by the President. It is \$27 billion less than the administration requested and \$43 billion less than the amount appropriated for 2011. These were very difficult decisions to make, but it was the fiscally responsible thing to do given our Nation's fiscal situation.

I am pleased the committee was able to make these cuts without jeopardizing our national security. Given the unstable state of affairs around the world, now is not the time to slash important programs that help our military carry out their responsibilities. We still have widespread enemies and interests around the world. With this in mind, the bill authorizes \$3.2 billion for DOD's Mine Resistant Ambush Protected Vehicle fund; authorizes \$10.3 billion for U.S. Special Operations Command, an increase of 6 percent above fiscal year 2011 levels; and authorizes more than \$2.4 billion for DOD's counter-improvised explosive device activities.

In recent months, we have seen what a remarkable impact a small, elite force of U.S. soldiers can have, and I am pleased this bill authorizes a deserved funding increase for U.S. Special Operations Command in order to expand their resources, training, technology, and equipment to accomplish their missions. Along with funding, this bill will extend the authority of Special Operations Forces to provide support to operations fighting against terrorism around the world.

Regarding our ongoing operations in Afghanistan and elsewhere overseas, the bill allocates \$11.2 billion for training and equipping the Afghan security forces commensurate with recommendations from the Commander of U.S. Central Command, and fully supports the budget request of \$1.75 billion in Coalition Support Funds to reimburse key partner nations supporting U.S. military operations in Operation Enduring Freedom.

I am also pleased that I will be leaving later on today, along with Senator BURR, and heading to Afghanistan to visit our troops and to visit with our commanders on the ground, both from an intelligence standpoint as well as an operational standpoint. This is the fourth Thanksgiving I have had the opportunity to be on the ground with our

troops and to look them in the eye, with their boots on the ground, and tell them how much we, as policymakers, but more importantly we, as Americans, appreciate the great sacrifice each and every one of them is making and how much we appreciate the great job they are doing of protecting America and protecting Americans.

This bill also authorizes \$500 million for counterterrorism, capacity-building activities, including targeted efforts in east Africa and Yemen, and fully supports the budget request of \$524 million to support the activities of the Office of Security Cooperation in Iraq in overseeing and implementing foreign military sales to the Iraqi security forces.

Keeping in mind the strategic value of our nuclear deterrent and our ongoing need to modernize and maintain our nuclear triad, the bill authorizes \$1.1 billion to continue to develop the Ohio-class replacement program, the SSBN(X), to modernize the sea-based leg of the nuclear deterrent system.

The U.S. military requires the capability to counter a growing amount of nontraditional threats. In this bill, we strengthen our forces on the threat of cyber warfare and the proliferation of weapons of mass destruction and their means of delivery. It is no secret that American computer networks are the victim of attempted hacking from state and non-state actors around the world on a regular basis. With funds authorized in this bill, the Department of Defense will be able to better guard against the threat of cyber attacks.

I am also pleased that in this bill we were able to focus on the well-being of our brave men and women fighting on the front lines for our freedom overseas, as well as their devoted family members back at home who make sacrifices every single day. The bill authorizes \$100.6 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill also authorizes a 1.6-percent across-the-board pay raise for our service men and women as well as authorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, re-enlistment, and continued service by Active-Duty and Reserve component military personnel. Our attention remains on improving the quality of life of the men and women of the Armed Forces and their families, as well as Department of Defense civilian personnel, through fair pay, policies, and benefits, including first-rate health care, while addressing the needs of wounded, ill, and injured servicemembers and their families.

Let me also briefly address the amendment I have just filed. I have been working for the last several weeks with my colleagues, Senators ISAKSON, HATCH, LEE, INHOFE, and COBURN, on an issue related to the reorganization of the Air Force Materiel Command.

Let me first say that I support this reorganization. It is the first major reorganization of the Materiel Command by the Air Force in some 60 years. I support the Air Force's need and desire to make themselves more efficient and more effective, and for the most part, I believe the proposed reorganization will do that.

In these tight budget times, when we are all going to have to accept streamlined budgets and resources, some loss of jobs and positions is, unfortunately, inevitable, and I realize that. However, there is one issue with respect to this proposed reorganization that I think we are all having a hard time understanding and that relates to how the reorganization may affect the way the Air Force organizes for sustainment of weapon systems.

The proposed reorganization would take some of the key personnel who are helping to orchestrate these sustainment efforts and put them in a separate chain of command from their partners in carrying out those sustainment efforts. This is hard to understand. And, in a time when our Air Force is working harder than ever and keeping their aircraft in the fleet longer than ever, it is hard to imagine how a change such as the Air Force is proposing here will help sustainment of weapon systems.

We are working with the Air Force on this issue, and we are still in negotiations, but this is an issue for which we have yet to receive a satisfactory explanation, and we have not reached a conclusion of this issue. I think the Air Force needs to clearly understand that there is a risk here. There is a risk that this reorganization may have some unintended consequences specifically related to the readiness of our Air Force. This is serious. We have not seen any explanation for how the Air Force arrived at their proposed course of action on this specific issue or why they think it will improve readiness. I would also note that the way the Air Force is seeking to reorganize in this respect goes against some of the basic principles and recommendations of a recent, very thorough report on this specific issue.

It is with these issues in mind that we are filing this amendment. I very much look forward to the Air Force's explanations on this issue and to having this reorganization be executed in a way that allows the Air Force to conserve personnel and resources, organize more efficiently, and sustain weapon systems to support the warfighter in the most effective way possible.

In conclusion, I am extremely proud of the hard work the Armed Services Committee Members and staff have done to put together this Defense authorization bill. I would particularly like to compliment our leadership, Chairman LEVIN and Ranking Member MCCAIN, on the job they have done and

their willingness to work with Members of the Committee on our specific issues—issues such as the one Senator AYOTTE and I discussed on the floor yesterday, along with Senator GRAHAM, Senator MCCAIN, and Senator LEVIN, regarding detainee policy, of which we have none at the present time and to which folks such as Senator AYOTTE have given a great deal of thought and have come up with some very logical ways in which we can address this issue of detainees so that we can get actionable intelligence from those detainees and, at the same time, ensure they are treated in ways that are respectful to our system of jurisprudence on the military side as well as on the civilian side.

I want to also say that we have had a couple of hiccups along the way, but staff on both sides, the majority and minority, have addressed those hiccups, and we have been working very closely to try to ensure that the issues we raised with staff after the bill was filed have been addressed and are in the process of being taken care of.

As a reflection of the extremely tight budget environment, we have taken responsible reductions in spending; however, we maintain our commitment to the Armed Forces by providing funds and authorizations to protect our national security and support our men and women on the front lines, as well as their dedicated families here in America.

I look forward to the remainder of the debate on this bill when we return after our Thanksgiving break.

To all of our men and women who wear the uniform of the United States of America, Happy Thanksgiving.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank the Senator from Georgia for his leadership on the Armed Services Committee and also for the important work he has been doing as the vice chair of the Intelligence Committee to make sure our country is protected. He is particularly knowledgeable on these issues of how we treat detainees, and we did have a detailed colloquy on the floor. His insight has been so important in making sure we have the right policies in place to protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ENZI pertaining to the introduction of S. 1909 are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL DEBT

Mr. ENZI. Mr. President, I was sorry to hear the supercommittee is in trouble, that they might not be able to agree. Then this morning's Washington Post front page headline was "Debt Panel Failure Won't Cause Catastrophe."

Every day we do not find a solution, every day we spend is a catastrophe. We have maxed out our credit cards. Here is one way that came to my attention. I was traveling in Wyoming and I checked into the hotel for the night. The person checking me in, very embarrassed, said: I am sorry, but it will not take your credit card. It was a Federal credit card.

I said: Goodness, we are in more trouble than I thought. I gave them my personal credit card and that went right through so I am not sure where we are. But I know we have maxed out our credit cards and not just that but also the symbolic credit cards that we have. We have as much debt as we probably can sustain and as debt comes due across the world for other countries, it is going to be tougher and tougher to be able to sell more debt.

We are kind of in the same situation as Greece and Italy, except for two things. No. 1 is we are a big, flexible country that has pulled itself out of terrible situations time and time again, and we will do it this time too. We also own our own money supply. That helps.

When constituents ask what can they expect, I always start the conversation by saying you should expect to get no more than what the 2008 level was. We increased things considerably after that with the stimulus bill and that increased some bases. We have to get back down to 2008, just as a beginning.

I have to say the President has had a chance to change direction. I have to congratulate the President for naming a deficit commission. I even like the people he named to it, with Senator Simpson from Wyoming and Erskine Bowles heading up that committee. I think they did some tremendous work. I think we should pay more attention to what they had to say.

I had a little disappointment when the President did his State of the Union speech following their report. He had an opportunity to repaint the same bleak picture that committee painted and America would have understood better. Although from traveling across

our country, and particularly in Wyoming, I know the people there understand it better than Congress does. But he could have changed it by repainting that picture and then he could have followed it up with a solution which would have been his budget. Instead, his budget was another stimulus plan. It has been voted on by Congress. It was not voted for by Congress, it was voted on by Congress, and it was voted 97 to nothing—it was defeated. I think the deficit commission report would have done much better.

Congress has also had the chance to change direction—and in some cases we have. We have kind of eliminated earmarks. There are still some of them that are slipped in, but we kind of eliminated them. We have a couple new problems. Now we add demonstration projects. We have always had demonstration projects, but now we do it as a substitute for earmarks and that is where we allow maybe five States to have an opportunity to do a particular program to see if it works. So we fund it in a minimal amount—that still is millions. The difficulty is that at the end of the period of time for that demonstration project, they all work. They are all spectacular. They all would save America if we just put it in every single State and funded it from the Federal Government.

It can't happen. We are out of money. There are lots of good ideas out there, lots of good ideas that would help. When those ideas are proved—the idea with the demonstration is that it would demonstrate well enough how good it is that somewhere at the local level that project would be picked up and done or forgotten. But, no, we do make them a national program and we do fund them forever in chunks of time.

Another thing we are doing is that we propose a project and, because we like the word "pay-for," because we should pay for whatever we are doing, we put up a project, we put a 2-year limit on the project, and then we pick a pay-for by showing some program that, if it were eliminated for 10 years, might bring in that amount of revenue. We cannot pay for a 2-year program with 10 years' worth of revenue because somebody is going to spend the rest of that anyway and it may never be collected. A Congress can change its mind all the time. We have to quit using gimmicks and we have to quit adding new programs. What part of maxed out credit cards don't we understand? We have to quit buying votes with dollars we do not have.

We do have to address mandatory spending. Social Security and Medicare have been a problem for a long time. I remember when I first came to Congress, President Clinton was the President and he called for a special conference on Social Security. We had 1 day where we got to be initiated into

what all the problems were—fantastic speakers. We had a second day where Members of the House and Congress met in smaller committees to work on pieces of the Social Security problem. We came up with a plan and President Clinton looked at the plan and met with us as a group and said: If all of you are willing to put your fingerprint on this, we will do it. We can only do it if everybody puts their fingerprint on it so both parties are responsible for it, and everybody in the room agreed to do that.

Unfortunately, we were distracted a little bit by something called Monica Lewinsky, and that bill never came up anywhere.

The situation we are in right now is passing bills to fail. Each side has a tendency to put up a bill that has something good in it, packaged with something they like but the other side doesn't like. It is going to get defeated on the basis of what each side doesn't like and the good part is left out. That is not going to get anything done for us.

We have tried the stimulus bill. We got negligible effects on jobs. It did escalate the basis for budgets and it was the use of one-time money. That has created some problems for it. We hear that 30,000 teachers and firefighters are going to be laid off. That comes from safety money and education money that went to the States. It was one-time money. They cannot use one-time money for a continuing contract. If a State did, yes, they are having to lay off people because the stimulus is not being repeated each and every year.

Are there solutions? Yes, there are solutions. I am optimistic about the solutions. I do recognize everything has to be on the table and we should all reread the deficit commission report. We have to ask constituents to suggest their own programs to reduce.

In the spring, we will be inundated by a whole lot of people who will be ready to have us support the program that makes a difference in their life and the life of the community. I always ask them how we are going to pay for it? They always suggest somebody else's program to cancel. There are never any suggestions of how to consolidate within their own program and do it. They have to do it and each of us in Congress needs to evaluate our own programs. Not all of them can be sacred cows. I wish to congratulate Senator RUBIO and Senator COONS for a jobs creation bill they have put together. They have taken the diverse bills from both sides of the aisle and several others and looked to see if there was any common thread. All they did was pick out the common thread from each of those and put them into a bill. If both sides and others in Congress like it, why would that not pass and pass quickly?

I congratulate our Congresswoman LUMMIS, from Wyoming. She is on the

Appropriations Committee. I think that is the first time we have ever had anybody on the Appropriations Committee. She gets into the details of the budget. In fact, she has gotten into details of the budget down to very small amounts, so much that she has been told she is not going to be invited on any trips with any of the rest of them. That is probably what we need right now, and I congratulate her on her attention to detail.

Another thing we have to do is make sure the bills go to committee. I have been a committee chairman. I have been a ranking member. I know when a bill goes to committee, that is where we can get into the details of the bill, and we can do nuances. When a bill comes to the floor of the Senate, and it came from the President to the leader and then to us, the amendments we put in are not very workable as far as reaching agreement from both sides. They are kind of an up-or-down vote. They are very political, and that kind of stymies what we are trying to do.

We have to quit doing comprehensive bills. We can do them in stages. We can do parts of them. They can be very major parts, but they can be done in parts.

I remember reading a book about the compromise of 1850. Henry Clay put himself in the hospital trying to pass this huge compromise. When he did, some of his friends took the bill, broke it into parts, four parts, and got all the parts passed. Now, there were only four people in all of the Senate at that time who voted for all the parts, but all the parts passed. There should be a lesson in there for us. I do follow an 80-percent rule; I found we can agree on 80 percent of the issues. If we stick to that 80 percent, we can pick any one issue and we can solve 80 percent of that problem. We can solve 100 percent if we can get everybody to think of an alternative way to do that, one sticky part that we have polarized for years.

Another thing we need to do is eliminate duplication. Senator COBURN and I took a look at the primary department that comes under the jurisdiction of the Health, Education, Labor, and Pensions Committee. We found \$9 billion in duplication. Because it is duplication, we cannot eliminate \$9 billion because there are some who would stay and do the same thing the other group was doing. It stimulated Dr. COBURN enough that he looked at all the programs. In all of the programs he found \$900 billion worth of duplication.

Duplication is not like fraud, waste, and abuse. Fraud, waste, and abuse, we don't know how much is out there. We catch a piece at a time, and we speculate on how much there is. But duplication is specific because it is already in the budget.

We can look at what they are paid right now, and if we eliminate that, it is a specific amount. When he talks

about \$900 billion worth of duplication, it is \$900 billion worth of duplication. We ought to be able to get rid of at least \$450 billion of that. Half of it could be duplication. It is twice as much of what we effectively need.

Why did we find \$9 billion in one agency and \$900 billion by looking at all of them? When we go outside the jurisdiction, we find—this one always kind of interests me—financial literacy programs in virtually every department and agency in this Federal Government. If we really have financial literacy, would we be in the position we are in now? I don't think so. So that is a whole lot of duplication. It is duplicating each and every agency. If we have only one jurisdiction over one agency, that is the only place we can eliminate it.

When I got here there were 119 preschool programs. I took a look at them, and there were quite a few of them that were failing according to their own evaluation—not my evaluation, their own evaluation. We were able to get that down to 69 programs. There are 69 preschool programs at the present time. Here is the interesting part of that: Only eight of those are under the Department of Education. Sixty-one of them are in other departments. It seems like we could have consolidation and maybe some elimination of duplication.

Also, we have the States and the local governments coming to us and saying: We are out of money. We need money, and we don't have any money. We cannot afford to help them that way.

I have put in a bill to help them collect the sales tax already due them, and this is the marketplace fairness bill that would take care of their infrastructure and their jobs. So I hope everyone will take a look at that.

Finally, another solution would be the Buy Back America Bonds that I spoke about just a little while ago. If everybody bought some bonds, that could reduce the amount of debt held by foreign countries; that would help us and then that would reduce the amount of spending by an equal amount. There are solutions out there. It is time we got busy on them.

I thank the supercommittee for their work and ask everybody to pay attention to whatever they come up with.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1259, 1260, 1261, 1262, 1263, 1080, 1296, 1151, 1152, 1209, 1210, 1236, AND 1255

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the following amendments be called up en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. They are, Senator SHERROD BROWN, 1259, 1260, 1261, 1262,

1263; Senator LEAHY, 1080; Senator WYDEN, 1296; Senator PRYOR, 1151, 1152; and Senator BILL NELSON, 1209, 1210, 1236, and 1255.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1259

(Purpose: To link domestic manufacturers to defense supply chain opportunities)

At the end of subtitle C of title III, add the following:

SEC. 325. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.

The Secretary of Defense is authorized to work with the Hollings Manufacturing Partnership Program and other manufacturing-related local intermediaries designated by the Secretary to develop a multi-agency comprehensive plan to expand domestic defense and industrial base supply chains with involvement from other applicable Federal agencies or industry consortiums—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with partners to identify and address gaps in domestic supply chains.

AMENDMENT NO. 1260

(Purpose: To strike section 846, relating to a waiver of "Buy American" requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States)

Strike section 846.

AMENDMENT NO. 1261

(Purpose: To extend treatment of base closure areas as HUBZones for purposes of the Small Business Act)

At the end of title XXVII, add the following:

SEC. 2705. SMALL BUSINESS HUBZONES.

Section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) is amended by inserting before the period at the end " , beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2012 " .

AMENDMENT NO. 1262

(Purpose: To clarify the meaning of "produced" for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States)

At the end of subtitle E of title VIII, add the following:

SEC. 889. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(1) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving."

AMENDMENT NO. 1263

(Purpose: To authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Western Reserve Port Authority of Vienna, Ohio (in this section referred to as the “Port Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) **INCLUSION OF PERSONAL PROPERTY.**—The Secretary of the Army may include as part of the conveyance under subsection (a) personal property located at the John Kunkel Army Reserve Center that—

(1) the Secretary of Transportation recommends would be appropriate for the development or operation of a port facility at the site; and

(2) the Secretary of the Army agrees is excess to the needs of the Army.

(c) **INTERIM LEASE.**—Until such time as the real property described in subsection (a) is conveyed to the Port Authority, the Secretary of the Army may lease the property to the Port Authority.

(d) **CONSIDERATION.**—

(1) **CONVEYANCE.**—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but the Port Authority still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) **LEASE.**—The Secretary of the Army may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Port Authority to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port Author-

ity. The cost of such survey shall be borne by the Port Authority.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1080

(Purpose: To clarify the applicability of requirements for military custody with respect to detainees)

On page 361, line 9, insert after “a person who is described in paragraph (2) who is captured” the following: “abroad or on a United States military facility”.

AMENDMENT NO. 1296

(Purpose: To require reports on the use of indemnification agreements in Department of Defense contracts)

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) **IN GENERAL.**—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

“§ 2335. Reports on use of indemnification agreements

“(a) **IN GENERAL.**—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

“(b) **ACTION DESCRIBED.**—(1) An action described in this paragraph is the Secretary of Defense—

“(A) entering into a contract that includes an indemnification agreement; or

“(B) modifying an existing indemnification agreement in any contract.

“(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

“(A) section 2354 of this title; or

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(c) **MATTERS INCLUDED.**—For each contract covered in a report under subsection (a), the report shall include—

“(1) the name of the contractor;

“(2) the actual cost or estimated potential cost involved;

“(3) a description of the items, property, or services for which the contract is awarded; and

“(4) a justification of the contract including the indemnification agreement.

“(d) **NATIONAL SECURITY.**—The Secretary may omit any information in a report under subsection (a) if the Secretary—

“(1) determines that the disclosure of such information is not in the national security interests of the United States; and

“(2) includes in the report a justification of the determination made under paragraph (1).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

“2335. Reports on use of indemnification agreements.”.

AMENDMENT NO. 1151

(Purpose: To authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training)

At the end of subtitle C of title VI, add the following:

SEC. 634. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) **DEATH GRATUITY.**—

(1) **PAYMENT AUTHORIZED.**—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: “or while staying at the Reserve’s residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training”.

(2) **TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.**—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person’s residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.”.

(b) **RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.**—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

AMENDMENT NO. 1152

(Purpose: To recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law)

At the end of subtitle H of title X, add the following:

SEC. 1088. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

(a) **IN GENERAL.**—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

“§ 107A. Honoring as veterans certain persons who performed service in the reserve components

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”.

AMENDMENT NO. 1209

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans’ dependency and indemnity compensation)

At the end of subtitle C of title VI, add the following:

SEC. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose

second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

AMENDMENT NO. 1210

(Purpose: To require an assessment of the advisability of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida)

At the end of subtitle C of title X, add the following:

SEC. 1024. ASSESSMENT OF STATIONING OF ADDITIONAL DDG-51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG-7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG-7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

AMENDMENT NO. 1236

(Purpose: To require a report on the effects of changing flag officer positions within the Air Force Materiel Command)

At the end of subtitle G of title X, add the following:

SEC. 1030. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIEL COMMAND.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

(1) The effect on the weapons testing mission of AFMC.

(2) The potential for lack of oversight if flag positions are reduced or eliminated.

(3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

(4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

AMENDMENT NO. 1255

(Purpose: To require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad)

At the end of subtitle C of title VII, add the following:

SEC. 723. EPIDEMIOLOGICAL STUDY ON HEALTH OF MILITARY PERSONNEL EXPOSED TO BURN PIT EMISSIONS AT JOINT BASE BALAD.

The Secretary of Defense shall conduct a cohort study on the long-term health effects of exposure to burn pit emissions in military personnel deployed at Joint Base Balad. The study shall include a prospective evaluation from retrospective estimates of such exposures. The study shall be conducted in accordance with recommendations by the Institute of Medicine concluding that further study is needed to establish correlation between burn pit exposure and disease.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 1281, 1133, 1134, 1286, 1287, 1290, AND 1291

Ms. AYOTTE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up the following amendments en bloc: Senator MCCAIN's amendment No. 1281 regarding the transfer of arms to Georgia; Senator BLUNT's two amendments, Nos. 1133 and 1134; Senator MURKOWSKI's two amendments, Nos. 1286 and 1287; and Senator RUBIO's two amendments, Nos. 1290 and 1291.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1281

(Purpose: To require a plan for normalizing defense cooperation with the Republic of Georgia)

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for normalizing United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To reestablish a normal defense relationship with the Republic of Georgia.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(4) To resume the sale by the United States of defense articles and services that may be necessary to enable the Government of the Republic of Georgia to maintain a sufficient self-defense capability.

(5) To encourage NATO member and candidate countries to restore and increase their sales of defensive articles and services to the Republic of Georgia as part of broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the United States Armed Forces.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1133

(Purpose: To provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty)

At the end of subtitle H of title X, add the following:

SEC. _____. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

(a) IN GENERAL.—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph.”.

(b) EFFECTIVE DATE.—Subparagraph (F) of such section 4312(c)(4), as added by subsection (a)(3), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32 of such Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

AMENDMENT NO. 1134

(Purpose: To require a report on the policies and practices of the Navy for naming the vessels of the Navy)

At the end of subtitle C of title X, add the following:

SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

AMENDMENT NO. 1286

(Purpose: To require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program)

At the end of subtitle A of title VII, add the following:

SEC. 705. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON THEFT OF COMPUTER TAPES CONTAINING PROTECTED INFORMATION ON COVERED BENEFICIARIES UNDER THE TRICARE PROGRAM.

The Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the circumstances surrounding the theft of computer tapes containing personally identifiable and protected health information of approximately 4,900,000 covered beneficiaries under the TRICARE program from the vehicle of a contractor under the TRICARE program. The report shall include the following:

(1) An assessment of the risk that the personally identifiable and protected health information so stolen can be accessed by a third party.

(2) Such recommendations as the Inspector General considers appropriate to reduce the risk of similar incidents in the future.

AMENDMENT NO. 1287

(Purpose: To provide limitations on the retirement of C-23 aircraft)

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C-23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a

State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

AMENDMENT NO. 1290

(Purpose: To strike the national security waiver authority in section 1032, relating to requirements for military custody)

On page 362, strike lines 8 through 15.

AMENDMENT NO. 1291

(Purpose: To strike the national security waiver authority in section 1033, relating to requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities)

On page 365, line 9, strike “and subsection (d)”.

On page 367, line 14, strike “and subsection (d)”.

On page 368, strike line 13 and all that follows through page 370, line 13.

Ms. AYOTTE. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask for the regular order after all of those actions are taken.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENTS NOS. 1071, 1086, 1106, 1140, AND 1219 EN BLOC

Mr. LEVIN. Mr. President, I ask unanimous consent to call up five amendments en bloc which have been cleared by myself and the ranking member as follows: amendment No. 1071 on behalf of Senator MCCAIN, to require the Secretary of Defense to report on all information with respect to the Evolved Expendable Launch Vehicle Program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase; amendment No. 1086 on behalf of Senators ROBERTS and MORAN, to authorize and request the President to award the Medal of Honor posthumously to CPT Emil Kapaun of the U.S. Army for acts of valor during the Korean War; amendment No. 1106 on behalf of Senator MCCAIN, to require a report on the status of the implementation of accepted recommendations in the Final Report of the 2010 Army Acquisition Review Panel; amendment No. 1140 on behalf of Senator CASEY, to require a report by the Comptroller General on the Department of Defense Military Spouse Employment Program; and amendment No. 1219 on behalf of myself, to provide authority to order military Reserves to Active Duty to provide assistance and response to a disaster or emergency.

Ms. AYOTTE. Mr. President, the amendments have been cleared on our side.

The PRESIDING OFFICER. Without objection, the amendments are as listed.

The amendments en bloc are as follows:

AMENDMENT NO. 1071

(Purpose: To require the Secretary of Defense to report on all information with respect to the Evolved Expendable Launch Vehicle program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase)

At the end of subtitle E of title VIII, add the following:

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

AMENDMENT NO. 1086

(Purpose: To authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War)

At the end of subtitle I of title V, add the following:

SEC. _____. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

AMENDMENT NO. 1106

(Purpose: To require a report on the status of the implementation of accepted recommendations in the Final Report of the 2010 Army Acquisition Review panel)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the “Decker-Wagner Report”) that the Army agreed to implement.

AMENDMENT NO. 1140

(Purpose: To require a report by the Comptroller General on Department of Defense military spouse employment programs)

At the end of subtitle H of title V, add the following:

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) **ELEMENTS.**—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) **DEPARTMENT OF DEFENSE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

AMENDMENT NO. 1219

(Purpose: To provide authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergencies)

At the end of subtitle B of title V, add the following:

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, as amended by section 511(a)(1), is further amended by inserting after section 12304a the following new section:

“§ 12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

“(a) **AUTHORITY.**—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor’s request.

“(b) **EXCLUSION FROM STRENGTH LIMITATIONS.**—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

“(c) **TERMINATION OF DUTY.**—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

“12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.”.

(b) **TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.**—Section 101(a)(13)(B) of

such title is amended by inserting “12304b,” after “12304.”

(c) USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1071, 1086, 1106, 1140, and 1219) were agreed to.

Mr. MENENDEZ. Mr. President, one of the greatest—if not the greatest threats to the security of our Nation and our ally Israel—is the concerted effort by the Government of Iran to acquire the technology and materials to create a nuclear weapon that will alter the balance of power in the Middle East, and which would most certainly lead to hostilities. To forestall or ideally prevent this scenario, we must use ALL of the tools of peaceful diplomacy available to us.

Simply put, we must do everything in our power to prevent Iran from obtaining a nuclear weapon. I am pleased to offer an amendment that will limit Iran's ability to finance its nuclear ambitions by sanctioning the Central Bank of Iran, which is complicit in Iran's efforts.

This amendment will require the President to make a determination about whether the Central Bank of Iran's conduct threatens the national

security of the United States or its allies based on its facilitation of the activities of the Government of Iran that threaten global or regional peace and security, its evasion of multilateral sanctions directed against the Government of Iran; its engagement in deceptive financial practices and illicit transactions, and most importantly its provision of financial services in support of Iran's effort to acquire the knowledge, materials, and facilities to enrich uranium and to ultimately develop weapons of mass destruction.

Last week we learned just how far down the nuclear road Iran has come. The International Atomic Energy Agency's report indicates that Iran continues to enrich uranium and is seeking to develop as many as 10 new enrichment facilities; has conducted high explosives testing and detonator development to set off a nuclear charge, as well as computer modeling of a core of a nuclear warhead; and has engaged in preparatory work for a nuclear weapons test. We also learned that an August IAEA inspection revealed that 43.5 pounds of a component—used to arm nuclear warheads—was unaccounted for in Iran and that Iran is working on an indigenous design for a nuclear payload small enough to fit on Iran's long-range Shahab-3 missile, a missile capable to reaching Israel.

These revelations—combined with Iran's provocative effort in October to assassinate the Saudi Ambassador to the United States—demonstrate that Iran's aggression has taken a violent turn and that we can expect that if it gets a nuclear weapon that it will use that weapon.

This amendment will impose sanctions on any foreign financial institutions that engage in significant transactions with the Central Bank of Iran, with the exception of transactions in food, medicine, and medical devices. It sends the message that you have a choice—to do business with the United States or to do business with Iran.

Iran has a history of exporting terrorism—against coalition forces in Iraq, in Argentina, Lebanon, and even in Washington; and while Iran's drive to advance its nuclear weapons program has been slowed by U.S. and international sanctions, it remains undeterred. Today, we take the next step to isolate Iran politically and financially.

I also look forward to continuing to work with the administration and with my colleagues on both sides of the aisle to achieve our shared goals and to make this a bipartisan initiative.

Our efforts to date have been transformative, but Iran has adapted to the sanctions, unanticipated loopholes have allowed the regime to adjust and circumvent the sanctions and drive forward its effort to achieve a robust nuclear program.

We have to be just as prepared to adjust and adapt by closing each loophole that arises. By identifying the Central Bank of Iran as the Iranian regime's partner and financier of its terrorist agenda we can begin to starve the regime of the money it needs to achieve its nuclear goals.

AMENDMENT NO. 1114

Mr. BEGICH. Mr. President, I am pleased to speak on amendment No. 1114 to S.1867, the National Defense Authorization Act for Fiscal Year 2012. The amendment is cosponsored by Senators SNOWE, CASEY, LEAHY, GRAHAM, MURKOWSKI, AKAKA, PRYOR, BROWN of Massachusetts, TESTER, and MANCHIN.

This amendment can be explained very simply. It expands the ability of Reserve component members and surviving spouses to travel on military aircraft when space is available.

Members of the National Guard and Reserve and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service. For example, Reserve component members' and retirees' space-available travel privileges are limited within the United States and their family cannot travel with them.

As we all know, the National Guard and Reserve contributions to our Nation's defense since 9/11 are invaluable. There is no reason why their ability to travel on a military aircraft when space is available should be limited or restricted just because they are in the Guard or Reserve. They have fought in Iraq and Afghanistan. They have lost comrades. Virtually every member of the National Guard in Alaska has deployed in support of Iraq or Afghanistan.

Surviving spouses of a military member eligible for retired pay or of a member killed in the line of duty retain no space-available travel privileges at all after the death of their spouse. Yet they have made a lifetime commitment to the military or, in many cases, lost their loved one in war—the ultimate sacrifice.

We must continue to provide support to our surviving spouses and recognize their commitment to our military. As many of our Nation's most senior leaders have said, families are the backbone of the military. We must continue to recognize the National Guard and Reserve who are such a vital part of our Nation's defense and homeland security.

In this time of fiscal constraint, this amendment gives us the opportunity to support our National Guard, Reserves, and surviving spouses without a cost to taxpayers. The amendment is budget neutral.

The amendment is supported by the National Guard Association of the United States, Air Force Sergeants Association, and the Gold Star Wives.

Mr. President, I urge my colleagues to join me in providing better benefits—at no cost—to surviving spouses and Reserve component members.

AMENDMENT NO. 1149

Mr. BEGICH. Mr. President, today I am pleased to speak about my amendment No. 1149. I would like to thank my cosponsor, Senator MURKOWSKI, for her work on this amendment.

This amendment is very simple. It authorizes the Air Force to enter into a land exchange and conveyance in Alaska.

The exchange will resolve land-use conflicts between the municipality of Anchorage, Joint Base Elmendorf-Richardson, and Eklutna, an Alaska Native village.

By working out this agreement, we are ensuring the airmen and soldiers at the joint base have more land available to continue the vital training they need to defend our Nation.

All Federal agencies involved support this land exchange and conveyance. This includes the Air Force and Bureau of Land Management.

I appreciate my colleagues' consideration of this amendment and urge their support.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleagues, Senator COLLINS, Senator AKAKA, and Senator LUGAR, to support an amendment to improve the efficiency and effectiveness of our government by fostering greater integration among the personnel who work on critical national security and homeland security missions.

The national security and homeland security challenges that our Nation faces in the 21st century are far more complex than those of the last century. Threats such as terrorism, proliferation of nuclear and biological weapons, insurgencies, and failed states are beyond the capability of any single agency of our government—such as the Department of Defense, DOD; the Department of State; or the intelligence community—to counter on its own.

In addition, threats such as terrorism and organized crime know no borders and instead cross the so-called foreign/domestic divide—the bureaucratic, cultural, and legal division between agencies that focus on threats from beyond our borders and those that focus on threats from within.

Finally, a new group of government agencies is now involved in national and homeland security. These agencies bring to bear critical capabilities—such as interdicting terrorist finance, enforcing sanctions, protecting our critical infrastructure, and helping foreign countries threatened by terrorism to build their economies and legal systems—but many of them have relatively little experience of involvement with the traditional national security agencies. Some of these agencies have existed for decades or centuries—

such as the Departments of Treasury; Justice; and Health and Human Services, HHS—while others are new since 9/11, such as the Department of Homeland Security, DHS.

As a result, our government needs to be able to apply all instruments of national power—including military, diplomatic, law enforcement, foreign aid, homeland security, and public health—in a whole-of-government approach to counter these threats. We only need to look at our government's failure to use the full range of civilian and military capabilities to stymie the Iraqi insurgency immediately after the fall of Saddam Hussein's regime in 2003, the government's failure to prepare and respond to Hurricane Katrina in 2005, and the government's failure to share information and coordinate action prior to the attack at Fort Hood, TX, in 2009, for examples of failure of interagency coordination and their costs in terms of lives, money, and the national interest.

The challenge of integrating the agencies of the executive branch into a whole-of-government approach has been recognized by congressionally chartered commissions for more than a decade. Prior to 9/11, the commission led by former Senators Gary Hart and Warren Rudman, entitled the U.S. Commission on National Security in the 21st Century, issued reports recommending fundamental reorganization to integrate government capabilities, including for homeland security.

In 2004, the 9/11 Commission, led by former Governor Tom Kean and former Representative Lee Hamilton, found that the U.S. Government needed reform in order to foster a stronger, faster, and more efficient governmentwide effort against terrorism.

And in 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, led by former Senators Bob Graham and Jim Talent, called for improving interagency coordination in our Nation's defenses against bioterrorism and other weapons of mass destruction.

Congress has long recognized that a key way to better integrate our government's capabilities is to provide strong incentives for personnel to do rotational assignments across bureaucratic stovepipes. The personnel who serve in our government are our Nation's best and brightest, and they have and will respond to incentives that we institute in order to improve coordination across our government.

In 1986, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act. That legislation sought to break down stovepipes and foster jointness across the military services by requiring that military officers have served in a position outside of their service as a requirement for promotion to general or admiral.

Twenty-five years later, this requirement has produced a sea change in

military officers' mindsets and created a dominant military culture of jointness.

In 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act at the 9/11 Commission's recommendation and required a similar rotational requirement for intelligence personnel. The Director of National Intelligence has since instituted rotations across the intelligence community as an eligibility requirement for promotion to senior intelligence positions, and this requirement is helping to integrate the 16 agencies and elements of the intelligence community.

Finally, in 2005, Congress enacted the Post-Katrina Emergency Management Reform Act to improve our Nation's preparedness for and responses to domestic catastrophes and instituted a rotational program within the Department of Homeland Security in order to integrate that Department.

This proven mechanism of rotations must be applied to integrate the government as a whole on national security and homeland security issues. Indeed, the Hart/Rudman Commission called for rotations to other agencies and interagency professional education to be required in order for personnel to hold certain positions or be promoted to certain levels. And the Graham/Talent Commission called for the government to recruit the next generation of national security experts by establishing a program of joint duty, education, and training in order to create a culture of interagency collaboration, flexibility, and innovation.

The executive branch has also recognized the need to foster greater interagency rotations and experience in order to improve integration across its agencies. In 2007, President George W. Bush issued Executive Order 13434 concerning national security professional development and to include interagency assignments. However, that Executive order was not implemented aggressively toward the end of the Bush administration and has languished as the Obama administration pursued other priorities.

Clearly, it is time for Congress to act and to institute the personnel incentives and reforms necessary to further integrate our government and enable it to counter the national security and homeland security threats of the 21st century.

In June of this year, I joined with Senator SUSAN M. COLLINS and Senator DANIEL K. AKAKA to introduce the bipartisan Interagency Personnel Rotation Act of 2011, S. 1268. Companion legislation was introduced in the House of Representatives on a bipartisan basis by Representative GEOFF DAVIS and Representative JOHN F. TIERNEY. The legislation was marked up by the Committee on Homeland Security and Governmental Affairs on October 19, 2011. I am pleased that Senator RICHARD LUGAR, ranking member of the

Committee on Foreign Relations, has joined as a cosponsor of that bill. Senator COLLINS, Senator AKAKA, Senator LUGAR, and I are pleased to offer the Interagency Personnel Rotation Act, with minor modifications from the marked-up version, as an amendment to the National Defense Authorization Act for Fiscal Year 2012.

The purpose of this amendment is to enable executive branch personnel to view national security and homeland security issues from a whole-of-government perspective and be able to capitalize upon communities of interest composed of personnel from multiple agencies who work on the same national security or homeland security issue.

This amendment requires that the executive branch identify "Interagency Communities of Interest"—which are subject areas spanning multiple agencies and within which the executive branch needs to operate on a more integrated basis. Interagency communities of interest could include counterinsurgency, counterterrorism, counter proliferation, or regional areas such as the Middle East.

This amendment then requires that agencies identify positions that are within each interagency community of interest. Government personnel would then rotate to positions within other agencies but within the particular interagency community of interest related to their expertise.

Government personnel could also rotate to positions at offices that have specific interagency missions such as the national security staff. Completing an interagency rotation would be a prerequisite for selection to certain Senior Executive Service positions within that interagency community of interest. As a result, personnel would have the incentives to serve in a rotational position and to develop the whole-of-government perspective and the network of contacts necessary for integrating across agencies and accomplishing national security and homeland security missions more efficiently and effectively.

Let me offer some examples of how this might work.

An employee of the U.S. Agency for International Development, USAID, who specializes in development strategy could rotate to a DOD counterinsurgency office to advise DOD in planning on how development issues should be taken into account in military operations, while a DOD counterinsurgency specialist could rotate to USAID to advise on how development priorities should be assessed in a counterinsurgency.

A Treasury employee who does terrorist finance work could benefit from a rotation to Department of Justice to understand operations to take down terrorist cells and how terrorist finance work can help identify and pros-

ecute their members, while a Justice employee would have the chance to learn from the Treasury's financial expertise in understanding how sources of funding can affect cells' formation and plotting.

An HHS employee who specializes in public health could rotate to a DOD counterinsurgency office to advise on improving public health in order to win over the hearts and minds of the population to counter insurgency, while a DHS employee could rotate to HHS in order to learn about HHS's work to prepare the U.S. public health system for a biological terrorist attack.

The cosponsors of this amendment and I recognize the complexity involved in the creation of interagency communities of interest, the institution of rotations across a wide variety of government agencies, and having a rotation as a prerequisite for selection to certain Senior Executive Service positions. As a result, our legislation gives the executive branch substantial flexibility—including to identify interagency communities of interest; to identify which positions in each agency are within a particular interagency community of interest; to identify which positions in an interagency community of interest should be open for rotation and how long the rotations will be; and, finally, which Senior Executive Service positions have interagency rotational service as a prerequisite.

To be clear, this legislation does not mandate that any agency be included in an interagency community of interest or the interagency personnel rotations; instead, this legislation permits the executive branch to include any agency or part of an agency as the executive branch determines that our Nation's national and homeland security missions require.

Finally, I wish to stress that this amendment is designed to be implemented with no cost to the executive branch.

First, this amendment is designed to be implemented without requiring any additional personnel for the executive branch. The amendment envisions that rotations will be conducted so that there is a reasonable equivalence between the number of personnel rotating out of an agency and the number rotating in. That way, no agency will be short staffed as a result of having sent its best and brightest to do rotations; each agency will be receiving the best and brightest from other agencies.

Second, this amendment relies on the office that is currently implementing the executive branch's national security professional development program to implement this framework instituted by this amendment. This office is currently housed at DOD, and the legislation would move the office and its three employees to the Office of Management and Budget and the Office of

Personnel Management, which have oversight responsibility for this framework. Thus, no new staff would be required to administer the framework set forth in the amendment.

Third, this amendment has a 5-year implementation period which requires the executive branch to create two interagency communities of interest—for emergency management, and stabilization and reconstruction—to restrict the number of personnel doing rotations to 20 to 25 per year per each of these two interagency communities of interest, and to restrict the rotations to within a metropolitan area in order to avoid any relocation costs.

Fourth, this amendment requires that personnel doing a rotation receive the same training by the receiving agency that the receiving agency would provide to its own new employees, rather than more elaborate training that would incur costs.

And fifth, this amendment requires that any reports produced pursuant to the amendment be submitted on line rather than published in hard copy.

Let me close by answering a common objection to government reorganization. To quote the 9/11 Commission:

An argument against change is that the nation is at war, and cannot afford to reorganize in midstream. But some of the main innovations of the 1940s and 1950s, including the creation of the Joint Chiefs of Staff and even the construction of the Pentagon itself, were undertaken in the midst of war. Surely the country cannot wait until the struggle against Islamic terrorism is over.

I urge my colleagues to take bold action to improve the efficiency and effectiveness of our government in countering 21st century national security and homeland security threats by promptly adopting this amendment to the National Defense Authorization Act for Fiscal Year 2012.

REPEAL OF JACKSON-VANIK TRADE RESTRICTIONS ON MOLDOVA

Mr. LUGAR. Mr. President, I rise in support of an amendment to the National Defense Authorization Act, which would repeal the Cold War-era Jackson-Vanik trade restrictions on Moldovan products and thereby provide impetus for closer U.S. strategic engagement between our two nations.

I have introduced this legislation in the previous three Congresses and believe that the time is ripe for Moldova to finally be granted permanent normal trade relations. Moldova has been in the WTO since 2001 but still remains subject to Jackson-Vanik, despite currently being in full compliance with Jackson-Vanik-related concerns. Until the United States terminates application of Jackson-Vanik on Moldova, the U.S. will not benefit from Moldova's market access commitments nor can it resort to WTO dispute resolution mechanisms. While all other WTO members

currently enjoy these benefits, the United States does not.

The Republic of Moldova has been evaluated every year and granted normal trade relations with the United States through annual presidential waivers from the effects of Jackson-Vanik. The Moldovan constitution guarantees its citizens the right to emigrate and this right is respected in practice. Most emigration restrictions were eliminated in 1991 and virtually no problems with emigration have been reported since independence. More specifically, Moldova does not impose emigration restrictions on members of the Jewish community. Synagogues function openly and without harassment. As a result, several past administrations, including this one, have found that Moldova is in full compliance with Jackson-Vanik's provisions.

The United States and Moldova have established a strong record of achievement in security and non-proliferation cooperation. We have encouraged Moldova's ambition of European integration, particularly in light of the new coalition that was swept to power in 2009, the Alliance for European Integration.

One of the areas where we can deepen U.S.-Moldovan relations is bilateral trade. In light of its adherence to freedom of emigration requirements, compliance with threat reduction and cooperation in the global war on terrorism, the products of Moldova should not be subject to the sanctions of Jackson-Vanik.

The continued support and encouragement of the United States and the international community will be key to encouraging the Government of Moldova to follow through on important reforms. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic, trade, and security partnership can be made.

I am hopeful that my colleagues will join me in supporting this important amendment.

FDIC

Mr. CHAMBLISS. Mr. President, I rise today to bring to the Senate an issue of critical importance.

Last night, the Senate was able to pass by unanimous consent legislation that will provide much needed transparency to the Federal Deposit Insurance Corporation process of examining and resolving bank failures.

Not only is this an issue that has severely impacted the wellbeing of my state of Georgia, but this Nation is suffering as a whole.

There are some communities across the country that are no longer have a bank to serve them and will continue to suffer on their economic develop-

ment efforts because the sole bank in their community has failed.

Since 2008 there has been over 400 bank failures nationwide. Seventy of those failures have occurred in Georgia. This year alone 18 banks in Georgia have failed.

While that represents over 27 percent of all the banks in my State, this is not just a Georgia issue.

There are nine other States that have extraordinarily high rates of failures including: Florida, Illinois, California, Minnesota, Washington, Michigan, Nevada, Missouri, and Arizona.

Unfortunately, there will continue to be bank failures in this country and this bill will provide the Congress with information about the underlying fundamentals that cause these failures.

The bill directs the FDIC IG, in consultation with Treasury and Federal Reserve IGs to study FDIC policies and practices with regard to Loss Share Agreements; the fair application of regulatory capital standards; appraisals; FDIC procedures for loan modifications; and the FDIC's handling of Consent Orders and Cease and Desist Orders.

Further, the GAO will be directed to a study those questions the FDIC IG is unable to fully explore such as the causes of the high number of bank failures; procyclical impact of fair value accounting; analysis of the impact of failures on the community; and, the overall effectiveness of loss share agreements for resolving banks.

The swift passage of this legislation by the House of Representatives in July was a rare instance of bipartisan support and a sincere acknowledgment to the American people that bank failures on the whole need to be carefully considered by the Congress.

The FDIC does a commendable job of ensuring that depositors at banks they regulate are going to be able to access their money in the event of a bank failure.

I want the FDIC to know that their good work does not go unnoticed by this body, however it is clear that Congress needs more information about the underlying causes of these bank failures and it is imperative that the US Congress send a clear message that "if there is a better way, then we must pursue it."

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY SCHOOL LUNCHES

Mr. DURBIN. Mr. President, over the years, I have visited dozens of schools

in Illinois, and I have learned more about the childhood obesity problem in this country by stepping into the lunch room than I have just about anywhere else. Particularly in disadvantaged neighborhoods, school staff tell me that while students might pick up a piece of fruit or a serving of vegetables, the first food choice for the majority of students is a large soda and a bag of flaming hot cheetos. But for the young people we are asking to perform at ever increasing academic levels, we should be able to provide better options for their meals.

Last year, Congress took a big step including provisions to improve school lunches in the reauthorization of the Child Nutrition Act. The U.S. Department of Agriculture deserves credit for taking the first significant steps in 15 years to make school lunches healthier. These proposed changes would provide children with a balanced diet that includes more green leafy vegetables, limiting starchy vegetables—like french fries—to two servings a week, limiting sodium, and boosting whole grains. USDA also proposed that tomato paste could only be counted as a vegetable if a half cup of tomato paste is used. Today, only two tablespoons of tomato paste is considered a serving of a vegetable which means schools can serve pizza to fulfill a vegetable requirement and receive Federal subsidies for doing so.

I was dismayed to learn that the conferees for the Fiscal Year 2012 Agriculture Appropriations legislation have decided to slow or even stop some of the new proposed nutrition standards for school meals. The USDA's proposal is science-based and informed by 2009 recommendations from the Institute of Medicine to reduce childhood obesity and future health care costs. Rather than uphold these sound recommendations to promote children's nutrition, the conferees report will roll back these standards and continue the status quo.

But maintaining the status quo comes at a heavy cost. Federal subsidies will support a school lunch menu that is heavy on french fries and pizza, ignoring nutrition science and common sense while contributing to our country's childhood obesity epidemic. These policy riders will maintain the current standards.

Across the country school districts are showing that with creativity and determination it is possible to improve school meals on a limited budget. Two years ago Chicago Public Schools made a commitment to try to wean kids off the junk food they have grown accustomed to and has moved to improve nutrition standards in school lunches and breakfasts. Flaming hot cheetos are still popular but no longer ubiquitous. The school district has exceeded the U.S. Department of Agriculture's Healthier U.S. School Challenge Gold

Standards and is offering more fruits and vegetables, and serving more whole grains. CPS now has one of the healthiest nutrition standards in the Nation. There is certainly more work to be done, but the school district has shown how to implement healthier meals on a limited budget and should be hailed as a national leader for affordably delivering healthy food to children.

I am deeply disappointed that the conferees have decided to resist implementing better nutrition standards in our schools, rather than fighting to reduce childhood obesity among our children. I am disappointed that the voice of powerful interest groups drowned out basic nutritional science and collaborating on strategies to improve children's options at lunch time.

TRIBUTE TO MS. RUTH SMITH

Mr. McCONNELL. Mr. President, I stand today to congratulate an extraordinary Kentucky woman and a dear friend of mine, Ms. Ruth Smith. Ruth was recently one of nine to receive this year's distinguished UK Sanders-Brown Center on Aging Foundation's Senior Star Award, an award given each year to those who exemplify graceful aging by remaining engaged in an active lifestyle. Ruth, now 86, was recognized for her great character and outstanding service to her community during this year's Senior Star Award luncheon, which took place on October 13, 2011, in Lexington, KY.

Ruth, a longtime resident of Wayne County, KY, is an active member of the Lake Cumberland Area Development District, a quasi-governmental agency comprised of local city and county governments, and special districts in south-central Kentucky to improve life for the region's citizens. Ruth has served as a member of the LCADD's board of directors since 1993 and has served as a member of the executive committee since 2003. In 2008, Ruth was named LCADD Citizen Board Member of the Year for her exceptional work.

Currently, the LCADD serves the counties of Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor and Wayne by providing a regional forum to local governments to help identify issues and opportunities and then provide leadership in planning and implementing programs that will help improve the quality of life of the region's citizens.

Over the years, Ruth's strength of character, adventurous spirit, and care for her fellow man have been a constant echo throughout the many successes she has enjoyed in her life. During World War II, Ruth traveled from her home in Pennsylvania to California to work in a factory—her personal contribution to the war effort. Some years later, after marrying her husband Randolph and relocating to Kentucky, Ruth immediately immersed herself in

the local community. She spent her time working side by side with her husband helping to run both a dry goods store and a small-town retail store to support their young family while simultaneously volunteering and supporting many community organizations. She has been chosen for many leadership roles, including president of the local chamber of commerce and delegate to the Republican National Convention.

About 15 years ago, Ruth was widowed when Randolph passed unexpectedly. Ruth was burdened with the task of liquidating the family business and finding a job. Not long after, Ruth began a new career which lasted for over 17 years when the Lake Cumberland District Health Department hired Ruth to work with teen mothers through the Clinton, McCreary and Cumberland County Health Departments in the HANDS Program. Ruth mentored countless young women into becoming responsible mothers, employees and citizens while loving and nurturing their children into feeling special at the same time.

Throughout this unintended second career, Ruth continuously found herself in situations where the needs were clear but the means to achieve them were not always so. Yet, with her determination as her guide, she always found a way to meet these daily demands, oftentimes reaching into her own pockets when resources were not available, and never complaining.

Last summer, Ruth took a road trip to Pennsylvania with her daughter-in-law to visit her family and friends. A day or so later, news spread back in Kentucky that she had fallen ill, and at her age some feared the worst. But it turned out it was not Ruth that had fallen ill but her daughter-in-law—and the ever-resourceful Ruth Smith quite possibly saved the younger woman's life by calling an ambulance and administering CPR until help arrived.

Ruth truly loves people, especially those of her community, and they respond in kind. For example, when she decided to retire in July of last year at the age of 85, people from all over came to her retirement celebration to honor her—the impact that she had on those who were fortunate enough to know and work with her over the years was evident and immeasurable.

My dear friend, Ms. Ruth Smith, is an honorable Kentuckian whose selflessness and service to her fellow citizens deserves the utmost respect. She dedicated her life to helping her community and improving the lives of her fellow Kentuckians. She leaves behind her a legacy of inspiration and hope to all those she touched, and her achievements will not soon be forgotten.

I would ask that my Senate colleagues join me in congratulating Ms. Ruth Smith in receiving the UK Sanders-Brown Center on Aging Founda-

tion's Senior Star Award. She is most deserving of this honor, and I commend her for all that she has done for our great Commonwealth.

H.R. 2112 CONFERENCE REPORT

Mr. McCAIN. Mr. President, yesterday, the Senate voted on the conference report to H.R. 2112. Unfortunately, I was not able to cast my vote in support of the conference report because it increased spending. By increasing spending, Congress is ignoring the fact that our country is facing a \$15 trillion debt and \$1.3 trillion budget deficit. By Congress refusing to cut Federal spending, we are telling the American public that we are not serious about restoring fiscal responsibility in government and will continue with business as usual.

In addition, the bill contains language that would increase the FHA loan limits from \$625,500 to \$729,750, further putting the American taxpayer at risk. Taxpayers are already on the hook for \$170 billion in bailouts to mortgage giants Fannie Mae and Freddie Mac because of irresponsible lending practices. And just last week Fannie and Freddie asked for an additional \$13.8 billion in Federal funding from the pockets of hardworking Americans, many of whom are underwater on their mortgages. With over 50 percent of homeowners in Arizona underwater on their mortgages, I cannot support this increase in loan limits that could potentially worsen the disastrous housing market our country is currently facing.

While I appreciate the fact that Congress is doing its job by moving appropriations bills, I could not in good conscience have voted in support of this conference report knowing we are bankrupting our country. We must make sacrifices now to ensure that our children and grandchildren have the same opportunities that all of us have had instead of handing them a future filled with unsustainable debt and lost opportunities.

TRIBUTE TO MICHELE WYMER

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing Michele Wymer for her outstanding service to her country in her role on the Department of State, Foreign Operations, and Related Programs Subcommittee. Before Michele and her family leave for greener pastures, I wanted to express my appreciation and thanks for her service to the Senate.

For the past five years, Michele has diligently worked on issues important to America's national security, including those mitigating the devastating impact of HIV/AIDS globally, providing security and stability through development assistance, and addressing the needs of refugees. She performed her

duties in a professional manner, including conducting oversight on the ground in conflict areas such as Chad, Iraq, Afghanistan, Pakistan, and the Democratic Republic of the Congo. I know I speak for the subcommittee staff in saying that Michele will be missed not only for her good work and professionalism, but also for her good humor and compassion.

I ask that the Senate join me in recognizing Michele's outstanding service and wishing her family a safe journey and an exciting new chapter in their lives.

50TH ANNIVERSARY OF CENTER OF LATIN AMERICAN STUDIES

Mr. MORAN. Mr. President, today I am proud to honor the 50th anniversary of the Center of Latin American Studies at the University of Kansas. The Center was founded in 1961 to equip KU students to face the political, economic, sociological and geographical realities of our world and, 50 years later, that vision continues. KU's strong ties to the University of Costa Rica have continued, and the Center's connections have expanded in Mexico, the Caribbean and South America. The Center provides students with advanced language and area studies training, including opportunities for study and research abroad. The Center provides the education and experience Kansans need in order to pursue successful, satisfying careers as teachers, scholars, and business and government professionals in the 21st century.

I want to congratulate the Center of Latin American Studies for its 50 years of commitment to building strong international relations with Latin America for the benefit of Kansas and the nation.

NATIONAL ADOPTION MONTH

Mr. JOHNSON of South Dakota. Mr. President, I rise today to acknowledge November as National Adoption Month and National Adoption Day on Nov. 19, 2011. With over 107,000 children waiting to be adopted from the U.S. foster care system, I think it is crucial to celebrate the parents, social workers, judges, lawyers, teachers, doctors, nurses, police officers, and other dedicated advocates who help children find safe, permanent and loving homes.

It seems quite appropriate that as we prepare to celebrate Thanksgiving, we also celebrate the ways in which families grow through adoption. My own family has been personally touched by adoption, and I can't express enough the positive impact that adoption can have on children and families.

Together, National Adoption Month and National Adoption Day aim to raise awareness of the 408,000 children living in the nation's foster care system and encourage individuals to con-

sider opening their homes and hearts through adoption. Each year more than 20,000 children age out of the foster care system without finding a permanent family to call their own. The majority of these children struggle to meet the demands of adult life on their own. Only 50 percent earn a high school diploma, barely 3 percent go on to obtain a college degree, and one out of four will experience homelessness at some point in their lives. While we generally recognize adult independence at age 18, children rarely stop needing the stability, support and guidance that families provide. The benefits of being adopted into a loving home extend well into adulthood.

Each year I recognize one South Dakota family as Angels in Adoption in order to highlight the many ways in which exemplary individuals and families across the State have made a positive impact in the lives of children through adoption. I recently had the opportunity to honor Nora and Randy Boesem of Newell, SD, as Angels in Adoption. Nora and Randy have adopted nine children, all of whom are affected by Fetal Alcohol Spectrum Disorders and face a range of physical and mental birth defects that occur as a result of alcohol use during pregnancy. In addition to their adopted children, the Boesems have opened their home to nearly 70 children in foster care over the last 10 years.

As a founding member of the bipartisan Congressional Coalition on Adoption, which sponsors Angels in Adoption, I am committed to assisting children in the United States to find stable, loving and permanent homes. Additionally, I support the goals of National Adoption Day, which encourage others to adopt children from foster care, build stronger ties between local adoption agencies, courts and adoption advocacy organizations, and learn more about children waiting to be adopted and the families looking to grow through adoption.

I was proud to support the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the recent passage of the Child and Family Services Improvement and Innovation Act, which made some of the most important improvements to the foster care and adoption system we have seen in the last 10 years. I am also proud that Members of the Senate continue to support ways to make adoption easier and more affordable. Since the cost of adoption can be very high, we ought to do what we can to minimize this initial burden for the exceptional people who provide caring homes for children. Adoption proceedings and legal fees for some domestic adoptions can cost more than \$40,000. If we ask individuals to care for and adopt children, we must provide some relief from the financial burdens associated with that care. The adoption tax credit is an effective way

to help lessen the financial burden families face when adopting a child and I support making the adoption tax credit permanent.

The commitment of adoptive parents in South Dakota and throughout our country to provide children with safe, permanent, and loving homes will, of course, have a positive impact on their lives. As we celebrate National Adoption Month and National Adoption Day on November 19, 2011, I call on my colleagues to continue finding ways to support the children, parents, and other important players involved in the child welfare system and to work to ensure all children have stable, permanent and loving families.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment numbered 1 of the Senate to the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, and that the House agreed to the amendment numbered 2 of the Senate, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

ENROLLED BILL SIGNED

At 3:49 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 18, she had presented to the President of the United States the following enrolled bill:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4016. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Position Limits for Futures and Swaps" (RIN3038-AD17) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4017. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Management of Manufacturing Risk in Major Defense Acquisition Programs" ((RIN0750-AH30)(DFARS Case 2011-AH30)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC-4018. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Notification Requirements for Awards of Single-Source Task- or Delivery-Order Contracts" ((RIN0750-AG66)(DFARS Case 2009-D036)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC-4019. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Extension of Department of Defense Mentor-Protege Pilot Program" ((RIN0750-AH44)(DFARS Case 2011-D050)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC-4020. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Transition to the System for Award Management" ((RIN0750-AH46)(DFARS Case 2011-D053)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC-4021. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Loren M. Reno, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4022. A communication from the Associate General Counsel for Legislation and

Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Debt Collection: Revisions and Update to the Procedures for the Collection of Claims" (RIN2501-AD36) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4023. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4024. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4025. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-4026. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rulemaking To Designate Critical Habitat for Black Abalone" (RIN0648-AY62) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4027. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband over Power Line Systems; Carrier Current Systems, Including Broadband over Power Line Systems, ET Docket Nos. 04-37 and 03-104" (FCC 11-160) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4028. A communication from the Chief of the Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementing the Provisions of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendment of the Commission's Rules to Implement the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessibility of Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision" ((CG Docket No. 10-213)(FCC 11-151)) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4029. A communication from the Secretary of Transportation, transmitting, pur-

suant to law, the Department of Transportation's fiscal year 2011 annual financial report; to the Committee on Commerce, Science, and Transportation.

EC-4030. A communication from the Secretary of Energy, transmitting, pursuant to law, the Nuclear Energy Advisory Committee's (NEAC) Next Generation Nuclear Plant (NGNP) Phase 2 Recommendation Report; to the Committee on Energy and Natural Resources.

EC-4031. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the 2009 Annual Report for the Department of the Interior's Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources.

EC-4032. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update List of Areas Included in 'North American Area' Under IRC Section 274(h)" (Rev. Rul. 2011-26) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Finance.

EC-4033. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Accrual of Liability to Unknown Payees" (Rev. Rul. 2011-29) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Finance.

EC-4034. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Generation Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6112 Regulations" ((RIN1545-BG89)(TD 9556)) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Finance.

EC-4035. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received in the Office of the President of the Senate on November 17, 2011; to the Committee on Foreign Relations.

EC-4036. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of June 21, 2011 through August 20, 2011; to the Committee on Foreign Relations.

EC-4037. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Vitro Manufacturing in Canonsburg, Pennsylvania, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4038. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Y-12 facility in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4039. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4040. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from W.R. Grace and Company in Curtis Bay, Maryland, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4041. A communication from the Secretary of Labor, transmitting, pursuant to law, the fiscal year 2011 Agency Financial Report for the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC-4042. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4043. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled "Federal Election Commission 2011 Performance and Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-4044. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a Statement of Actions with respect to the Government Accountability Office report entitled "Personal ID Verification: Agencies Should Set a Higher Priority on Using the Capabilities of Standardized Identification Cards"; to the Committee on Homeland Security and Governmental Affairs.

EC-4045. A communication from the Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4046. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 2011 Agency Financial Report for the Department of the Treasury; to the Committee on Homeland Security and Governmental Affairs.

EC-4047. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "Prohibited Personnel Practices: Employee Perceptions"; to the Committee on Homeland Security and Governmental Affairs.

EC-4048. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4049. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report entitled "Annual Management Report of the Overseas Private Investment Corporation for Fiscal Year 2011 Submitted Pursuant to the Chief Financial Officers Act of 1990"; to the Committee on Homeland Security and Governmental Affairs.

EC-4050. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving or partially waiving Section 404(a) of the Child Soldiers Prevention Act of 2008 with respect

to Yemen, the Democratic Republic of the Congo, and Chad; to the Committee on the Judiciary.

EC-4051. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Updating Fire Safety Standards" (RIN2900—AN57) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Veterans' Affairs.

EC-4052. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Clothing Allowance" (RIN2900—AN64) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Veterans' Affairs.

EC-4053. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Alan S. Thompson, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-4054. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to internal procedures and processes for addressing ongoing postmarket safety issues identified by the Office of Surveillance and Epidemiology (OSE) and how recommendations of the OSE are handled within the Agency; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1905. A bill to amend the Federal Crop Insurance Act to support crop insurance for specialty crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER (for himself, Mr. BARASSO, Mr. BAUCUS, Mr. ENZI, Mr. GRASSLEY, and Mr. RISCH):

S. 1906. A bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Mr. GRASSLEY):

S. 1907. A bill to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. NELSON of Florida):

S. 1908. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organization, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 1909. A bill to amend title 31, United States Code, to provide for the issuance of

Buy Back America Bonds; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1910. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COBURN, and Mr. ISAKSON):

S. 1912. A bill to prohibit the Department of Energy from subordinating its position in energy loan guarantees to outside investors; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 1913. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations requiring air carriers to provide passengers with certain amenities and facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1914. A bill to amend the Internal Revenue Code of 1986 to provide a credit for performance based home energy improvements, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 334. A resolution designating the week of November 6 through November 12, 2012, as "Veterans' Education Awareness Week."; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Ms. SNOWE, and Mrs. FEINSTEIN):

S. Res. 335. A resolution honoring the life and legacy of Evelyn H. Lauder; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 336. A resolution to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 436

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 436, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 626

At the request of Ms. CANTWELL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules

in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 810

At the request of Ms. CANTWELL, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 838

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 1277

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1277, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1727

At the request of Mr. HELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1727, a bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine

whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes.

S. 1776

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1817

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1817, a bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

S. 1822

At the request of Mr. HELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1822, a bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

S. 1868

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1901

At the request of Mr. UDALL of Colorado, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Mr. FRANKEN), the Senator from Colorado (Mr. BENNET) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1901, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1903, *supra*.

AMENDMENT NO. 1067

At the request of Ms. AYOTTE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 1067 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1068

At the request of Ms. AYOTTE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1068 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1071

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 1071 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1072

At the request of Mr. LEAHY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 1072 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1084

At the request of Mr. KIRK, the names of the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. KYL) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1084 proposed to S. 1867, an original bill to authorize appropriations for fiscal year

2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1115

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1116

At the request of Mr. WICKER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1116 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1121

At the request of Mrs. SHAHEEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1121 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1138

At the request of Mr. HELLER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1138 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1158

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 1158 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. LEAHY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1165

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1165 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1179 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1180

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1180 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1188

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1188 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. FRANKEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1197 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1200

At the request of Mr. CORNYN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1200 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1210

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 1210 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1211

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1211 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1219

At the request of Mr. GRAHAM, his name and the name of the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1219 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. GRASSLEY):

S. 1907. A bill to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing the PCAOB Enforcement Transparency Act of 2011 along with Senator GRASSLEY.

One of the largest securities frauds in history began unraveling in August 2001 when an Enron vice president expressed her concern that the company might “implode under a series of accounting scandals.” Enron disclosed a few months later that its historical financial statements were not accurate. A subsequent restatement revealed over that \$500 million in losses had gone unreported. Several other large corporate frauds followed shortly thereafter. For instance, in June 2002, WorldCom admitted that it had misrepresented its profitability to investors.

The Senate Committee on Banking, Housing, and Urban Affairs conducted a series of hearings on the issues that were raised by the revelations of Enron and other public companies. The hearings produced a remarkable consensus on a number of underlying causes, including weak corporate governance, a lack of accountability, and inadequate oversight of accountants charged with auditing a public company’s financial statements.

In order to address the gaps and structural weaknesses revealed by the investigation and hearings, Congress passed the Sarbanes-Oxley Act of 2002. The Senate passed this legislation on a 99 to 0 vote.

The Sarbanes-Oxley Act ensured that corporate officers were directly accountable for their financial reporting and for the quality of their financial statements. The new law also created a strong, independent board to oversee the conduct of the auditors of public companies, the Public Company Accounting Oversight Board, PCAOB or Board.

The board is responsible for overseeing auditors of public companies in order to protect investors and further the preparation of informative, accurate, and independent audit reports on the financial statements of public companies. The board operates under the oversight of the U.S. Securities and Exchange Commission, SEC.

The PCAOB is responsible for setting auditing standards for auditors of public companies, for examining the quality of audits performed by public company auditors, and where necessary, for imposing disciplinary sanctions on registered auditors and auditing firms.

The PCAOB oversees more than 2,400 registered auditing firms, as well as the thousands of audit partners and staff who contribute to a firm’s work on each audit.

The board’s ability to commence proceedings to determine whether there have been violations of its auditing standards or rules of professional practice is an important component of its oversight. In order to determine whether to institute a proceeding, the board’s enforcement staff conducts a nonpublic investigation and makes a recommendation to the five-member board.

However, unlike other oversight bodies, such as the SEC, the U.S. Department of Labor, the Federal Deposit Insurance Corporation, FDIC, the U.S. Commodity Futures Trading Commission, CFTC, the Financial Industry Regulatory Authority, FINRA, and others, the Board’s disciplinary proceedings are not allowed to be public.

Unfortunately, over the last several years, bad actors have been taking advantage of this lack of transparency. In April 2011, the Subcommittee on Securities, Insurance, and Investment, which I chair, considered the issue of enhancing the PCAOB’s effectiveness by permitting the Board to disclose information about its enforcement proceedings. PCAOB Chairman James Doty noted that the “secrecy has a variety of unfortunate consequences” and this “state of affairs is not good for investors, for the auditing profession, or for the public at large.”

In one example, an accounting firm that was subject to a disciplinary proceeding continued to issue no fewer than 29 additional audit reports on public companies without any of those companies knowing about the PCAOB proceedings. Those public companies and their investors were completely in the dark about the board’s decision to both institute disciplinary proceedings and about the progress of those proceedings. The auditor knew about the proceedings, but the investors and public companies were denied information that was arguably very relevant to the audit relationship.

There are additional reasons that the proceedings should be open and transparent. First, the closed proceedings run counter to the public proceedings of other oversight bodies, as I have already noted. Indeed, nearly all administrative proceedings brought by the SEC against public companies, brokers, dealers, investment advisers, and others are open, public proceedings.

The PCAOB’s secret proceedings are not only shielded from the public, but from Congress as well. The public and Congress have a role in ensuring that not just auditors are held to account, but also that the PCAOB is held to account as well for its oversight of the auditors and audit firms.

Second, the incentive to litigate cases in order to continue to shield

conduct from the public as long as possible frustrates the process and requires the expenditure of needless resources by both litigants and the PCAOB. In April, Chairman Doty, who testified before the Subcommittee on Securities, Insurance, and Investment, noted that “the fact that PCAOB disciplinary proceedings are required to be secret creates a considerable incentive to litigate.”

Third, a recent academic study noted that the public nature of SEC’s proceedings against companies result in good results. “Observing a public SEC enforcement action in its industry against a target firm is likely to increase a peer firm’s knowledge about SEC activity and cause it to revise upward its subjective probability of attracting such an action against itself.” In effect, the study noted that this may serve as a deterrent to misconduct because of a perceived increase in “getting caught.” Accordingly, the audit industry would also benefit from timely, public, and non-secret enforcement proceedings.

Our bill will make hearings by the PCAOB, and all related notices, orders, and motions, open and available to the public unless otherwise ordered by the board. The board procedure would then be similar to the SEC’s Rules of Practice for similar matters, where hearings and related notices, orders, and motions are open and available to the public.

We need to ensure public proceedings to better protect and serve companies and investors. I hope our colleagues will join Senator GRASSLEY and me in taking the legislative steps necessary to enhance transparency in the PCAOB’s enforcement process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “PCAOB Enforcement Transparency Act of 2011”.

SEC. 2. OPEN MEETINGS AUTHORIZED.

Section 105(c)(2) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(2)) is amended to read as follows:

“(2) PUBLIC HEARINGS.—Hearings under this section shall be open to the public, unless the Board, on its own motion or after considering the motion of a party, orders otherwise.”.

SEC. 3. PUBLICATION OF DETERMINATIONS.

Section 105(d)(1)(C) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(d)(1)(C)) is amended by striking “(once any stay on the imposition of such sanction has been lifted)”.

By Mr. ENZI:

S. 1909. A bill to amend title 31, United States Code, to provide for the issuance of Buy Back America Bonds; to the Committee on Finance.

Mr. ENZI. I rise today to introduce my Buy Back America Bonds bill, S. 1909. This bill will not only help raise awareness of our Nation's debt crisis, but it will also give every American the chance to be a part of the solution to fix our country's fiscal dilemma. My bill will allow Americans to invest in this incredible country and bring foreign-held U.S. debt back to American hands while at the same time reducing Federal Government spending. But before I talk about where my bill is going, I want to explain where I am coming from.

In World War II, war bonds were sold to help pay for our Nation's national defense and reduce the amount of debt incurred. People from all kinds of backgrounds saved toward purchasing war bonds, often with nickels, dimes, and quarters. On the job, people deducted the cost of war bonds from their meager paychecks. Families invested in war bonds and saved for the future. During World War II, President Roosevelt even asked the Boy Scouts of America to sell war bonds, and they did. Boy Scouts and Girl Scouts worked with their packs and troops to sell bonds to their neighbors and communities. In other words, all across the country, folks of all walks and types were working together for one collective goal—to do their part for the country's war effort. Men, women, and children were selling and purchasing these war bonds, all in the name of lending a hand to our fellow countrymen and to pay for the costs of war.

I was born during World War II. When I was born, my parents bought me a war bond. I still have that \$20 bond today. Not cashing it was my first gift to my country, and it is also a keepsake to me.

In 1941, when savings bonds were re-titled as "war bonds" in the terrible and devastating aftermath of Pearl Harbor, the United States rallied as a collective nation in support of the war and war bond effort. At the time, though, the average American only earned about \$2,000 a year. Despite these hardships and tough times, 134 million Americans were called on to be part of the war bond effort, and more than half of the U.S. population—85 million people—responded to the patriotic call to participate.

The Scouts raised money and personally donated their own funds 10 cents at a time in the form of stamps that could be pasted into a war bond booklet. When war bond books were complete, they could be taken to the local bank, and sometimes even the local post office, to purchase bonds. One innovative group even created a promotional cardboard with slots for 75 quarters that had to be filled before it could be redeemed for a bond.

Showing his leadership and dedication to the effort, President Franklin Delano Roosevelt purchased the very

first war bond issued. In part of President Roosevelt's April 30, 1941, radio address to the American people, he said:

One thought is uppermost in my mind as I make grateful acknowledgment of this dual honor. It is that in reserving the first Defense Savings Bond and the first Defense Postal Savings Stamps in the name of the President, the Secretary of the Treasury and the Postmaster General have given emphasis to the national character of this defense savings campaign. This character of the campaign is national in the best sense of the word, for it is going to reach down, we hope, to the individual and the family in every community and on every farm, in every State and every possession of the United States.

The President goes on to say:

It is national and it is homey at the same time. For example, I am buying not one stamp but ten stamps each to go into a little book for each of my ten grandchildren. And the first savings bond is being made out in the name of Mrs. Roosevelt as beneficiary.

It is fitting that the President in his purchases should be a sort of a symbol of the determination of all the people to save and sacrifice in defense of democracy. In a larger sense, this first defense bond and these first defense stamps sold to the President constitute tangible evidence of a partnership—a partnership between all of the people and their Government—entered into to safeguard and perpetuate all of those precious freedoms which Government guarantees. In this time of national peril, what we all must realize is that the United States Government is you and I and all other families next door all the way across the country and back again. It is one great partnership.

That ends the quote from President Roosevelt.

The President concluded his address by asking his fellow Americans to demonstrate their faith in America by investing in the new defense bonds and stamps.

I remember as a child bringing dimes to school so that I could purchase a stamp for my savings bond book—one stamp at a time, saving toward the price of a full savings bond. I remember vividly that the bond was a lofty \$18.75. When I got my book filled, we could go down to the bank so that I could finally trade for my bond—that piece of paper showing that I had done my small part to help in the effort and make this country better. Kids of my generation learned the value of saving and helping their country through the savings bond program.

Today, I rise to speak about a different sort of fight, and yet, at the same time, this fight is one that is no less serious than the one I remember as a child. Today, our Nation is struggling to fight a growing spending problem and a debt crisis. Debt is our problem now.

It is time to get all of America involved, not with a promise of wealth but with a sense of investing in our country, of buying America back, pulling us back from the brink of bankruptcy to other countries. The national

debt stands at \$15 trillion, which breaks down to nearly \$48,000 for every person in our entire country. These figures are a frightening reminder that we cannot continue to put off the tough choices and that we must restore the fiscal discipline to the Federal Government.

This is a tough fight that has to be tackled on all fronts. Today I am proposing a step in the right direction and calling upon Americans for support of this effort. I am proposing that we bring American debt back to American hands. I am introducing the Buy Back America Bonds, S. 1909. My bill would buy back American bonds to American citizens in affordable \$25 increments so every American can afford to invest and do their part. The Treasury would then use the funds from these bonds to begin paying down the \$4.4 trillion in foreign-held U.S. debt. Investing in Buy Back America Bonds would allow Americans to show their patriotism and faith in this great Nation.

Unlike the war bonds of my childhood, Buy Back America Bonds would create a new series of savings bonds which are indexed for inflation as well as earning a fixed interest rate. By tying Buy Back America Bonds to inflation, we ensure the buying power of consumers' investments remains the same while also earning them additional interest. These could be called Gold Standard Bonds.

Those are two ways the Buy Back America Bonds would earn and keep their value for investors in addition to their patriotic and symbolic investment. These are not going to be barn-burner investments, but they will help our Nation not only pay down our debt but pay down the amount of debt owed to foreign nations.

What makes this bill particularly special is that for every bond purchased, citizens are also helping the Federal Government to reduce spending. Every year after the first year the amount of Buy Back America Bonds sold would be tallied and that exact amount would then be cut from Federal spending the following year.

I stand before you to explain not only where I am coming from with my Buy Back America Bonds but also why our Nation needs a collective effort to rally around to make steps toward a more responsible Federal budget and getting our national debt under control. Investing in America and bringing foreign-held debt back to American hands is where I propose to start. I ask my colleagues and the American people to help me be an integral part of the debt crisis solution.

Not only am I a father, I am a grandfather, and I want to be the first to purchase Buy Back America Bonds for my four grandchildren. I want my grandchildren and yours to have every opportunity for a great quality of life, to know the meaning of faith and investment in a prosperous United

States. I am doing everything I can to ensure that happens. That means proposing solutions to problems and working to get my colleagues on board.

So I rise and ask for the support of my colleagues for this great effort and support for S. 1909, my Buy Back America Bonds bill. What President Roosevelt said then is equally true now:

In this time of national peril we must realize the U.S. Government is you and I, and all other families next door all the way across the country and back again. It is one great partnership.

Working together we can solve all of this. We need to solve all of this. We need to start solving it right now and this is one way to do it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUY BACK AMERICA BONDS.

(a) IN GENERAL.—Subchapter I of chapter 31 of subtitle III of title 31, United States Code, is amended by inserting after section 3105 the following new section:

“§ 3105a. Buy Back America Bonds

“(a) The Secretary shall establish and administer a new series of United States savings bonds, to be known as ‘Buy Back America Bonds’. Proceeds from the bonds shall be used first solely to reduce the amount of foreign-held public debt, and then to reduce other public debt.

“(b) A Buy Back America Bond shall be subject to such terms and conditions of issue, conversion, redemption, and maturation as the Secretary may prescribe, except that a Buy Back America Bond shall not mature, and may not be redeemed by the holder, earlier than 10 years from the date of issue and shall mature not more than 20 years from the date of issue. Interest on a Buy Back America Bond whenever paid shall not be includible in gross income under the Internal Revenue Code of 1986.

“(c) Buy Back America Bonds shall be issued at face value and in denominations of not less than \$25.

“(d) The redemption value of a Buy Back America Bond shall be determined as the Secretary shall provide—

“(1) at a fixed interest rate equal to the rate applicable to a Series I savings bond for the rate period during which the Buy Back America Bond is purchased, and

“(2) for purposes of calculating yearly interest, by increasing the purchase price of such Buy Back America Bond in each calendar year after the year of purchase by an amount equal to—

“(A) such purchase price, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for such calendar year, determined by substituting the calendar year in which such bond was purchased for ‘1992’ in subparagraph (B) thereof.

“(e) If during any fiscal year during which any Buy Back America Bond is outstanding—

“(1) the Federal budget deficit for such fiscal year is less than the amount equal to 3

percent of gross domestic product (as most recently computed and published by the Department of Commerce); and

“(2) the public debt is less than the amount equal to 10 percent of gross domestic product (as so computed and published);

then any such bond may be redeemed without regard to subsection (b).

“(f) A Buy Back America Bond may only be held by—

“(1) a citizen or resident of the United States;

“(2) a domestic partnership, or domestic corporation, not more than 1 percent of the ownership interest of which is held (directly or indirectly) by a person who is not a United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1986); or

“(3) an estate or trust which is a United States person (as so defined), unless there is a beneficiary of the trust who is not a United States person (as so defined),

and may be purchased only by an individual who provides a valid social security account number (not including a taxpayer identification number provided by the Internal Revenue Service).

“(g) A Buy Back America Bond may be transferred as provided by the Secretary, but only to an individual who has a valid social security account number (not including a taxpayer identification number provided by the Internal Revenue Service).”

(b) CLERICAL AMENDMENT.—The table of sections subchapter I of chapter 31 of subtitle III of title 31, United States Code, is amended by inserting after section 3105 the following new item:

“3105. Buy Back America Bonds.”

SEC. 2. DEFICIT REDUCTION.

(a) CALCULATION.—The Office of Management and Budget shall calculate the net deficit reduction resulting from the implementation of this Act and the sale of Buy Back America Bonds for the period beginning on the date of the sale of the first such Buy Back America Bond and ending on the date that is 1 year after such date.

(b) ADJUSTMENT OF THE DISCRETIONARY CAPS.—Effective on the effective date of this Act, the limit for the appropriate discretionary budget category set forth in section 251(c) and 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for the first fiscal year beginning after the date that is 1 year after the date of the sale of the first Buy Back America Bond shall be reduced by the amount of the net deficit reduction calculated pursuant to subsection (a).

By Ms. COLLINS:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Volunteer Emergency Services Recruitment and Retention Act of 2011. This bill fixes a long-standing problem with the tax code that harms the ability of volunteer fire departments to recruit and retain both firefighter and emergency service personnel.

For years, local and state governments have provided their volunteer firefighters and EMS personnel with different forms of benefits including Length of Service Award Plans, com-

monly known as LOSAPs. These are pension-like benefits for volunteer emergency responders.

Unfortunately, the way the tax code handles LOSAPs hinders departments’ abilities to administer the plans and makes it more difficult for volunteer emergency personnel to receive the benefits.

My bill would simplify the taxation of LOSAPs in two steps. First, it would allow LOSAPs to be elected as deferred compensation plans, and second, it would exempt them from the Employee Retirement Income Security Act of 1974. This bill makes these necessary changes, which will improve access to LOSAP benefits for volunteer emergency responders, without increasing federal spending.

Today, an estimated 180,000 volunteer firefighters across 27 states participate in some form of LOSAP. Many states that do not offer these benefits would be more likely to do so if the federal tax code were simplified. This, in turn, would help volunteer fire departments to more easily recruit and retain personnel. These men and women our local first responders—are the foundation of our emergency response capabilities.

These volunteers put their lives on the line to help protect our communities, and their spirit of selflessness and service should be rewarded. I am proud to introduce this legislation with Senators SCHUMER and BLUMENTHAL, and I look forward to working with my colleagues to pass this bill through the Senate and into law.

Mr. President, I would ask for unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAINE FIRE CHIEFS’ ASSOCIATION,

Augusta Maine, November 8, 2011.

Re “Volunteer Emergency Services Recruitment and Retention Act of 2011.”

Hon. SUSAN M. COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS The Maine Fire Chiefs’ Association is a 425 member organization that represents fire and EMS services in every county in the State of Maine. The Maine Fire Chiefs’ Association is charged with regularly advising the Legislature and the Governor and providing recommendations regarding necessary changes to Maine’s fire service system. The Maine Fire Chiefs’ Association represents numerous fire and emergency service interests in Maine. Members of the Maine Fire Chiefs’ Association represent fulltime, call and volunteer firefighters.

The recruitment and retention of experienced emergency responders is a priority of the Maine Fire Chiefs’ Association and Maine’s fire service. The majority of Maine’s fire departments rely on call and/or volunteer firefighters and the recruitment and retention of these crucial volunteers is the number one issue facing the volunteer fire service today. Length of Service Award Programs (LOSAPs)—pension-like programs for volunteer emergency responders—are effective recruitment and retention tools and are

quite popular among the volunteer fire service.

In 2009, the Maine Fire Chiefs' Association proposed the following legislation—L.D. 1499 "An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program"—offering a LOSAP to emergency responders in Maine. Although there was support for the bill's concept during the public hearing process, members of the Criminal Justice and Public Safety Committee cited the potential problems associated with the present federal tax laws—specifically that the Internal Revenue Code, Section 457, does not include LOSAPs—and L.D. 1499 ultimately was not passed. Federal legislation—H.R. 1792—was proposed in the 111th Congress but was not passed before adjournment. H.R. 376 "Volunteer Emergency Services Recruitment and Retention Act of 2011" was submitted earlier this year in the House of Representatives and sponsorship of similar legislation in the Senate is anticipated.

The Maine Fire Chiefs' Association respectfully requests your sponsorship of this important legislation for emergency responders. Length of service award programs are important recruitment and retention tools for communities who primarily rely on volunteers. By clarifying the tax treatment of LOSAPs, local communities will find it easier to establish and administer these programs. H.R. 376 would not create new LOSAPs, place additional requirements on existing LOSAPs or require communities to provide LOSAPs to their volunteer emergency responders. LOSAPs would create incentives for firefighters to remain in the fire service and encourage new members to join the fire service. The Maine Fire Chiefs' Association joins the Fire Commission, the Maine State Federation of Firefighters, and many Maine fire departments in thanking you for similar senate sponsorship.

The Maine Fire Chiefs' Association thanks you for your strong support of the fire service and consideration of this important issue. We welcome the opportunity to discuss this proposal and other fire service issues at your convenience,

Respectfully,

CHIEF STEPHEN NICHOLS,

President,

Maine Fire Chiefs' Association.

By Ms. SNOWE (for herself, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1914. A bill to amend the Internal "Revenue Code of 1986 to provide a credit for performance based home energy improvements, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to speak about bipartisan legislation I am introducing today, the Cut Energy Bills at Home Act, which would provide a 30 percent tax credit for Americans to cut their energy bills, and catalyze our construction industry, reduce pollution, and seize the opportunity in residential energy efficiency to secure America's energy future. With heating oil prices at \$3.94 nationally for home heating oil, a record for this time of year, this legislation is a timely method to address what may be the most expensive heating season in history.

I am pleased to have developed this bill with Senators BINGAMAN and FEINSTEIN, two longtime leaders on energy

efficiency, and look forward to discussing this bill with my colleagues on the Senate Finance Committee. The Cut Energy Bills at Home Act recognizes the sea-change that has occurred in the energy efficiency industry and tries to ensure that middle-class Americans can harness these technological strides in their own lives.

Specifically, not only have windows, insulation, and boilers become more advanced to reduce energy consumption, but our contractors who perform this work have developed sophisticated practices to holistically improve a home's energy consumption.

In the past, homeowners would simply place insulation in the attic to contain heat, now companies are using infrared thermography to identify temperature differences in a house, a blower door test to measure airflow leaks, to replace windows, doors, and insulation that will maximize the cost-effectiveness of home energy efficiency improvements.

Today, we are on the cusp of a milestone turn in the energy efficiency industry—one with benefits for homeowners unimaginable even just five years ago. To spur early adoption of these advances and to ensure that cost is not prohibitive, our bill provides a 30 percent tax credit up to \$5,000 to assist homeowners who make an investment that will reduce energy costs for not only this winter, but for future years to come.

For example, under this bill if a homeowner invests in energy efficiency that will reduce heating oil consumption from 1,000 gallons of home heating oil to 800 gallons, a 20 percent improvement, the individual may claim 30 percent of the cost of the improvements as a tax credit up to \$2,000.

In 2009, New England consumed 3.4 billion gallons of home heating oil, which is approximately \$13 billion that households spent simply to keep warm. A 20 percent reduction in this figure would yield a savings of \$2.6 billion for households in New England. Energy efficiency can provide a critical tool to reduce this amount and allow households to invest in food, medicine, and the American economy. I urge my colleagues to support me in passing this legislation into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2012, AS "VETERANS EDUCATION AWARENESS WEEK."

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 334

Whereas brave men and women throughout the history of the United States have served

with honor in the United States Armed Forces;

Whereas since President Franklin Roosevelt signed the first GI Bill, the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), the Federal Government has provided Federal aid to help veterans readjust to civilian life, including financial assistance for tuition, books, and supplies, and other fees for education;

Whereas by the time the first GI Bill expired on July 25, 1956, approximately 7,800,000 of the 16,000,000 World War II veterans had participated in an education or training program by using benefits provided through the GI Bill;

Whereas recognizing the educational needs for a new generation of veterans, Congress passed and President Bush signed the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 et seq.) to provide educational benefits for veterans who have served in the United States Armed Forces since September 11, 2001;

Whereas the Post-9/11 Veterans Educational Assistance Act of 2008 provides educational benefits for veterans, including active duty Army National Guard and Army Reserve members that significantly reduce the cost of attending college;

Whereas according to the Census Bureau, employees with an associate degree earn 26.3 percent more than employees with only a high school diploma and employees with a bachelor degree earn 87.4 percent more than employees with only a high school diploma;

Whereas making postsecondary education and job training available is critical to creating access to opportunity in the economy of the 21st century;

Whereas the lack of awareness of available educational benefits, or how to attain them, can deter veterans from seeking postsecondary education;

Whereas according to a survey conducted by the American Council on Education during the first year after the date of enactment of the Post-9/11 Veterans Educational Assistance Act of 2008, 38 percent of survey respondents reported having difficulty understanding and choosing the best education benefits for their needs; and

Whereas Veterans' Education Awareness Week is an appropriate time to make veterans across the United States aware of the valuable information that they can access through organizations such as Operation College Promise, which provides ongoing updates on transitional assistance for military-affiliated students: Now, therefore, be it

Resolved, That the Senate designates the week of November 6 through November 12, 2012, as "Veterans' Education Awareness Week" to raise public awareness about—

(1) the Post-9/11 Veterans Educational Assistance Act of 2008;

(2) the educational benefits to which veterans are entitled; and

(3) the resources available to help veterans maximize educational benefits under the Post-9/11 Veterans Educational Assistance Act of 2008.

SENATE RESOLUTION 335—HONORING THE LIFE AND LEGACY OF EVELYN H. LAUDER

Mrs. GILLIBRAND (for herself, Ms. SNOWE, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Whereas with the passing of Evelyn H. Lauder, the world has lost an energetic and dedicated friend and ally who catapulted to the world stage the quest to prevent and cure breast cancer in this lifetime;

Whereas Evelyn was born Evelyn Hausner on August 12, 1936, in Vienna, Austria;

Whereas in 1940, the Hausner family fled Nazi-occupied Austria, eventually settling in the State of New York, where Evelyn was a proud product of the New York City public school system and met her future husband of more than half a century, Leonard Lauder;

Whereas Evelyn and Leonard wed in July 1959;

Whereas, Evelyn joined the family cosmetic company, Estée Lauder, handling many roles in the early years and later becoming Senior Corporate Vice President and Head of Fragrance Development Worldwide;

Whereas Evelyn helped bring global awareness to breast cancer after being diagnosed with early stages of the disease in 1987;

Whereas in 1989, Evelyn initiated the fund-raising drive to establish the Evelyn H. Lauder Breast Cancer Center at Memorial Sloan-Kettering Cancer Center in New York City, which opened in 1992 and quickly became the model for similar breast cancer diagnostic centers around the world;

Whereas the expanded Evelyn H. Lauder Breast Cancer Center opened in 2009 and provides the most up-to-date breast cancer prevention, diagnosis, and outpatient treatment services under 1 roof;

Whereas in 1992, Evelyn worked with longtime friend Alexandra Penney, former editor-in-chief of SELF magazine, to create the Pink Ribbon Campaign for breast cancer;

Whereas Evelyn launched the Estée Lauder Companies' Breast Cancer Awareness Campaign, which has distributed more than 115,000,000 pink ribbons worldwide;

Whereas in 1993, Evelyn founded The Breast Cancer Research Foundation, thereby affirming her commitment to preventing breast cancer and finding a cure in this lifetime through funding some of the most innovative clinical and translation research at leading medical centers worldwide;

Whereas The Breast Center Research Foundation, which to date funds 186 researchers around the world and has raised \$350,000,000, has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment and prevention of breast cancer;

Whereas during Breast Cancer Awareness Month in October 2010, Evelyn and the Estée Lauder Companies' Breast Cancer Awareness Campaign achieved a first-ever Guinness World Record, "Most Landmarks Illuminated for a Cause in 24 Hours", by illuminating 38 iconic landmarks, including the Taj Mahal, the Tokyo Tower, the Hotel Majestic, the Empire State Building, and Niagara Falls;

Whereas in October 2011, the Lauder family was honored with the prestigious Carnegie Medal of Philanthropy for commitment to philanthropic endeavors and public service;

Whereas Evelyn will be remembered for her vision and leadership in achieving funding for promising scientific research that lead to breakthrough drugs, including Herceptin and Avastin, a better understanding of how tumors develop and risk factors for recurrence, and an improved quality of life for breast cancer survivors;

Whereas her work continues to help promising scientists who have equally promising, imaginative, and innovative proposals get research off the ground;

Whereas there is no doubt that we must find a cure, and research is instrumental to achieving this goal;

Whereas this year, nearly 40,000 women of the United States are expected to die of breast cancer; and

Whereas we must keep up the battle and recruit more heroes like Evelyn if we are to achieve "prevention and a cure in our lifetime": Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Evelyn H. Lauder;

(2) honors the life and accomplishments of Evelyn H. Lauder, a world renowned advocate for breast cancer awareness and health of women; and

(3) offers the deepest condolences to the beloved husband, Leonard, sons, William and Gary, and 5 grandchildren of Evelyn H. Lauder.

SENATE RESOLUTION 336—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 336

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Services and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 112th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1227. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1228. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1229. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1231. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1232. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1233. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1234. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1235. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1236. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1237. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1238. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1239. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1240. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1241. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1242. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1243. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1244. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1245. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1246. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1247. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1248. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1249. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1250. Mr. MCCAIN (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1251. Mr. WEBB (for himself, Mr. GRAHAM, and Mr. BLUMENTHAL) submitted an

amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1252. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1253. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1254. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1255. Mr. NELSON, of Florida (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1256. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, supra.

SA 1257. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, supra.

SA 1258. Mr. MERKLEY proposed an amendment to the bill S. 1867, supra.

SA 1259. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1260. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1261. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1262. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1263. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1264. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1265. Mr. COONS (for himself, Mrs. SHAHEEN, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1266. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1267. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1268. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1269. Mr. BOOZMAN (for himself, Mr. CORNYN, Mr. PRYOR, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1270. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1272. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1273. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1274. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1275. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1276. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1277. Mrs. MURRAY (for herself, Mr. AKAKA, and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1278. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1279. Mr. HOEVEN (for himself, Mr. TESTER, Mr. BLUNT, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1280. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1281. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1282. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1283. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1284. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1285. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1286. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1287. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1288. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1289. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1290. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1291. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1292. Mr. LEVIN (for Mr. MENENDEZ (for himself, Mr. REID, Mr. SCHUMER, Mr. CASEY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. CARDIN, and Mrs. GILLIBRAND)) proposed an amendment to the bill S. 1867, supra.

SA 1293. Mr. LEVIN proposed an amendment to the bill S. 1867, supra.

SA 1294. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 1867, supra.

SA 1295. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1296. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1297. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1298. Mr. WEBB (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1299. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1300. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1301. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1302. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1303. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1304. Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN) proposed an amendment to the bill S. 1867, supra.

SA 1305. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1306. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1307. Mr. BARRASSO (for himself, Mr. ENZI, Mr. CONRAD, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1308. Mr. BARRASSO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1309. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1310. Mr. KIRK (for himself, Mr. KYL, Mr. DEMINT, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1311. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1312. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1313. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1314. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1316. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S.

1867, *supra*; which was ordered to lie on the table.

SA 1317. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1318. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1320. Mr. LIEBERMAN (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1321. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1322. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1323. Mr. BENNET (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1324. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1325. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1326. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1327. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1328. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1329. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1330. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1331. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1332. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1334. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1335. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1336. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1337. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1338. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1339. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1340. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1341. Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1342. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1343. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1227. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1–6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicate programs, if any.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SA 1228. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and

agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SA 1229. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) **INTERDEPARTMENTAL COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) **EFFICIENCIES.**—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) **RESPONSIBILITIES.**—

(1) **DEPARTMENT OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

SA 1230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

“(c) **COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.**—(1)(A) Whenever after September 30, 2012, and before October 1, 2013, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

“(B) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

“(C) Any increase under this paragraph in the fee payable for enrollment shall be effective as of October 1 following the date on which such increase is made.

“(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.”

(b) **CLARIFICATION OF APPLICATION FOR 2013.**—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) \$260 for individual enrollment.

(2) \$520 for family enrollment.

SA 1231. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY FOR CONTINUATION OF INNOVATIVE RESEARCH ON ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF WAR.

The amount authorized to be appropriated by section 201 for research, development, test, and evaluation for the Army is hereby increased by \$10,000,000, with the amount of the increase to be available for Basic Research for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs for the continuation of innovative research on illnesses associated with service in the Persian Gulf War in order to identify effective treatments, improve definition and

diagnosis, and better understand pathobiology and symptoms.

SA 1232. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON RELOCATION OF HEADQUARTERS OF THE UNITED STATES AFRICA COMMAND TO THE CONTINENTAL UNITED STATES.

It is the sense of the Senate that—

(1) the headquarters and staff of the United States Africa Command (AFRICOM) should be moved from their current location in Stuttgart, Germany, to a more suitable location in the continental United States;

(2) the Secretary of Defense should seek to complete the permanent relocation of the headquarters and staff of the United States Africa Command to the continental United States within a reasonable time, taking into account appropriate strategic, logistic, and economic considerations; and

(3) by not later than six months after the date of the enactment of this Act, the Secretary of Defense should submit to the congressional defense committees a report setting forth—

(A) a description of suitable locations in the continental United States for the headquarters and staff of the United States Africa Command; and

(B) a plan for relocating those headquarters and staff from Stuttgart, Germany, to the continental United States.

SA 1233. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3124. SENSE OF CONGRESS ON MAINTAINING A DOMESTIC SOURCE OF ENRICHED URANIUM.

It is the sense of Congress that the United States should maintain a domestic source of enriched uranium to meet the long-term tritium requirements of the United States, to ensure the safety and reliability of the nuclear arsenal of the United States, and to fulfill the nuclear nonproliferation policies of the United States.

SA 1234. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

On page 467, strike line 13 and all that follows through page 468, line 13, and insert the following:

(j) NOTICE AND WAIT.—

(1) PROGRAMS OF ASSISTANCE.—Funds may not be obligated for a program of assistance under subsection (b) until 15 days after the date on which the specified congressional committees are notified in writing of the proposed obligation, including a detailed justification for the use of the applicable authority and the activities to be undertaken (including objectives, an execution plan, and the anticipated date of completion).

(2) EXERCISE OF TRANSFER AUTHORITY.—Not less than 15 days before a transfer under the authority of subsection (g), the Secretary of State and the Secretary of Defense shall jointly notify the specified congressional committees of the transfer of funds into the Fund.

(k) REPORTS.—The Secretary of State and the Secretary of Defense shall jointly submit to the specified congressional committees on a biannual basis a report on obligations of funds or transfers into the Fund, and the status of activities under this section, as of the date of such report.

SA 1235. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—INTERAGENCY PERSONNEL ROTATIONS

SEC. ____01. SHORT TITLE.

This title may be cited as the “Interagency Personnel Rotation Act of 2011”.

SEC. ____02. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the national security and homeland security challenges of the 21st century require that executive branch personnel use a whole-of-Government approach in order for the United States Government to operate in the most effective and efficient manner.

(b) PURPOSE.—The purpose of this title is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than 1 agency.

SEC. ____03. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term “Executive agency” under section 105 of title 5, United States Code.

(2) COMMITTEE.—The term “Committee” means the Committee on National Security Personnel established under section ____04(a).

(3) COVERED AGENCY.—The term “covered agency” means an agency that is part of an ICI.

(4) ICI.—The term “ICI” means a National Security Interagency Community of Interest

identified by the Committee under section ____05(a).

(5) ICI POSITION.—The term “ICI position”—

(A) means—

(i) a position that—

(I) is identified by the head of a covered agency as a position within the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is a position in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (including a position in the Foreign Service) at or above GS–11 of the General Schedule or at a level of responsibility comparable to a position at or above GS–11 of the General Schedule; and

(III) is a position within an ICI; or

(ii) a position in an interagency body identified as an ICI position under section ____05(c)(2)(A); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

(ii) any position filled by an employee described under paragraph (10)(B).

(6) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(7) INTERAGENCY BODY.—The term “interagency body” means an entity or component identified under section ____05(c)(1).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term “interagency rotational service” means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

(ii) in the same ICI as the position in which the employee serves or has served before serving in that ICI position; or

(B) in a position in an interagency body identified under section ____05(c)(2)(B).

(9) NATIONAL SECURITY INTERAGENCY COMMUNITY OF INTEREST.—The term “National Security Interagency Community of Interest” means the positions in the executive branch of the Government that—

(A) as a group are positions within multiple agencies of the executive branch of the Government; and

(B) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term “political appointee” means an individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

(B) is a noncareer appointee in the Senior Executive Service, as defined under paragraph (7) of section 3132(a) of title 5, United States Code; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(11) SENIOR POSITION.—The term “senior position” means—

(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(B) a position in the Senior Foreign Service established under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

SEC. ____04. COMMITTEE ON NATIONAL SECURITY PERSONNEL.

(a) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(b) MEMBERSHIP.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

(c) CHAIRPERSON.—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(d) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall perform the functions as provided under this title to implement this title and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under paragraph (2).

(2) DIRECTIVES AND STANDARDS.—

(A) IN GENERAL.—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget shall issue directives and establish standards relating to the implementation of this title.

(B) USE BY COVERED AGENCIES.—The head of each covered agency shall carry out the responsibilities under this title in accordance with the directives issued and standards established by the Director of the Office of Management and Budget.

(e) SUPPORT AND IMPLEMENTATION.—

(1) BOARD.—There is established a board to assist the Committee, which shall be composed of 1 designee (who shall be serving in an Executive Schedule position at level III) selected by—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Homeland Security;

(D) the Attorney General;

(E) the Secretary of the Treasury;

(F) the Secretary of Energy;

(G) the Secretary of Health and Human Services;

(H) the Secretary of Commerce;

(I) the Director of National Intelligence; and

(J) the head of any other agency determined appropriate by the Committee.

(2) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(3) COVERED AGENCY OFFICIALS.—

(A) IN GENERAL.—The head of each covered agency shall designate an officer and office

within that covered agency with responsibility for the implementation of this title.

(B) EXISTING OFFICES.—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this title.

(4) STAFF.—

(A) IN GENERAL.—Not more than 3 full-time equivalent employees may be hired to assist the Committee in implementation of this title, who may be employees of the Office of Management and Budget or the Office of Personnel Management. Any employee transferred under subparagraph (B)(ii)(II) shall be deemed to be an employee hired for purposes of the authorization under this subparagraph.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out subparagraph (A) an amount equal to the amount expended for salaries and expenses of the National Security Professional Development Integration Office during fiscal year 2011.

(ii) OFFSET.—

(I) IN GENERAL.—Except as provided in paragraph (3)(B), effective on the date of enactment of this Act, the National Security Professional Development Integration Office of the Department of Defense is terminated and, on and after the date of enactment of this Act, the Secretary of Defense may not establish a comparable office to implement Executive Order 13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel rotations, education, or training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of Defense. Nothing in this subclause shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(II) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.

(III) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.

SEC. 05. NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.

(a) IDENTIFICATION OF ICIs.—Subject to section 08, the Committee—

(1) shall identify ICIs on an ongoing basis for purposes of carrying out this title; and

(2) may alter or discontinue an ICI identified under paragraph (1).

(b) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(c) INTERAGENCY BODIES.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—The Committee shall identify—

(i) entities in the executive branch of the Government that are primarily involved in interagency activities relating to national security or homeland security; and

(ii) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(B) CERTAIN BODIES.—

(i) IN GENERAL.—The Committee shall identify the National Security Council and the Directorate of Strategic Operational Planning of the National Counterterrorism Center as interagency bodies under this paragraph.

(ii) FBI ROTATIONS.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(C) DUTIES OF HEAD OF COVERED AGENCY.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.

(2) POSITIONS IN INTERAGENCY BODIES.—The officials designated under paragraph (1)(C) shall identify—

(A) positions within their respective interagency bodies that are ICI positions; and

(B) positions within their respective interagency bodies—

(i) that are not a position described under section 03(10)(A) or (C) or a position filled by an employee described under section 03(10)(B); and

(ii) for which service in the position shall constitute interagency rotational service.

SEC. 06. INTERAGENCY COMMUNITY OF INTEREST ROTATIONAL SERVICE.

(a) EXCLUSION OF SENIOR POSITIONS.—For purposes of this section, the term “ICI position” does not include a senior position.

(b) ROTATIONS.—

(1) IN GENERAL.—The Committee shall provide for employees serving in an ICI position to be assigned on a rotational basis to another ICI position that is—

(A) within another covered agency or within an interagency body; and

(B) within the same ICI.

(2) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—

(A) the employee has particular non-governmental or other expertise or skills that are relevant to the assigned ICI position; and

(B) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(3) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.

(4) RETURN TO PRIOR POSITION.—Except as provided otherwise by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under section 05(c)(2)(B) shall be entitled to return to the position held by the employee in the covered agency employing the employee within a reasonable period of time after the end of the period of service.

(c) SELECTION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each covered agency shall determine which ICI positions

in the covered agency shall be available for service by employees from another covered agency and may modify a determination under this paragraph.

(2) LIST.—The Committee shall maintain a single, integrated list of ICI positions and of positions available for service by employees from another covered agency under this section and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(d) MINIMUM PERIOD FOR SERVICE.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(1) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(2) may provide for different periods for service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of section 112 of the Internal Revenue Code of 1986; and

(3) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(e) VOLUNTARY NATURE OF ROTATIONAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), service in an ICI position in another covered agency or interagency body shall be voluntary by an employee.

(2) AUTHORITY TO ASSIGN INVOLUNTARILY.—If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to serve in an ICI position in another covered agency or interagency body.

(f) TRAINING AND EDUCATION OF PERSONNEL PERFORMING INTERAGENCY ROTATIONAL SERVICE.—Each employee performing interagency rotational service shall participate in the training and education, if any, that is regularly provided to new employees by the covered agency or interagency body in which the employee is serving in order to learn how the covered agency or interagency body functions.

(g) PREVENTION OF NEED FOR INCREASED PERSONNEL LEVELS.—The Committee shall ensure that employees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that, for the original ICI positions of all employees performing service in an ICI position in another covered agency or interagency body—

(1) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body, or other available employees, begin service in such original positions within a reasonable period, at no additional cost to the covered agency or the interagency body in which such original positions are located; or

(2) other employees do not need to serve in the positions in order to maintain the effectiveness of or to prevent any costs being accrued by the covered agency or interagency body in which such original positions are located.

(h) **OPEN AND FAIR COMPETITION.**—Each covered agency or interagency body that has an ICI position available for service by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the ICI position is otherwise exempt under another provision of law.

(i) **PERSONNEL LAW MATTERS.**—

(1) **NATIONAL SECURITY EXCLUSION.**—The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof, in which the position is located from the applicability of chapter 71 of title 5, United States Code.

(2) **ON ROTATION.**—An employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee was detailed or assigned under a provision of law other than this title from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(j) **CONSULTATION.**—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Cooperation of the Command and General Staff College Foundation) in formulating and implementing policies under this title.

(k) **OFFICERS OF THE ARMED FORCES.**—The policies, procedures, and practices for the management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under section 505(c)(2)(B).

(l) **PERFORMANCE APPRAISALS.**—The Committee shall—

(1) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(2) require that—

(A) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(B) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.

(m) **FOREIGN SERVICE.**—Section 607(a) of the Foreign Service Act of 1980 (22 U.S.C. 4007(a)) is amended by adding at the end the following:

“(4) At the election of an individual subject to a maximum time in class limitation under this subsection, any period of service in an ICI position (as defined in section 503 of the Interagency Personnel Rotation Act of 2011) that is not within the Department of State shall not be used for purposes of determining the period during which the individual has served in a class.”.

SEC. 07. SELECTION OF SENIOR POSITIONS IN AN INTERAGENCY COMMUNITY OF INTEREST.

(a) **SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS WITHIN AN ICI.**—In selecting individuals to fill senior positions within an ICI, the head of a covered agency shall ensure that a strong preference is given to selecting of personnel who have performed interagency rotational service.

(b) **ESTABLISHMENT BY HEADS OF COVERED AGENCIES OF MINIMUM THRESHOLDS.**—

(1) **IN GENERAL.**—On October 1 of the second fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency's senior positions that are within that ICI that shall be filled by personnel who have performed interagency rotational service.

(2) **REPORTING REQUIREMENTS.**—

(A) **MINIMUM NUMBER OF POSITIONS.**—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under paragraph (1) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be filled by personnel who have performed interagency rotational service.

(B) **FAILURE TO MEET MINIMUM NUMBER.**—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the covered agency under paragraph (2), the head of the covered agency shall submit to the Committee and Congress a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.

(c) **OTHER ROTATIONAL REQUIREMENTS.**—

(1) **CREDIT FOR SERVICE IN ANOTHER COMPONENT WITHIN AN AGENCY.**—

(A) **IN GENERAL.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall constitute interagency rotational service for purposes of this section.

(B) **IDENTIFICATION OF COMPONENTS.**—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(2) **INTELLIGENCE COMMUNITY PERSONNEL.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee of a covered agency under any program established before the date of enactment of this title that provides for rotation assignments of employees across the agencies or elements of the intelligence community

shall constitute interagency rotational service for purposes of this section.

SEC. 08. IMPLEMENTATION.

(a) **ICIS AND ICI POSITIONS.**—

(1) **IN GENERAL.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted—

(A) there shall be 2 ICIs, which shall be an ICI for emergency management and an ICI for stabilization and reconstruction; and

(B) during each such fiscal year, not less than 20 employees and not more than 25 employees in the executive branch of the Government shall perform service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee under this title.

(2) **LOCATION.**—

(A) **IN GENERAL.**—The Committee shall designate a metropolitan area in which the ICI for emergency management will be located and a metropolitan area in which the ICI for stabilization and reconstruction will be located.

(B) **SERVICE.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted, any service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed—

(i) by an employee who is located in the metropolitan area for the ICI designated under subparagraph (A) before beginning service in the ICI position; and

(ii) at a location in the metropolitan area for the ICI designated under subparagraph (A).

(b) **PRIORITY FOR DETAILS.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this title.

SEC. 09. STRATEGY AND PERFORMANCE EVALUATION.

(a) **ISSUING OF STRATEGY.**—

(1) **IN GENERAL.**—Not later than October 1 of the third fiscal year after the fiscal year in which this Act is enacted, and every 4 fiscal years thereafter through the eleventh fiscal year after the fiscal year in which this Act is enacted, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of personnel and activities from multiple agencies of the executive branch of the Government.

(2) **CONSULTATIONS WITH CONGRESS.**—In developing or making adjustments to the National Security Human Capital Strategy issued under paragraph (1), the Committee—

(A) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(B) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(3) **CONTENTS OF STRATEGY.**—Each National Security Human Capital Strategy issued under paragraph (1) shall—

(A) provide for the implementation of this title;

(B) identify best practices from ICIs already in operation;

(C) identify any additional ICIs to be identified by the Committee;

(D) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this title by the Committee;

(E) include a description of how the strategy incorporates views and suggestions obtained through the consultations with Congress required under paragraph (2);

(F) include an assessment of performance measures over a multi-year period, such as—

- (i) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

- (ii) the number of personnel participating in interagency rotational service in each covered agency and interagency body;

- (iii) the length of interagency rotational service under this title;

- (iv) reports by the heads of covered agencies submitted under section 107(b)(2)(B);

- (v) the training and education of personnel who perform interagency rotational service, and the evaluation by the Committee of the training and education;

- (vi) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

- (vii) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(b) **REPORTS.**—Not later than October 1 of the second fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under subsection (a), the Committee shall assess the performance measures described in subsection (a)(3)(F).

(c) **SUBMISSION TO CONGRESS.**—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under subsection (a) or assesses performance measures under subsection (b), the Committee shall submit the strategy or assessment to Congress.

SEC. 10. GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.

Not later than the end of the second fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report regarding—

- (1) the extent to which performing service in an ICI position in another covered agency or an interagency body under this title enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agency or interagency body, including an assessment of the effect of—

- (A) the period of the service; and

- (B) the duties performed by the employees during the service;

- (2) the effectiveness of the Committee and the staff of the Committee funded under section 104(e)(4)(B) in overseeing and managing interagency rotational service under this title, including an evaluation of any directives or standards issued by the Committee;

- (3) the participation of covered agencies in interagency rotational service under this title, including whether each covered agency that performs a mission relating to an ICI in effect—

- (A) identified positions within the covered agency as ICI positions;

- (B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

- (C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

- (4) the positions (including grade level) held by employees after completing interagency rotational service under this title, and the extent to which the employees were rewarded for the service; and

- (5) the extent to which or likelihood that interagency rotational service under this title has improved or is projected to improve interagency integration.

SEC. 11. PROHIBITION OF PRINTED REPORTS.

Each strategy, plan, report, or other submission required under this title—

- (1) shall be made available by the agency issuing the strategy, plan, report, or other submission only in electronic form; and

- (2) shall not be made available by the agency in printed form.

SA 1236. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1030. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIAL COMMAND.

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

- (1) The effect on the weapons testing mission of AFMC.

- (2) The potential for lack of oversight if flag positions are reduced or eliminated.

- (3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

- (4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) **COMPTROLLER GENERAL ASSESSMENT.**—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

SA 1237. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) **ASSESSMENT REQUIRED.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

- (1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, sub-components, and materials;

- (2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

- (A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

- (B) the industrial base obtains such items from foreign sources; and

- (3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

- (4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

SA 1238. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —CIVILIAN EXTRATERRITORIAL JURISDICTION

SEC. 01. SHORT TITLE.

This title may be cited as the “Civilian Extraterritorial Jurisdiction Act of 2011” or the “CEJA”.

SEC. 02. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) **EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.**—

- (1) **IN GENERAL.**—Chapter 212A of title 18, United States Code, is amended—

- (A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in

such text, as so redesignated, by striking “this chapter” and inserting “this section”;

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

“§ 3272. Offenses committed by Federal contractors and employees outside the United States

“(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“(c) The offenses covered by subsection (a) are the following:

“(1) Any offense under chapter 5 (arson) of this title.

“(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

“(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

“(4) Any offense under section 499 (military, naval, or official passes) of this title.

“(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

“(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

“(7) Any offense under chapter 42 (extortionate credit transactions) of this title.

“(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

“(9) Any offense under chapter 50A (genocide) of this title.

“(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

“(11) Any offense under chapter 55 (kidnaping) of this title.

“(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512

(tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

“(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

“(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

“(15) Any offense under chapter 109A (sexual abuse) of this title.

“(16) Any offense under chapter 113B (terrorism) of this title.

“(17) Any offense under chapter 113C (torture) of this title.

“(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

“(19) Any offense under section 2442 (child soldiers) of this title.

“(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

“(d) In this section:

“(1) The term ‘employed by any department or agency of the United States other than the Department of Defense’ means—

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

“(B) present or residing outside the United States in connection with such employment;

“(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States; and

“(D) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying any department or agency of the United States other than the Department of Defense’ means—

“(A) a dependant, family member, or member of household of—

“(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

“(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee

employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

“(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘grant agreement’ means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

“(4) The term ‘grantee’ means a party, other than the United States, to a grant agreement.

“(5) The term ‘host nation’ means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

“§ 3273. Regulations

“The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of such title is amended to read as follows:

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);”.

(b) VENUE.—Chapter 211 of such title is amended by adding at the end the following new section:

“§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

“In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

“(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any one of two or more joint offenders, or

“(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any one of two or more joint offenders is accompanying.”.

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of such title is amended by inserting after section 3287 the following new section:

“§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

“The time during which a person who has committed an offense constituting a violation of section 3272 of this title is outside the United States, or is a fugitive from justice within the meaning of section 3290 of this title, shall not be taken as any part of the time limited by law for commencement of prosecution of the offense.”.

(d) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

"CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT".

(2) TABLES OF SECTIONS.—(A) The table of sections at the beginning of chapter 211 of such title is amended by adding at the end the following new item:

"3245. Optional venue for offenses involving Federal employees and contractors overseas."

(B) The table of sections at the beginning of chapter 212A of such title is amended by striking the item relating to section 3272 and inserting the following new items:

"3272. Offenses committed by Federal contractors and employees outside the United States."

"3273. Regulations."

(C) The table of sections at the beginning of chapter 213 of such title is amended by inserting after the item relating to section 3287 the following new item:

"3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas."

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:

"212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government 3271".

SEC. 03. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 02(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other government personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as so amended), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised

under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a)(1), including the organization and training of personnel and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

SEC. 04. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SEC. 05. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title or any amendment made by this title shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this title or any amendment made by this title shall apply to the authorized intelligence activities of the United States Government.

SEC. 06. FUNDING.

If any amounts are appropriated to carry out this title, the amounts shall be from amounts which would have otherwise been made available or appropriated to the Department of Justice.

SA 1239. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle II of title X, add the following:

SEC. 1088. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting "or spouse" after "child".

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

"(A) the date that is 15 years after the date on which the person died; and

"(B) the date on which the individual remarries.

"(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1240. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. INSTALLATION ENERGY METERING REQUIREMENTS.

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SA 1241. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. AVAILABILITY OF MILITARY CONSTRUCTION FUNDS FOR ENERGY EFFICIENCY DESIGN UPDATES.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2916. Availability of funds for energy efficiency design updates

“(a) IN GENERAL.—For any military construction project that is authorized by law and for which the design has been substantially completed but construction has not begun, the Secretary of Defense may use fiscal year 2011 unobligated planning and design funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834).

“(b) LIMITATIONS.—(1) The use of funds under subsection (a) shall not exceed the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).

“(2) The Secretary of Defense may not update a project design under subsection (a) if to do so would substantially delay the completion of a military construction project.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

“2916. Availability of funds for energy efficiency design updates.”.

SA 1242. Mr. WARNER (for himself (and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 526, in the table following line 19, strike the item relating to “Naval Station, Mayport”.

On page 528, line 15, strike “\$2,656,457,000” and insert “\$2,641,459,000”.

On page 528, line 18, strike “\$1,956,822,000” and insert “\$1,941,824,000”.

On page 651, in the item relating to Massey Avenue Corridor Improvements, Mayport, Florida, strike “14,998” in the Senate Agreement column and insert “0”.

On page 652, in the item relating to Total Military Construction, Navy, strike “2,187,622” and insert “2,173,624”.

SA 1243. Mr. WARNER (for himself and Mr. WEBB) submitted an amend-

ment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 532, after line 21, add the following:

SEC. 2209. LIMITATION ON FUNDING FOR ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.

None of the funds appropriated pursuant to the authorization of appropriations in section 2204 may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SA 1244. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

“(d) AUTHORIZATION REQUIREMENT.—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.”; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:

“(4) The term ‘public infrastructure’ means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.”.

SA 1245. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 573, strike line 10 and all that follows through page 575, line 16, and insert the following:

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

SA 1246. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1079 and insert the following:

SEC. 1079. COMMISSION TO STUDY UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commission to conduct an independent assessment of America's security interests in East Asia and the Pacific region. The commission shall be supported by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The commission established pursuant to paragraph (1) shall assess the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) MEMBERS OF THE COMMISSION.—

(1) COMPOSITION.—For purposes of conducting the assessment required by paragraph (a), the commission established shall include eight members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) QUALIFICATIONS.—Individuals appointed to the commission shall have significant experience in the national security or foreign policy of the United States.

(3) DEADLINE FOR APPOINTMENT.—Appointments of the members of the commission shall be made not later than 60 days after the date of the enactment of this Act.

(4) CHAIRMAN AND VICE CHAIRMAN.—The commission shall select a Chairman and Vice Chairman from among its members.

(5) TENURE; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) MEETINGS.—

(A) INITIAL MEETING.—Not later than 14 days after the date on which all members of the commission have been appointed, the commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the commission shall constitute a quorum, but a lesser number of members may hold hearings.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the commission shall provide to the Secretary of Defense an unclassified report, with a classified annex, containing its findings. Not later than 90 days after the date of receipt of the report, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) POWERS.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out this section. Upon request of the Chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the commission, the Administrator of General Services shall provide to the commission, on a reimbursable basis, the administrative support necessary for the commission to carry out its duties under this section.

(4) MAILS.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The commission may accept, use, and dispose of gifts or donations of services or property.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission under this section. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—Members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission under this section.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the commission.

(B) STAFF.—The commission may employ a staff to assist the commission in carrying out its duties.

(C) COMPENSATION.—The Chairman of the commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense or the Department of State may be detailed to the commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the commission, and any experts and consultants to the commission, shall possess security clearances appropriate for their duties with the commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the commission under this section.

(g) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c).

SA 1247. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 534, strike line 8 and all that follows through page 535, line 17, and insert the following:

(a) RESTRICTION ON USE OF FUNDS.—None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the

relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

(b) **RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Defense is prohibited from using the authority provided by section 2391 of title 10, United States Code, to carry out any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section that will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam until the requirements under subsection (a) are satisfied.

(2) **PUBLIC INFRASTRUCTURE DEFINED.**—In this section, the term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

SA 1248. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. AUTHORITY FOR OVERHAUL AND REPAIR OF VESSELS IN COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Section 7310(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “UNITED STATES OR GUAM” and inserting “UNITED STATES, GUAM, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS”; and

(2) by striking “United States or Guam” both places it appears and inserting “United States, Guam, or the Commonwealth of the Northern Mariana Islands”.

SA 1249. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 808. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(a) **PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(2) **EXCEPTION FOR JOINT URGENT OPERATIONAL NEEDS.**—The prohibition under subsection (a) shall not apply in the case of a particular cost-plus contract if the Under Secretary for Acquisition, Technology, and Logistics—

(A) certifies, in writing, with reasons, and on the basis of a validation of a joint urgent operational need by the Joint Requirements Oversight Council, that a cost-type contract is needed to provide capability required to satisfy a joint urgent operational need; and

(B) provides the certification to the congressional defense committees not later than 30 business days before issuing a solicitation for the production of a major defense acquisition program.

(b) **CONDITIONS WITH RESPECT TO DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.**—Section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2329; 10 U.S.C. 2306 note) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraphs:

“(3) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program; and

“(4) despite these efforts, the Department of Defense cannot define requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program.”.

(c) **REPORTING OF COST-TYPE DEVELOPMENT CONTRACTS.**—Not later than 30 business days before issuing a solicitation for the development of a major defense acquisition program, the Secretary of Defense shall submit to the congressional defense committees notice of the proposed award and the written determinations required under paragraphs (1) and (4) of section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (b), and the reasons supporting the determinations.

(d) **DEFINITIONS.**—In this section:

(1) **MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) **PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “production of a major defense acquisition program” means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C, or Key Decision Point C in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

(3) **DEVELOPMENT OF A MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “development of a major defense acquisition program” means the development of a major defense acquisition program or related increment of capability, the completion of full system in-

tegration, the development of an affordable and executable manufacturing process, the demonstration of system integration, interoperability, safety, and utility, or any activity otherwise defined as Milestone B, or Key Decision Point B in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

SA 1250. Mr. MCCAIN (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F-35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F-35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F-35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

SA 1251. Mr. WEBB (for himself, Mr. GRAHAM, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following new section:

SEC. 848. PARA-ARAMID FIBERS AND YARNS.

(a) **REPEAL OF FOREIGN SUPPLIER EXEMPTION.**—Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2084) is repealed.

(b) **PROHIBITION ON SPECIFICATION IN SOLICITATIONS.**—No solicitation issued by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of para-aramid fibers and yarns.

SA 1252. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. LIMITATION ON THE USE OF CLUSTER MUNITIONS.

(a) **LIMITATION.**—No funds appropriated or otherwise available to any Federal department or agency may be obligated or expended to use any cluster munitions unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the policy applicable to the use of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

(b) **PRESIDENTIAL WAIVER.**—The President may waive the requirement under subsection (a)(1) if, prior to the use of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used and whether such munitions are fitted with self-destruct or self-deactivation devices.

(c) **CLEANUP PLAN.**—Not later than 90 days after any cluster munitions are used by a Federal department or agency, the President shall submit to the appropriate congressional committees a plan, prepared by such Federal department or agency, for cleaning up any such cluster munitions and submunitions which fail to explode and continue to pose a hazard to civilians.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 1253. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

“(a) **IN GENERAL.**—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member’s demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

“(b) **COVERED MEMBERS.**—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

“(1) A contingency operation.

“(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

“(c) **PAY AND ALLOWANCES.**—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

“(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

“(2) the basic allowance for subsistence payable under section 402 of title 37; and

“(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

“(d) **EARLY RELEASE FROM ACTIVE DUTY.**—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

“(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O-5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

“(e) **TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.**—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled ‘Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Or-

dered to Active Duty in Response to the World Trade Center and Pentagon Attacks—Section 1,’ effective January 19, 2007.

“(f) **REINTEGRATION COUNSELING AND SERVICES.**—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

“(2) The counseling and services provided members under this subsection may include the following:

“(A) Physical and mental health evaluations.

“(B) Employment counseling and assistance.

“(C) Marriage and family counseling and assistance.

“(D) Financial management counseling.

“(E) Education counseling.

“(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

“(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

“(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

“(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

“12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.”

SA 1254. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) **SEPARATE ASSESSMENT BY CJCS.**—The report required by subsection (a) shall include in a separate enclosure the independent assessment of the Chairman of the Joint Chiefs of Staff on the following:

(1) The approved Air Sea Battle Concept.

(2) The relationship of the Air Sea Battle Concept to the National Military Strategy.

(3) Any changes in the distribution of strategic or operational risks associated with implementation of Air Sea Battle Concept, including increases or decreases in force structure, capabilities, or investment priorities as identified in paragraphs (5) and (6) of subsection (b).

(4) Such other matters related to the development, content, and plans for the implementation of the Air Sea Battle Concept as the Chairman considers appropriate.

(d) **SEPARATE ASSESSMENTS BY SECRETARIES OF MILITARY DEPARTMENTS.**—The report required by subsection (a) shall include in separate enclosures the independent assessments of each of the Secretaries of the military departments on the following:

(1) The approved Air Sea Battle Concept.

(2) Any changes in the distribution of risk associated with implementation of Air Sea Battle Concept, including increases or decreases in force structure, capabilities, or investment priorities as identified in subsection (b)(5).

(3) Such other matters related to the development, content, and plans for the implementation of the Air Sea Battle Concept as such Secretary considers appropriate.

(e) **FORM.**—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SA 1255. Mr. NELSON of Florida (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. EPIDEMIOLOGICAL STUDY ON HEALTH OF MILITARY PERSONNEL EXPOSED TO BURN PIT EMISSIONS AT JOINT BASE BALAD.

The Secretary of Defense shall conduct a cohort study on the long-term health effects of exposure to burn pit emissions in military personnel deployed at Joint Base Balad. The study shall include a prospective evaluation from retrospective estimates of such exposures. The study shall be conducted in accordance with recommendations by the Institute of Medicine concluding that further study is needed to establish correlation between burn pit exposure and disease.

SA 1256. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 484, strike lines 8 through 24 and insert the following:

(8) During the course of Operation Enduring Freedom, members of the Armed forces, intelligence personnel, and the diplomatic corps have skillfully achieved the core goal of the United States strategy in Afghanistan, and Secretary of Defense Leon E. Panetta has noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(9) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a "game changer" in a speech on May 6, 2011.

(10) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(11) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(12) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(13) The battle against terrorism is best served by using United States troops and re-

sources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(14) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(b) **BENCHMARKS REQUIRED.**—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) **TRANSITION PLAN.**—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) **SUBMITTAL TO CONGRESS.**—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress

SA 1257. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 484, strike line 22 through line 24 and insert the following:

(c) **TRANSITION PLAN.**—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) **SUBMITTAL TO CONGRESS.**—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress

SA 1258. Mr. MERKLEY proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) **DESIGNATION.**—

(1) **IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.**—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of

census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(A) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

SA 1259. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.

The Secretary of Defense is authorized to work with the Hollings Manufacturing Partnership Program and other manufacturing-related local intermediaries designated by the Secretary to develop a multi-agency comprehensive plan to expand domestic defense and industrial base supply chains with involvement from other applicable Federal agencies or industry consortiums—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with partners to identify and address gaps in domestic supply chains.

SA 1260. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 846.

SA 1261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XXVII, add the following:

SEC. 2705. SMALL BUSINESS HUBZONES.

Section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) is amended by inserting before the period at the end “, beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2012”.

SA 1262. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11) The term ‘produced’, as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.”.

SA 1263. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Western Reserve Port Authority of Vienna, Ohio (in this section referred to as the “Port Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Army may include as part of the conveyance under subsection (a) personal property located at the John Kunkel Army Reserve Center that—

(1) the Secretary of Transportation recommends would be appropriate for the development or operation of a port facility at the site; and

(2) the Secretary of the Army agrees is excess to the needs of the Army.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Port Authority, the Secretary of the Army may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but the Port Authority still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Army may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the

Secretary of the Army and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SA 1264. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. USE OF INNOVATIVE FINANCING MECHANISMS FOR REPLACEMENT AND ACQUISITION OF ENERGY EFFICIENT EQUIPMENT AND IMPLEMENTATION OF ENERGY CONSERVATION PROJECTS.

The Secretary of Defense shall make the maximum use of financing mechanisms to reduce the use of appropriated funds and leverage more efficiency for the Department when replacing energy equipment, acquiring new energy efficient equipment, and implementing energy conservation projects.

SA 1265. Mr. COONS (for himself, Mrs. SHAHEEN, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

- (1) in subparagraph (A), by striking “or” after the semicolon;
- (2) in subparagraph (B), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”.

SA 1266. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) **ESTABLISHMENT OF TRAINING POLICY.**—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) **ISSUANCE OF POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) **BRIEFING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

SA 1267. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, FORT WAINWRIGHT, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the lessee of a parcel of real property located at Fort Wainwright, Alaska, known as the Birchwood Property (the “Lessee”) all right, title, and interest of the United States in and to such parcel, including any improvements thereon, consisting of approximately 76 acres.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Lessee shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, or exchange an equitable piece of property subject to the approval of the Secretary. The Secretary’s determination shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration, including environmental remediation for the property conveyed.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Lessee to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the

Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States as consideration for the conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcel of real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1268. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS OF ONE PERCENT.

(a) **REDUCTION.**—Notwithstanding any other provision of this Act and except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act is the total amount authorized to be appropriated by this Act minus an amount equal to one percent of such total amount, for a total of not to exceed \$559,500,000,000.

(b) **EXCEPTION.**—Amounts authorized to be appropriated by title XV (overseas contingency operations) of this Act shall not be included in any calculation under subsection (a).

SA 1269. Mr. BOOZMAN (for himself, Mr. CORNYN, Mr. PRYOR, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TREATMENT OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS, OR IN THE JUNE 1, 2009, ATTACK AT A RECRUITING STATION IN LITTLE ROCK, ARKANSAS.

(a) **TREATMENT.**—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, or in the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009, shall be deemed as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) **EXCEPTION.**—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

SA 1270. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS OF TWO PERCENT.

(a) **REDUCTION.**—Notwithstanding any other provision of this Act and except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act is the total amount authorized to be appropriated by this Act minus an amount equal to two percent of such total amount, for a total of not to exceed \$553,900,000,000.

(b) **EXCEPTION.**—Amounts authorized to be appropriated by title XV (overseas contingency operations) of this Act shall not be included in any calculation under subsection (a).

SA 1271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 914. PROHIBITION ON APPROVAL OF CERTAIN NATIONAL SECURITY SPACE PROGRAMS THAT DO NOT INCLUDE REASONABLE COST ESTIMATES FOR LAUNCH VEHICLES.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it should be a joint priority objective of the Secretary of Defense and the Director of National Intelligence to reduce the overall cost of space launch without jeopardizing the enviable recent record of successful national security space launches by the United States;

(2) a variety of tools should be considered to achieve that objective, including the introduction of competition for contracts relating to space launch activities, the leveraging of lot purchases and economies of scale, and the provision of cost-reduction incentives relating to such contracts; and

(3) the document entitled “Coordinated Strategy Among the United States Air Force, the National Reconnaissance Office, and the National Aeronautics and Space Administration for New Entrant Launch Vehicle Certification”, dated October 12, 2011, sets forth an appropriate mechanism to support competition relating to space launch activities while maintaining the requirements of mission assurance.

(b) **PROHIBITION.**—The Secretary of Defense may not approve the system development and demonstration, or the production and deployment, of a national security space program requiring a space launch unless the cost estimate and the budget submitted to Congress for the program includes a reasonable cost estimate for a launch vehicle that, at the time the cost estimate is established, is certified to meet the risk classification for the payload of the program, as defined in the document referred to in subsection (a)(3).

SA 1272. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) **CORPORATION.**—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) **CONFORMING AMENDMENTS.**—

(1) **SMALL BUSINESS ACT.**—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—

(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) **TITLE 10.**—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) **TITLE 38.**—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) **FOOD, CONSERVATION, AND ENERGY ACT OF 2008.**—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SA 1273. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. AUTHORIZATION OF DESIGN AND CONSTRUCTION OF REMOTE-HANDLED LOW-LEVEL WASTE DISPOSAL FACILITY AT IDAHO NATIONAL LABORATORY.

The Secretary of Energy is authorized to obligate and expend amounts authorized to be appropriated or otherwise made available by this title for the Department of Energy for fiscal year 2012 to begin the design and construction of the Remote-Handled Low-Level Waste Disposal Facility at the Idaho National Laboratory, Idaho Falls, Idaho.

SA 1274. Mr. SESSIONS submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 360, between lines 17 and 18, insert the following:

(5) Notwithstanding disposition under paragraph (2) or (3), further detention under the law of war until the end of hostilities authorized by the Authorization for Use of Military Force.

SA 1275. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PILOT PROGRAM ON PROVISION OF HEALTH CARE TO VETERANS RESIDING IN ALASKA AT NON-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish a pilot program to assess the feasibility and advisability of carrying out a program by which a covered veteran can, except as provided in subsection (f), receive necessary hospital care or medical services for any condition at any hospital or medical facility or from any medical provider eligible to receive payments under—

(1) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(3) the TRICARE program; or

(4) the Indian health program.

(b) COVERED VETERAN.—For purposes of this section, a covered veteran is any veteran who—

(1) is entitled to hospital care or medical services under laws administered by the Secretary of Veterans Affairs;

(2) is located in the State of Alaska; and

(3) resides at a location that is located in—

(A) such State; and

(B) a town, village, or other community that is not accessible by motor vehicle (as defined in section 30102 of title 49, United States Code).

(c) DURATION OF PILOT.—The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(d) COST OF CARE AND SERVICE.—

(1) IN GENERAL.—The cost of any hospital care or medical service provided under the pilot program shall be borne by the United States from amounts other than amounts appropriated or otherwise made available for an Indian health program.

(2) NO BILLING OF VETERANS.—The Secretary shall take measures to ensure that covered veterans are not billed for the hospital care and medical services they receive under the pilot program.

(e) ALASKA HERO CARD.—In carrying out the pilot program, the Secretary shall issue

to each covered veteran a card to be known as a “Alaska Hero Card” that such veteran may present to an authorized provider to establish the covered veteran’s eligibility for hospital care and medical services under the pilot program.

(f) AUTHORIZED PROVIDERS.—The Secretary may establish a list of authorized providers from whom a covered veteran may receive hospital care and medical services under the pilot program.

(g) MEASURES TO ENSURE QUALITY AND SAFETY OF CARE.—

(1) IN GENERAL.—The Secretary shall take such measures as may be necessary to ensure that the quality and safety of care provided to veterans under the pilot program is equal to or better than the quality and safety of care otherwise provided by the Department of Veterans Affairs.

(2) SPECIFIC MEASURES.—The measures described in paragraph (1) may include requirements relating to the following:

(A) Credentialing and accreditation of providers of hospital care or medical services.

(B) Timely reporting of access to care.

(C) Timely reporting of clinical information to the Secretary.

(D) Reporting safety issues, patient complaints, and patient satisfaction.

(E) Robust quality programs, including peer review and compliance with industry standards and requirements.

(3) PROVIDERS CERTIFIED BY INDIAN HEALTH SERVICE.—For purposes of the pilot program, the Secretary shall consider the equality and safety of care provided by a provider described in subsection (a)(2) who is certified by the Indian Health Service as a community health aide pursuant to section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616) and who is providing services within the scope of such certification as being equal to or better than the quality and safety of care otherwise provided by the Department.

(h) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to an Indian health program under the provisions of section 206 or 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1621e and 1645(c)), or any other Federal or State law.

(i) DEFINITIONS.—In this section:

(1) HOSPITAL CARE AND MEDICAL SERVICES.—The terms “hospital care” and “medical services” have the meanings given such terms in section 1701 of title 38, United States Code.

(2) INDIAN HEALTH PROGRAM.—The term “Indian health program” has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(3) SERVICE-CONNECTED.—The term “service-connected” has the meaning given such term in section 101 of such title.

(4) TRICARE PROGRAM.—The term “TRICARE program” has the meaning given such term in section 1072 of title 10, United States Code.

SA 1276. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

SA 1277. Mrs. MURRAY (for herself, Mr. AKAKA, and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. MODIFICATION OF CENTERS OF EXCELLENCE ON HEARING LOSS, TRAUMATIC EXTREMITY INJURIES, AND MILITARY EYE INJURIES.

(a) MODIFICATION OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF

HEARING LOSS AND AUDITORY SYSTEM INJURIES.—Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506) is amended—

(1) in subsection (a)—

(A) by striking “The” and inserting “Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the”; and

(B) by striking “shall establish within the Department of Defense” and inserting “and the Secretary of Veterans Affairs shall jointly establish”;

(2) in subsection (b), by striking “shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education,” and inserting “of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with institutions of higher education”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(ii) in subparagraph (B), by striking “with” and inserting “between the Secretary of Defense and”; and

(iii) in subparagraph (C)—

(I) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs”;

(II) by inserting “members of the Armed Forces and” before “veterans who”; and

(III) by striking “Veterans Health Administration” and inserting “Department of Defense or the Department of Veterans Affairs”;

(B) in paragraph (2), by inserting “Defense and Veterans” before “Hearing Loss”; and

(C) in paragraph (3), by striking “the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of”; and

(4) in subsection (e)—

(A) by striking “shall take” and inserting “and the Secretary of Veterans Affairs shall jointly take”; and

(B) by striking “considers” and inserting “of Defense and the Secretary of Veterans Affairs consider”.

(b) MODIFICATION OF CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.—Subsection (a) of section 723 of such Act (Public Law 110-417; 122 Stat. 4508) is amended by striking “The” and inserting “Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the”.

(c) MODIFICATION OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.—Section 1623 of the National Defense Authorization Act for fiscal year 2008 (10 U.S.C. 1071 note) is amended—

(1) in subsection (a)—

(A) by striking “The” and inserting “Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the”; and

(B) by striking “shall establish within the Department of Defense” and inserting “and the Secretary of Veterans Affairs shall jointly establish”;

(2) in subsection (b), by striking “shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher

education,” and inserting “of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with institutions of higher education”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(ii) in subparagraph (B), by striking “with” and inserting “between the Secretary of Defense and”; and

(iii) in subparagraph (C)—

(I) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs”;

(II) by inserting “members of the Armed Forces and” before “veterans who”; and

(III) by striking “Veterans Health Administration” and inserting “Department of Defense or the Department of Veterans Affairs”;

(B) in paragraph (2), by striking “known as the ‘Military Eye Injury Registry’” and inserting “known as the ‘Defense and Veterans Eye Injury and Vision Registry’”; and

(4) in subsection (e)—

(A) by striking “shall take” and inserting “and the Secretary of Veterans Affairs shall jointly take”; and

(B) by striking “Secretary considers” and inserting “Secretary of Defense and the Secretary of Veterans Affairs consider”.

(d) CERTIFICATION OF OPERABILITY OF CENTERS OF EXCELLENCE ON HEARING LOSS, TRAUMATIC EXTREMITY INJURIES, AND MILITARY EYE INJURIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to Congress a certification of the operability of the following:

(1) The center established under section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506).

(2) The center established under such section 723 of such Act (Public Law 110-417; 122 Stat. 4508).

(3) The center established under section 1623 of the National Defense Authorization Act for fiscal year 2008 (10 U.S.C. 1071 note).

(e) REQUIREMENT FOR PERIODIC REPORTS ON ESTABLISHMENT OF CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Section 1624(a) of the National Defense Authorization Act for fiscal year 2008 (Public Law 110-181; 122 Stat. 457) is amended, in the matter before paragraph (1)—

(A) by inserting “and annually thereafter through fiscal year 2015” after “of this Act”; and

(B) by striking “shall submit” and inserting “and the Secretary of Veterans Affairs shall jointly submit”;

(C) in paragraph (2), by striking “and” at the end;

(D) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

“(4) the establishment of the center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury under section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417); and

“(5) the establishment of the center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations under section 723 of such Act (Public Law 110-417).”.

(2) CONFORMING AMENDMENT.—Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4508) is amended by striking subsection (d).

SA 1278. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON TERMINATION OF WORK ON RQ-4 GLOBAL HAWK PROGRAM.

The Secretary of the Air Force may not take any action intended to terminate the RQ-4 Global Hawk program, or issue any stop-work order related to the production of the RQ-4 Global Hawk, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Acquisition Decision Memorandum regarding the RQ-4 Global Hawk program issued June 14, 2011, is no longer valid.

SA 1279. Mr. HOEVEN (for himself, Mr. TESTER, Mr. BLUNT, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of

strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM" and to "maintain the United States rocket motor industrial base".

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the budget of the President for fiscal year 2013 as submitted to Congress should include funding to support a triad of strategic nuclear delivery systems and to modernize the component weapons and delivery systems of that triad.

SA 1280. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) **IN GENERAL.**—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

SA 1281. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) **PLAN FOR NORMALIZATION.**—Not later than 90 days after the date of the enactment

of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for normalizing United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) **OBJECTIVES.**—The plan required under subsection (a) shall address the following objectives:

(1) To reestablish a normal defense relationship with the Republic of Georgia.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(4) To resume the sale by the United States of defense articles and services that may be necessary to enable the Government of the Republic of Georgia to maintain a sufficient self-defense capability.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) **INCLUDED INFORMATION.**—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense and submitted in both classified and unclassified forms.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) **FORM.**—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SA 1282. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. REPEAL OF WAR POWERS RESOLUTION.

(a) **REPEAL.**—The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is hereby repealed.

SA 1283. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1084, insert the following:

SEC. 1085. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.

(a) **FINDINGS.**—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an oceans.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce; and

(3) the Secretary of Defense, in coordination with the Secretary of the Navy and the Secretary of Homeland Security, should maintain the recapitalization plans for the

Navy and Coast Guard as a priority in all future force structure decisions.

SA 1284. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON FUNDING TO PROHIBIT DIPLOMATIC EFFORTS OF IRAN.

(a) **PROHIBITION ON FUNDING.**—None of the amounts appropriated or otherwise made available by any Act may be made available to further the international diplomatic efforts of Iran to further its agenda within an international body, organization, agency, commission or in which Iran holds a position of leadership or veto power.

(b) **STATEMENT OF POLICY.**—It is the policy of the United States that no funds shall be made available to any international diplomatic organization or entity that appoints Iran to a leadership position.

SA 1285. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —SMALL BUSINESS CONTRACTING FRAUD PREVENTION

SEC. 01. SHORT TITLE.

This title may be cited as the “Small Business Contracting Fraud Prevention Act of 2011”.

SEC. 02. DEFINITIONS.

In this title—

(1) the term “(8(a) program)” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this title; and

(4) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 03. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);”;

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required

under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”; and

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

“(1) in order to allow any person to participate in any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

SEC. 04. VETERANS INTEGRITY IN CONTRACTING.

(a) **DEFINITION.**—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.”.

(b) **VETERANS CONTRACTING.**—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) **VETERAN STATUS.**—

“(1) **IN GENERAL.**—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) VERIFICATION OF STATUS.—

“(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) INTEGRATION OF DATABASES.—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the “Secretary”) publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 05. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C.

637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable to the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 06. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

SEC. 707. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

SA 1286. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON THEFT OF COMPUTER TAPES CONTAINING PROTECTED INFORMATION ON COVERED BENEFICIARIES UNDER THE TRICARE PROGRAM.

The Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the circumstances surrounding the theft of computer tapes containing personally identifiable and protected health information of approximately 4,900,000 covered beneficiaries under the TRICARE program from the vehicle of a contractor under the TRICARE program. The report shall include the following:

(1) An assessment of the risk that the personally identifiable and protected health information so stolen can be accessed by a third party.

(2) Such recommendations as the Inspector General considers appropriate to reduce the risk of similar incidents in the future.

SA 1287. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) **IN GENERAL.**—Upon determining to retire a C-23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) **TRANSFER UPON ACCEPTANCE OF OFFER.**—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) **USE.**—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

SA 1288. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. STUDY ON THE USE OF THE DEMOCRATIC REPUBLIC OF GEORGIA AS A TRANSPORTATION BASE FOR SUPPLYING UNITED STATES FORCES IN AFGHANISTAN.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study of the feasibility of establishing in the Democratic Republic of Georgia, at the invitation of the Government of Georgia, a transportation base for supplying United States forces in Afghanistan.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

SA 1289. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

SEC. 1432. SUNKEN MILITARY CRAFT.

Section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by inserting “, that was” before “on military noncommercial service”; and

(2) in subparagraph (B), by inserting a comma before “that was owned or operated”.

SA 1290. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 362, strike lines 8 through 15.

SA 1291. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 365, line 9, strike “and subsection (d)”.

On page 367, line 14, strike “and subsection (d)”.

On page 368, strike line 13 and all that follows through page 370, line 13.

SA 1292. Mr. LEVIN (for Mr. MENENDEZ (for himself, Mr. REID, Mr. SCHUMER, Mr. CASEY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. CARDIN, and Mrs. GILLIBRAND)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) **IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.**—

“(1) **DETERMINATION REQUIRED.**—

“(A) **IN GENERAL.**—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall determine whether the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States, taking into consideration whether the Bank has—

“(i) facilitated activities of the Government of Iran that threaten global or regional peace and security;

“(ii) sought to evade multilateral sanctions directed against the Government of Iran on behalf of that Government;

“(iii) engaged in deceptive financial practices or mechanisms to facilitate illicit transactions with non-Iranian financial institutions;

“(iv) conducted transactions prohibited by binding resolutions of the United Nations Security Council or allowed itself to be used to permit conduct prohibited by such resolutions;

“(v) conducted transactions on behalf of persons designated by the United States for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

“(vi) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

“(I) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

“(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

“(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

“(vii) facilitated a transaction or provided financial services for—

“(I) Iran’s Revolutionary Guard Corps; or

“(II) a financial institution whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

“(aa) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

“(bb) Iran’s support for acts of international terrorism.

“(B) SUBMISSION TO CONGRESS.—The President shall submit in writing to the appropriate congressional committees the determination made under subparagraph (A) and the reasons for the determination.

“(2) IMPOSITION OF SANCTIONS.—Subject to paragraphs (4), (5), and (6), if the President determines under paragraph (1)(A) that the Central Bank of Iran has engaged in conduct described in that paragraph, the President shall—

“(A) prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any significant financial transaction with the Central Bank of Iran; and

“(B) impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

“(3) ADDITIONAL SANCTIONS.—In addition to the sanctions required to be imposed under paragraph (2), and subject to paragraph (4), the President may impose such other targeted sanctions with respect to the Central Bank of Iran as the President determines appropriate to terminate the engagement of the Central Bank of Iran in conduct described in paragraph (1)(A) and activities described in subsection (c)(2).

“(4) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under this subsection on a person for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

“(5) APPLICABILITY OF PROHIBITIONS AND CONDITIONS ON ACCOUNTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (2)(A) applies with respect to financial transactions commenced on or after the date that is 60 days

after the date on which the President makes the determination required by paragraph (1)(A).

“(B) PETROLEUM TRANSACTIONS.—Paragraph (2)(A) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date on which the President makes the determination required by paragraph (1)(A).

“(6) WAIVER.—The President may waive the application of paragraph (2) for a period of 180 days, and renew such a waiver for additional periods of 180 days, if the President—

“(A) determines that such a waiver is necessary to the national security interest of the United States; and

“(B) submits to the appropriate congressional committees a report—

“(i) providing the justification for the waiver; and

“(ii) describing—

“(I) any concrete cooperation the President has received or expects to receive as a result of the waiver; and

“(II) any assurances the President has received or expects to receive as a result of the waiver from foreign financial institutions that such institutions have ceased engaging in financial transactions with the Central Bank of Iran related to terrorism or the facilitation, acquisition, or financing of weapons of mass destruction.”.

SA 1293. Mr. LEVIN proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed \$35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

SA 1294. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. ENHANCEMENT OF CONSUMER CREDIT PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROHIBITED ACTIONS.—Subsection (e) of section 987 of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) by redesignating paragraph (7) as paragraph (9); and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) the creditor charges the borrower a fee for overdraft service (as that term is defined by the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) and implementing regulations) in connection with a withdrawal from an automated teller machine or a one-time debit card transaction;

“(8) the creditor charges the borrower a fee for overdraft service (as so defined) where such fee is triggered as the result of the institution having posted the borrower’s transactions in order from largest to smallest; or”.

(b) REGULATIONS.—Subsection (h)(3) of such section is amended—

(1) by inserting “at least every two years” after “consult”; and

(2) by adding at the end the following new subparagraph:

“(H) The Bureau of Consumer Financial Protection.”.

(c) CONSUMER CREDIT.—Subsection (i)(6) of such section is amended by adding at the end the following new sentence: “Such term shall also include credit under an open end consumer credit plan (as defined by section 103 of the Truth in Lending Act (15 U.S.C. 1602) and implementing regulations), except that the Secretary of Defense may exclude credit under such a plan that provides for amortizing payments over a period of at least 92 days.”.

SA 1295. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. NATIONAL LANGUAGE SERVICE CORPS.

(a) CHARTER FOR NLSC.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

“(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) NATIONAL SECURITY EDUCATION BOARD.—The Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(f).

“(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

“(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary may call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.

“(g) USERRA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

“(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

“(2) the Corps shall be deemed to be a uniformed service.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) establishing plans to address shortfalls and requirements, such as recruitment, member assignments and return, deployment, redeployment and public information;

“(C) coordinating activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall language shortfalls and to utilize personnel to address the various types of crises that warrant language skills; and

“(D) proposing to the Secretary regulations to carry out section 813.”.

SA 1296. Mr. WYDEN submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

“§ 2335. Reports on use of indemnification agreements

“(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

“(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

“(A) entering into a contract that includes an indemnification agreement; or

“(B) modifying an existing indemnification agreement in any contract.

“(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

“(A) section 2354 of this title; or

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

“(1) the name of the contractor;

“(2) the actual cost or estimated potential cost involved;

“(3) a description of the items, property, or services for which the contract is awarded; and

“(4) a justification of the contract including the indemnification agreement.

“(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

“(1) determines that the disclosure of such information is not in the national security interests of the United States; and

“(2) includes in the report a justification of the determination made under paragraph (1).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

“2335. Reports on use of indemnification agreements.”.

SA 1297. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. INFORMATION FOR MEMBERS OF THE ARMED FORCES ON CERTAIN PROVIDERS OF POSTSECONDARY EDUCATION.

(a) PROVISION OF INFORMATION REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Education, the Secretary of Veterans Affairs, and the Secretary of Labor, make available through various means, including through the Internet websites of the Department of Defense, information about providers of postsecondary education that accept assistance from the Department of Defense for the provision of civilian education or training, including providers of education that advertise on military installations and providers with facilities or instructors operating on military installations.

(b) INFORMATION.—The information required under subsection (a) shall include the following:

(1) The regional and national accreditation of the selected providers.

(2) The participation (or eligibility for participation) of such providers in financial aid programs under title IV of the Higher Education Act of 1965.

(3) Qualifications required for public examinations licensure, or other conditions for employment fulfilled by the education or training programs of the providers.

(4) The transferability of credits from such providers to public institutions of higher education in various States.

(5) The dropout rates of students for each provider.

(6) The completion and graduation rates of students for each provider.

(7) Job placement rates, as appropriate, for each provider.

(8) The tuition and fees of providers when compared with public institutions of higher education in various States.

(9) The availability of job and career placement services at each provider.

SA 1298. Mr. WEBB (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking “not later than” and all that follows and inserting the following: “as follows:

“(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

“(2) In the case of any other services, by not later than one year after the services are provided.”.

SA 1299. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. REINSTATEMENT OF TEMPORARY EARLY RETIREMENT AUTHORITY.

(a) **REINSTATEMENT.**—Subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(1) by inserting “(1)” before “the period”; and

(2) by inserting before the period at the end the following: “, and (2) the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 and ending on December 31, 2018”.

(b) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

“(c) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—

“(1) **INCREASED RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.**—The provisions of section 4464 of this Act (10 U.S.C. 1143a note) shall not apply with respect to a member or former member retired by reason of eligibility under this section during the active force drawdown period specified in subsection (i)(2).

“(2) **COAST GUARD AND NOAA.**—During the period specified in subsection (i)(2), this section does not apply as follows:

“(A) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1293 note).

“(B) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104-106; 10 U.S.C. 1293 note).”

(c) **COORDINATION WITH OTHER SEPARATION PROVISIONS.**—Such section is further amended—

(1) in subsection (g), by striking “, 1174a, or 1175” and inserting “or 1175a”; and

(2) in subsection (h)—

(A) in the subsection heading, by striking “SSB or VSI” and inserting “SSB, VSI, OR VSP”; and

(B) by inserting before the period at the end of the first sentence the following: “or who before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 was separated from active duty pursuant to an agreement entered into under section 1175a of such title”; and

(C) in the second sentence, by striking “under section 1174a or 1175 of title 10, United States Code”.

SA 1300. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. REINSTATEMENT OF AUTHORITY FOR ENHANCED SELECTIVE EARLY RETIREMENT BOARDS.

Section 638a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “, during the period beginning on October 1, 1990,” and all that follows through “December 31, 2012,”; and

(B) by inserting at the end the following new sentence: “Any such authority provided the Secretary of a military department under the preceding sentence shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.”; and

(2) in subsection (d)(2), by striking “except that during the period beginning on October 1, 2006, and ending on December 31, 2012” in subparagraphs (A) and (B) and inserting “except that through December 31, 2018”.

SA 1301. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

SA 1302. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO ALONZO H. CUSHING FOR ACTS OF VALOR AT THE BATTLE OF GETTYSBURG DURING THE CIVIL WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in

the Armed Forces, the President is authorized to award the Medal of Honor posthumously under section 3741 of such title to Alonzo H. Cushing for the acts of valor during the Civil War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863.

SA 1303. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) **AUTHORITY.**—

(1) **EXCHANGE AUTHORITY.**—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the “United Kingdom”) all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) **AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—The aircraft authorized to be transferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) **AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) **FUNDING FOR PRODUCTION OF AIRCRAFT.**—

(1) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) **EXCEPTION.**—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that

aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) **IMPLEMENTATION.**—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled “Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding”, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

SA 1304. Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 324 and insert the following:
SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) **REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) **FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.**—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capa-

bility to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) **VIRTUAL AND FLEXIBLE.**—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) **SPEED TO MARKET.**—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) **RISK MANAGEMENT.**—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) **REPORT ON AIR FORCE MATERIEL COMMAND REORGANIZATION.**—

(1) **RESTRICTION ON REORGANIZATION ACTIVITIES.**—With respect to the planned reorganization of the Air Force Materiel Command announced on November 2, 2011, the Secretary of the Air Force shall make no changes related to organizational alignment, reporting officials, or any other change related to oversight or the duties of system program managers, sustainment program managers, or product support managers who reside at installations where Air Logistics Centers or depots are located until 60 days after the report required under paragraph (2) is submitted to the congressional defense committees.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary of the Air Force shall submit to the congressional defense committees a report containing an analysis of alternatives for alignment and reporting of Air Force System Program Managers and Product Support Managers.

(B) **ELEMENTS.**—The report required under subparagraph (A) shall—

(i) focus on the impacts to Air Force life cycle management, sustainment, readiness, and overall support to the warfighter that would likely be realized through the various alternatives;

(ii) address legal, financial, and other relevant issues;

(iii) identify criteria for evaluating alternatives;

(iv) include a list of alternatives, including analysis and recommendations relating to the alternatives;

(v) describe cost and savings factors; and

(vi) focus on how the Air Force should be best organized to conduct life cycle management and sustainment, with overall readiness being the highest priority.

SA 1305. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. CONTINUATION AND EXPANSION OF WOUNDED WARRIOR CAREERS DEMONSTRATION PROGRAM.

(a) **CONTINUATION AND EXPANSION OF PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense shall continue the program known as the

Wounded Warrior Careers Demonstration program (in this section referred to as the “Program”), being conducted in collaboration with the Army Wounded Warrior program, as expanded in accordance with the provisions of this section.

(2) **ADDITIONAL PURPOSES OF PROGRAM.**—The Program as expanded under this section shall have the additional purposes as follows:

(A) To identify, demonstrate, and disseminate best practices in employment counseling, job placement, and enrollment in high-quality education programs of wounded, ill, or injured members of the Armed Forces (in this section referred to as “wounded warriors”) who are assigned to the wounded warrior programs of the Armed Forces and other individuals participating in the Program.

(B) To assist wounded warriors in transitioning into employment with the Federal Government, or into civilian life and careers.

(C) To otherwise assess the feasibility and advisability of various additional means to support the transition and reintegration of wounded warriors into civilian life and careers.

(3) **PARTICULAR EMPHASIS ON SEVERELY WOUNDED WARRIORS.**—In conducting the Program as expanded under this section, the Secretary shall pay special attention to wounded warriors who are severely or catastrophically wounded, ill, or injured (in this section referred to as “severely wounded warriors”).

(b) **ADDITIONAL LOCATIONS FOR PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense shall expand the Program under this section to not less than 10 locations nationwide by not later than September 30, 2012, and to an additional 10 locations nationwide by not later than September 30, 2013.

(2) **LOCATIONS.**—

(A) **IN GENERAL.**—In selecting locations under this subsection, the Secretary shall select from among locations in which there are high concentrations of wounded warriors (including from the regular components and the reserve components) who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are ready for career and employment counseling.

(B) **SPECIAL EMPHASIS FOR LOCATIONS WITH HIGH UNEMPLOYMENT.**—In selecting locations under this subsection, the Secretary shall give special emphasis to locations described in subparagraph (A) that also have an unemployment rate that is higher than the national average unemployment rate.

(C) **DATA FOR IDENTIFICATION OF LOCATIONS.**—In identifying locations for purposes of subparagraph (A), the Secretary shall utilize applicable data of the military departments and of the National Center for Veterans Analysis and Statistics.

(c) **UTILIZATION OF OTHER FEDERAL PROGRAMS AND RESOURCES.**—

(1) **IN GENERAL.**—In expanding the Program under this section, the Secretary of Defense shall, with the cooperation of the heads of the departments and agencies concerned, utilize other programs and resources of the Federal Government (including programs and resources having objectives similar to the Program), including the following:

(A) Programs and resources of the Department of Labor, including the Recovery and Employment Assistance Lifelines (REALlifelines) initiative carried out by the Department and the Bethesda Naval Medical Center and Walter Reed Army Medical Center, Maryland.

(B) Programs and resources of the Department of Veterans Affairs, including the program of vocational rehabilitation carried out

under chapter 31 of title 38, United States Code.

(C) Programs and resources of other departments and agencies of the Federal Government relating to education and employment of wounded warriors.

(2) DESIGNATION.—Activities carried out under this subsection as part of the expansion of the Program shall be known as the “Wounded Warrior Education and Employment Initiative”.

(d) SERVICES TO BE PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—The services provided under the Program as expanded under this section shall include all possible career-development and education preparation services for wounded warriors (and their spouses, if appropriate) that are consistent with their needs and are provided utilizing a proactive, intensive, extended case-management model that includes individualized counseling.

(2) SERVICES.—The services provided under this subsection shall include, but not be limited to, assistance relating to the following:

(A) Engaging with prospective employers and educators, when appropriate.

(B) Entering into various kinds of occupations (whether full-time, part-time, paid, or volunteer, or self-employment as entrepreneurs or otherwise).

(C) Acquiring additional education and training, including through internships and mentorship programs.

(e) AVAILABILITY OF SERVICES UNDER PROGRAM TO WOUNDED WARRIORS OF ALL ARMED FORCES.—

(1) IN GENERAL.—The services provided under the Program as expanded under this section shall be provided to wounded warriors of all of the Armed Forces pursuant to policies established by the Secretary of Defense.

(2) COORDINATION.—The Secretary of Defense shall ensure coordination between the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force regarding the participation of members of the Armed Forces in the Program under this subsection, including actions to encourage and facilitate the participation of such members in the Program when appropriate.

(f) COST-BENEFIT ANALYSIS.—In identifying services to be provided under the Program as expanded under this section, and in identifying lessons learned and best practices developed for purposes of subsection (g), the Secretary of Defense shall undertake cost-benefit and other appropriate analyses of such services and the results of the provision of such services.

(g) DISSEMINATION OF LESSONS LEARNED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the dissemination to other departments and agencies of the Federal Government, State and local governments, and appropriate nonprofit organizations of information on lessons learned and best practices developed under the Program on the provision of benefits, services, and support to severely wounded warriors and other wounded warriors.

(2) DISSEMINATION TO RELEVANT AGENCIES.—As part of the dissemination of information under paragraph (1), the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, and the Director of the Office of Personnel Management shall undertake such joint programs, activities, and initiatives as such Secretaries and the Director consider appropriate to facilitate and further the dissemination of such lessons and best practices as will be of particular use to their respec-

tive departments and agencies in providing benefits, services, and support to severely wounded warriors and other wounded warriors.

(h) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress, a report on the Program as expanded under this section.

(B) ELEMENTS.—The report under this paragraph shall include the following:

(i) A current description of the Program as expanded under this section.

(ii) A statement of the actions, if any, proposed to be undertaken to further expand the Program.

(iii) In consultation with the heads of other appropriate departments and agencies of the Federal Government, such recommendations for legislative or administration action (including legislative or administration action with respect to or by departments and agencies of the Federal Government other than the Department of Defense) for expanding, improving, or otherwise enhancing the Program.

(C) PUBLICATION.—The report shall be published in the Federal Register.

(D) PUBLIC COMMENT.—The Secretary shall accept comments from the public on the report, including on any recommendations pursuant to subparagraph (B)(iii), including comments from military service organizations and veterans service organizations.

(2) ASSESSMENT REPORT.—

(A) IN GENERAL.—Not later than five years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committee of Congress a report on the Program.

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A comprehensive description of the Program, including the following:

(I) Information on job placement and retention of wounded warriors who participated in the Program.

(II) A description and assessment of the career services provided under the Program to wounded warriors, with particular focus on those experiencing Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).

(ii) An assessment of the financial costs resulting from the failure of wounded warriors to gain employment or achieve self-sufficiency after service in the Armed Forces.

(iii) An assessment of the efficacy of the Program in preparing wounded warriors to meet the challenges of employment after service in the Armed Forces.

(iv) Such recommendations as the Secretary considers appropriate, including recommendations for the further continuation or enhancement of the services provided under the Program.

(3) DISSEMINATION TO OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense shall share the information contained in the reports required by paragraphs (1) and (2) with the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of such other departments and agencies of the Federal Government as the Secretary of Defense considers appropriate.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services and the Committee on Ways and Means of the House of Representatives.

SA 1306. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: “amount of \$270,000,000.

SEC. 1403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,347,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$270,000,000.

SA 1307. Mr. BARRASSO (for himself, Mr. ENZI, Mr. CONRAD, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1089. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

Notwithstanding any other provision of law and consistent with the treaty obligations of the United States, the Secretary of Defense shall—

(1) retain all of the 450 intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain a minimum of 420 intercontinental ballistic missiles on alert or operationally deployed status;

(3) preserve all 450 existing intercontinental ballistic missile silos in operational or warm status; and

(4) distribute any reductions in the intercontinental ballistic missile force equally among the three operational intercontinental ballistic missile bases.

SA 1308. Mr. BARRASSO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. PRIVATE RIGHT OF ACTION UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4) is amended by striking subsection (b) and inserting the following:

“(b) **PRIVATE RIGHT OF ACTION.**—A person who is aggrieved by a violation of this Act may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

“(c) **ATTORNEY’S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney’s fees, including litigation expenses, and costs.

“(d) **REPORTS TO CONGRESS.**—

“(1) **ANNUAL REPORT.**—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought by the Attorney General under subsection (a) during the preceding year or any civil action brought by a private party under subsection (b) in which the Attorney General intervened.

“(2) **REPORT ON ENFORCEMENT.**—Not later than July 1 of each year in which a general election for Federal office is scheduled, the Attorney General shall submit to Congress a report on the number of attorneys and other staff within the Department of Justice assigned to enforce the Uniformed and Overseas Citizen Absentee Voting Act, as well as the Attorney General’s plan to detect non-compliance by State and local election officials with the requirements of the law.”.

SA 1309. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. REPORT ON CUBA.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of State, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description the cooperative agreements, relationships, or both between Cuba, on the one hand, and Iran, North Korea, and other states suspected of nuclear proliferation, on the other hand.

(2) A detailed description of the economic support provided by the Government of Venezuela to the Government of Cuba and the intelligence and other support provided by the Cuba Government to the Venezuela Government.

(3) A review of the evidence of relationships between the Cuba Government, or any of its components, and drug cartels, and of the involvement of the Cuba Government, or any of its components, in other drug trafficking activities.

(4) A description of the status and extent of any clandestine activities of the Cuba Government in the United States.

(5) A description of the extent of support by the Cuba Government for governments in Venezuela, Bolivia, Ecuador, and Central America, including cooperation on cyber matters with such governments.

(6) A description of the status and extent of the research and development program of the Cuba Government for biological weapons production.

(7) A description of the status and extent of the cyber warfare program of the Cuba Government.

(b) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1310. Mr. KIRK (for himself, Mr. KYL, Mr. DEMINT, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 234. PROTECTION OF UNITED STATES MISSILE DEFENSE TECHNOLOGY AND INFORMATION.

(a) **IN GENERAL.**—Subject to subsection (b), none of the amounts authorized to be appropriated by this Act may be obligated or expended to provide the Russian Federation access to—

(1) classified missile defense technology of the United States, including hit-to-kill technology; or

(2) classified data, including classified technical data and warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(b) **APPLICABILITY.**—The prohibitions under subsection (a) apply to technology and data that was classified as of November 1, 2011, or that was classified anytime thereafter.

SA 1311. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. EXPRESSION OF SUPPORT FOR GOVERNMENT OF KENYA FOR MILITARY ACTION IN SOMALIA AGAINST AL-SHABAAB.

Congress—

(1) expresses gratitude to the Government of Kenya, President Mwai Kibaki, and Prime Minister Raila Odinga for conducting Operation Protect the Country against the Al-Shabaab terrorist organization;

(2) recognizes the threat posed by Al-Shabaab to regional stability and the national security of the United States;

(3) supports offering all necessary assistance for Operation Protect the Country, including the imposition of an international blockade of the port of Kismayo, as requested by the Government of Kenya and the Intergovernmental Authority on Development (IGAD); and

(4) directs the President to engage closely with our NATO and regional allies to support the Kenyan operation against the Al-Shabaab terrorist organization.

SA 1312. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXIV—VIETNAM EDUCATION FOUNDATION

SEC. 3401. TRANSFER OF THE VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.

(a) **PURPOSES.**—Section 202 of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended by adding at the end the following:

“(3) To support the development of 1 or more academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)) by providing financial assistance to United States institutions of higher education and not-for-profit organizations in the United States to participate in the governance, management, and academic activities of such academic institutions.”.

(b) **DEFINITIONS.**—Section 203 of such Act is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **ADVISORY COMMITTEE.**—The term ‘Advisory Committee’ means the Vietnam Education Foundation Advisory Committee established under section 205.”;

(2) by redesignating paragraph (4) as paragraph (6);

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following:

“(3) **FUND.**—The term ‘Fund’ means the Vietnam Debt Repayment Fund established under section 207;” and

(5) by inserting after paragraph (4) the following:

“(5) **SECRETARY.**—The term ‘Secretary’ means the Secretary of State.”.

(c) **ESTABLISHMENT.**—Section 204 of such Act is amended—

(1) by inserting “, within the Department of State,” after “established”; and

(2) by striking “as an independent” and all that follows through “Code”.

(d) **REPLACEMENT OF BOARD OF DIRECTORS WITH ADVISORY COMMITTEE.**—Section 205 of such Act is amended to read as follows:

“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There shall be established a Vietnam Education Foundation Advisory Committee, which shall provide advice to the Secretary regarding the Foundation’s activities.

“(2) **MEMBERSHIP.**—The Advisory Committee shall be composed of 7 members, of whom—

“(A) 3 shall be appointed by the Secretary;

“(B) 1 shall be appointed by the majority leader of the Senate;

“(C) 1 shall be appointed by the minority leader of the Senate;

“(D) 1 shall be appointed by the Speaker of the House of Representatives; and

“(E) 1 shall be appointed by the minority leader of the House of Representatives.

“(3) **APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.**—Members appointed to the Advisory Committee may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date on which the Advisory Committee was established.

“(b) **SUPERVISION.**—The Foundation shall be subject to the supervision and direction of the Secretary, in consultation with the Advisory Committee.”.

(e) **FELLOWSHIP PROGRAM.**—Section 206(a)(1) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in the matter preceding subparagraph (A), by striking “shall” and inserting “may”; and

(2) in subparagraph (A), by striking “technology, and computer sciences” and inserting “academic computer science, public policy, management, and other applied academic disciplines relevant to Vietnam’s development”.

(f) **VIETNAM DEBT REPAYMENT FUND.**—Section 207 of such Act is amended—

(1) in subsection (a), by striking “(in this subsection referred to as the ‘Fund’)”; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—During each of the fiscal years 2012 through 2018, \$5,000,000 of the amounts in the Fund shall be available, in accordance with paragraph (2), for expenditure by the Department of State for the purpose of carrying out this title.

“(2) **DISBURSEMENT.**—The Secretary of the Treasury, upon the request of the Secretary, shall transfer amounts made available under paragraph (1) to the Department of State for the purpose of carrying out this title.”; and

(B) in paragraph (3), by striking “to the Foundation under paragraph (1)” and inserting “under this subsection”.

(g) **APPOINTMENT OF EXECUTIVE DIRECTOR.**—Section 208(a) of such Act is amended—

(1) in the subsection heading, by striking “BY BOARD”;;

(2) by striking “There” and inserting the following:

“(1) **IN GENERAL.**—There”;;

(3) by striking “shall be appointed by the Board” and inserting “may be appointed by the Secretary, in consultation with the Advisory Committee.”; and

(4) by striking “The Executive Director shall be” and all that follows and inserting the following:

“(2) **DUTIES.**—The Executive Director—

“(A) shall be the Chief Executive Officer of the Foundation;

“(B) shall serve the Advisory Committee;

“(C) shall carry out the functions of the Foundation subject to the supervision and direction of the Secretary;

“(D) shall carry out such other functions, consistent with the provisions of this title as the Secretary may prescribe.”.

(h) **CONFORMING AMENDMENTS.**—The Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in section 206(e), by striking “Board” and inserting “Secretary”;;

(2) in section 207(d), by striking “Board” and inserting “Secretary”;

(3) in section 208—

(A) by striking subsection (b); and

(B) in subsection (d), by striking “Board” and inserting “Secretary”; and

(4) in section 209—

(A) in subsection (a)(4), by striking “with the concurrence of a majority of the members of the Board.”; and

(B) by amending subsection (b) to read as follows:

“(b) **ANNUAL REPORT.**—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the operations authorized under this title, including—

“(1) a list of the entities that received grants under this title during the past fiscal year, and the amount of such grants;

“(2) a description of the process used to allocate grant funds to the grantees described in paragraph (1); and

“(3) a description of how such grant funds were expended by such grantees.”.

(i) **MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.**—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “but not limited to”;;

(2) in paragraph (8), by striking “and” at the end;

(3) in paragraph (9), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(10) programs administered by the Vietnam Education Foundation.”.

(j) **TRANSFER OF FUNCTIONS.**—

(1) **IN GENERAL.**—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Department of State.

(2) **PERSONNEL.**—The Secretary of State may hire—

(A) personnel who were employed by the Vietnam Education Foundation on the day before the date of the enactment of this Act; and

(B) such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code (5 U.S.C. 2101 et seq.).

(k) **SUPPORT FOR INSTITUTIONAL INNOVATION IN VIETNAM.**—

(1) **GRANTS AUTHORIZED.**—The Secretary of State may award 1 or more grants, using a transparent and competitive selection process, for the purposes set forth in paragraph (2), to—

(A) the Vietnam Education Foundation;

(B) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); and

(C) not-for-profit organizations in the United States engaged in promoting institutional innovation in Vietnamese higher education.

(2) **USE OF FUNDS.**—Grant funds awarded under paragraph (1) shall be used to establish 1 or more independent, not-for-profit, academic institutions in Vietnam, each of which shall—

(A) meet standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965;

(B) offer graduate level programs in public policy, management, and related fields;

(C) support the equitable and sustainable socioeconomic development of Vietnam;

(D) feature teaching and research components;

(E) promote the development of institutional capacity and innovation in Vietnam;

(F) operate according to core principles of good governance; and

(G) be autonomous from the Government of Vietnam.

(3) **APPLICATION.**—

(A) **IN GENERAL.**—Each institution of higher education and not-for-profit organization desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) **COMPETITIVE BASIS.**—The process for selecting grantees under this subsection shall be transparent and competitive and conform to—

(i) the requirements set forth under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451); and

(ii) established Federal assistance award procedures of the Department of State.

(4) **SOURCE OF GRANT FUNDS.**—The Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(5) **ANNUAL REPORT.**—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that summarizes the activities carried out under this subsection during the most recent fiscal year.

SEC. 3402. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1313. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1314. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following:

“(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined in sec-

tion 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1088(e) of the National Defense Authorization Act for Fiscal Year 2012; and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1088(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.”.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of such title is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SA 1315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

SA 1316. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title III.

SA 1317. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze

threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1318. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

SEC. 1048. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(c) DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.—

(1) AMENDMENT.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical education teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

(d) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the

number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as a transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SA 1319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: “amount of \$270,000,000.

SEC. 1403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,347,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$270,000,000.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to the Energy Conservation Investment Program, strike “135,000” in the Senate Agreement column and insert “270,000”.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to Total Military Construction, Defense-Wide, strike “3,103,663” in the Senate Agreement column and insert “3,238,663”.

SA 1320. Mr. LIEBERMAN (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 402. REPORT ON ANTICIPATED REDUCTIONS IN END-STRENGTH LEVELS FOR UNITED STATES GROUND FORCES IN RESPONSE TO POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on potential reductions in end-strength levels for United States ground forces that would occur as a result of any reductions in funding for the Department of Defense linked to the Budget Control Act.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the reductions in end-strength levels for United States ground forces anticipated in response to potential reductions in funding for the Department of Defense.

(2) An explanation of the strategic rationale for such reductions.

(3) An explanation of the standards to be used in determining and implementing such reductions, and the resultant force structure mix, over the course of the future-years defense program submitted to Congress in fiscal year 2012.

(4) A summary of the risks such reductions pose to the capacity of the Armed Forces to execute the National Defense Strategy or any particular role or mission under that strategy.

(5) A summary of plans to manage the risks summarized under paragraph (4), including, in particular, plans for mechanisms to ensure the timeliness of any expansion of United States ground forces required in the event of a crisis and to expand the reserve components.

(6) A description of any differences in opinion on the matters covered by paragraphs (1) through (5) from the Joint Staff, the Chiefs of Staff, and the commanders of the combatant commands.

(7) Such other matters relating to such reductions as the Secretary considers appropriate.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **UNITED STATES GROUND FORCES DEFINED.**—In this section, the term “United States ground forces” means the Army and the Marine Corps.

SA 1321. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 15 and all that follows through page 5 line 19, and insert the following:

“(A) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(B) are in a grade above the grade of brigadier general.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) **DUTIES.**—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) **GRADE.**—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) **FUNCTIONS AS ACTING CHIEF.**—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “and the Vice Chief of the National Guard Bureau”.

(c) **CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of section 10502 of such title is amended to read as follows:

“§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

“10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”;

and

(B) by striking the item relating to section 10505 and inserting the following new item:

“10505. Vice Chief of the National Guard Bureau.”.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau for the purpose of addressing issues involving non-federalized National Guard forces in support of homeland defense and civil support missions.”.

SA 1322. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NAVY SEALS.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Members of the United States Special Operations Command forces, known as “Navy SEALs”, who are able to operate in sea, air, and land, bravely serve United States national security by conducting elite combat operations around the world in support of the global war on terrorism.

(2) The Navy SEALs are the critical element of the special operations capability of the United States and have retained the highest standard of loyalty, honor, and duty since their origin as Navy frogmen during World War II.

(3) The Navy SEALs show the highest professionalism in their tactical proficiency and full-spectrum capability on the battlefield.

(4) The Navy SEALs have made the greatest of sacrifices in the line of duty and repeatedly demonstrate their dedication and readiness to continue to make those sacrifices on behalf of the United States.

(5) The valiant Navy SEALs have courageously and vigorously pursued al-Qaeda and its affiliates in Afghanistan and around the world, and participated with the intelligence community in the elimination of Osama Bin Laden.

(b) **SENSE OF SENATE.**—It is the sense of the Senate to—

(1) recognize the service, professionalism, honor, and sacrifices of the Navy SEALs and their contributions to the national security of the United States since January 1, 1962;

(2) support the mission of the Navy SEALs in the global war on terrorism; and

(3) encourage the people of the United States to learn the history and mission of the Navy SEALs.

SA 1323. Mr. BENNET (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. IMPROVEMENTS TO TRANSITION ASSISTANCE PROGRAM.

(a) **SECRETARY OF LABOR FOLLOW-UP WITH PROGRAM PARTICIPANTS.**—The Secretary of Labor shall contact each individual who participates in the Transition Assistance Program (TAP) of the Department of Defense not later than 180 days after the date on which the individual completes participation in the program and not less frequently than once every 120 days thereafter for two years—

(1) to ascertain the employment status of the individual; and

(2) to refer the individual to employment assistance and services provided by the Department of Labor or Department of Veterans Affairs as appropriate.

(b) **OUTREACH TO SPOUSES.**—The Secretary of Labor shall, in conjunction with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, carry out a program of outreach to ensure that spouses of members of the Armed Forces who are eligible for participation in the Transition Assistance Program are aware that they are also eligible to participate in such program.

(c) **BIENNIAL AUDITS.**—

(1) **IN GENERAL.**—Not less frequently than once every two years, the Secretary of Labor shall enter into an agreement with an independent nongovernmental entity to conduct an audit of the Transition Assistance Program.

(2) **ELEMENTS.**—Each audit carried out under paragraph (1) shall include, for the period covered by such audit, an assessment of the following:

(A) The persons providing training under the program.

(B) Outreach relating to the program.

(C) The employment obtained by former participants in the program, including the quality of job offers received by participants and the current employment status of former participants.

(3) **ASSESSMENT OF EMPLOYMENT.**—In assessing the employment of former participants under paragraph (2)(C), the Secretary shall assess the employment status of former participants at intervals of every 180 days, commencing 180 days after participation in the program and ending three years after participation in the program.

SA 1324. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 554, insert after the table relating to Air National Guard the following:

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	\$3,400,000

SA 1325. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TIMELY PRODUCTION OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.

With respect to a member of the Armed Forces on active duty who dies abroad, the Secretary of Defense shall take appropriate actions to ensure that the Chief of the Armed Forces Examiner Services produces the following not later than seven days after the return of the remains of the member to the United States:

(1) A death certificate.

(2) If a death certificate cannot be provided within such seven days, a temporary death certificate adequate for purposes of claiming commercial insurance with respect to the deceased member.

SA 1326. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

SA 1327. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION OF TROOPS-TO-TEACHERS PROGRAM.

Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program (as defined in section 1049(j)(2)) during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

SEC. 1049. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) **HIGH-NEED SCHOOL DEFINITION.**—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended by adding at the end the following:

“(6) **HIGH-NEED SCHOOL.**—The term ‘high-need school’ means—

“(A) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families, based on—

“(i) the number of children eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act;

“(ii) the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act;

“(iii) the number of children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act; or

“(iv) a composite of the indicators described in clauses (i) through (iii);

“(B) a high school in which not less than 40 percent of the enrolled students are children from low-income families, as described in clauses (i) through (iv) of subparagraph (A), which may be calculated using data from the feeder schools of such high school;

“(C) a school that is served by a local educational agency that is eligible as described in section 6211(b); or

“(D) a school in which not less than 13 percent of the enrolled students qualify for assistance under part B of the Individuals with Disabilities Education Act.”.

(b) **BUREAU-FUNDED SCHOOLS.**—Section 2302(b)(2)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)(2)(A)) is amended—

(1) in clause (i), by striking “or” after the semicolon;

(2) in clause (ii)—

(A) by striking “and” after the semicolon and inserting “or”; and

(B) by inserting “foreign language,” after “special education.”; and

(3) by adding at the end the following:

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and”.

(c) **COUNSELING AND REFERRAL SERVICES.**—Section 2302(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(e)) is amended to read as follows:

“(e) **COUNSELING AND REFERRAL SERVICES.**—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who do not meet the criteria described in section 2303(a), including meeting the education qualification requirements under section 2303(c)(2).”.

(d) **YEARS OF SERVICE REQUIREMENTS; STIPEND.**—Section 2303(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)) is amended—

(1) in paragraph (2)(A)(i), by striking “6 or more years” and inserting “4 or more years”; and

(2) in paragraph (2)(A)(ii), by striking “10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and” and inserting “6 years of active duty service, 6 years of service computed under section 12732 of title 10, United States Code, or 6 years of any combination of such service; and”.

(e) **VOCATIONAL AND TECHNICAL EDUCATION REQUIREMENTS.**—Section 2303(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(c)(2)(B)) is amended by striking “ave received the equivalent” and all that follows through “field; or” and inserting the following:

“(i) to have received the equivalent of 1 year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or”.

(f) **RESERVE ENLISTMENT REQUIREMENT.**—Section 2303(e)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(e)(2)(B)) is amended by striking “(in addition to any other reserve commitment the member may have)”.

(g) **DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.**—

(1) **AMENDMENT.**—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such

term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

(h) **HIGH-NEED SCHOOL.**—Section 2303(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(d)) is amended to read as follows:

“(d) **SELECTION PRIORITIES.**—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary—

“(1) shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, foreign language, or career or vocational subjects; and

“(B) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

“(2) may give priority to members who agree to seek employment in a high-need school.”.

(i) **DEFINITIONS.**—Section 2304(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6675(d)) is amended by striking paragraph (3).

(j) **REPORT.**—

(1) **IN GENERAL.**—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as a transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) **DEFINITIONS.**—In this subsection:

(A) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) **TROOPS-TO-TEACHERS PROGRAM.**—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SA 1328. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON IMPROVEMENT OF JOINT, INTERAGENCY, AND INTERGOVERNMENTAL METHODS FOR COLLECTING, PROCESSING, EXPLOITING, AND DISSEMINATING DATA FROM UNMANNED AERIAL SYSTEMS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the heads of other appropriate departments and agencies of the Federal Government, submit to Congress a report on means of improving joint, interagency, and intergovernmental methods for collecting, processing, exploiting, and disseminating data from unmanned aerial systems.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) Recommendations for means to improve interoperability between operators of unmanned aerial systems and users of data collected by unmanned aerial systems, including the Department of Defense, the Department of Homeland Security, and other Federal and State governmental users, including recommendations for improvements regarding the following:

(A) Unmanned aerial systems operations, including crew and contractor support.

(B) Network architecture and infrastructure for unmanned aerial systems and processing, exploitation, and dissemination facilities.

(C) Methods of processing, exploiting, and disseminating data collected from unmanned aerial systems, with an emphasis on improvement of dissemination of such data.

(2) An assessment of the feasibility of each of the following (including whether the feasibility of each is enhanced by reason of any improvements recommended under paragraph (1)):

(A) The establishment of a joint Distributed Common Ground Station (DCGS), or similar processing, exploitation, and dissemination facilities, consisting of appropriate elements of the Air Force, the Army, the Navy, and the Marine Corps.

(B) The establishment of an interagency Distributed Common Ground Station, or such similar facilities, consisting of appropriate elements of the Department of De-

fense, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government, including members of the National Guard in State status serving both the Army National Guard or the Air National Guard and a Federal or State civilian agency.

(C) The establishment of an intergovernmental Distributed Common Ground Station, or such similar facilities, consisting of appropriate elements of the Federal Government and State governments, particularly for purposes of collecting, processing, exploiting, and disseminating data from unmanned aerial systems on natural disasters.

(3) An identification and assessment of means of resolving each of the following in connection with the collecting, processing, exploiting, and disseminating of data from unmanned aerial systems:

(A) Issues arising from the classified nature of some data collected by unmanned aerial systems.

(B) Issues in connection with the advantages and disadvantages flowing from the geographic dispersal of unmanned aerial systems and processing, exploitation, and dissemination facilities throughout the United States.

(C) Issues relating to whether the Department of Defense, in using unmanned aerial systems to collect data and using processing, exploitation, and dissemination facilities to process, exploit, and disseminate data in the United States, constitutes a *posse comitatus*.

(4) Such other matters as the Secretary of Defense considers appropriate.

SA 1329. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. REPEAL OF REQUIREMENT THAT THE CHIEF OF THE NATIONAL GUARD BUREAU BE APPOINTED FROM AMONG OFFICERS RECOMMENDED FOR APPOINTMENT BY THE GOVERNORS OF THE STATES.

Section 10502(a) of title 10, United States Code, is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

SA 1330. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) **IN GENERAL.**—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on

the map titled "Petersburg National Battlefield Boundary Expansion", numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) **ACQUISITION OF PROPERTIES.**—The Secretary of the Interior (referred to in this section as the "Secretary") is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) **ADMINISTRATION.**—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **IN GENERAL.**—The Secretary and the Secretary of the Army are authorized to transfer administrative jurisdiction for approximately 1.171 acres of land under the jurisdiction of the Department of the Interior within the boundary of the Petersburg National Battlefield, for approximately 1.170 acres of land under the jurisdiction of the Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the boundary of the Petersburg National Battlefield.

(2) **MAP.**—The land to be exchanged is depicted on the map titled "Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction", numbered 325/80,081, and dated October 2009. The map shall be available for public inspection in the appropriate offices of the National Park Service.

(3) **CONDITIONS OF TRANSFER.**—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) **NO REIMBURSEMENT OR CONSIDERATION.**—The transfer shall occur without reimbursement or consideration.

(B) **DEADLINE.**—The Secretary and the Secretary of the Army shall complete the transfers authorized by this subsection not later than 120 days after the funds are made available for that purpose.

(C) **MANAGEMENT.**—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

SA 1331. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, after line 22, add the following:

(e) **SUNSET.**—This section and any requirements under this section shall expire on September 30, 2013.

SA 1332. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) **FORM.**—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SA 1333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massa-

chusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike line 14 and all that follows through the end and insert the following:

SEC. 1609. NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) **STATE PARTNERSHIP PROGRAM.**—

(1) **IN GENERAL.**—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 116. State Partnership Program

"(a) **AVAILABILITY OF APPROPRIATED FUNDS.**—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

"(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

"(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

"(C) To build international partnerships and defense and security capacity.

"(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

"(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

"(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

"(2) Costs under paragraph (1) may include costs as follows:

"(A) Costs of pay and allowances of members of the National Guard.

"(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Non-governmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of a foreign country.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

SA 1334. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. EXCEPTION TO THE MEDICARE EXPANSION RESTRICTIONS FOR PHYSICIAN-OWNED HOSPITALS FOR CERTAIN HOSPITALS LOCATED NEAR A MILITARY INSTALLATION.

(a) IN GENERAL.—Section 1877(i) of the Social Security Act (42 U.S.C. 1395nn(i)) is amended—

(1) in paragraph (1)(B), by striking “paragraph (3)” and inserting “paragraphs (3) and (7)”; and

(2) by adding at the end the following new paragraph:

“(7) ADDITIONAL EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

“(A) IN GENERAL.—The requirement under paragraph (1)(B) shall not apply to a hospital described in subparagraph (B).

“(B) HOSPITAL DESCRIBED.—A hospital is described in this subparagraph if it meets the following requirements:

“(i) The hospital makes emergency services available 24 hours a day and 7 days a week.

“(ii) The hospital is an authorized provider of health care services under the TRICARE program.

“(iii) The hospital is located within 75 road miles of a United States military installa-

tion (as defined by the Secretary of Defense).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SA 1335. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF MOLDOVA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that the denial of nondiscriminatory treatment should no longer apply to the products of Moldova; and

(2) after making a determination under paragraph (1) with respect to Moldova, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the date on which the President extends nondiscriminatory treatment to the products of Moldova pursuant to subsection (a), title IV of the Trade Act of 1974 shall cease to apply to Moldova.

SA 1336. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1089. REPORT ON, AND LIMITATION ON APPLICATION OF, PROPOSED FEDERAL AVIATION ADMINISTRATION RULE WITH RESPECT TO FLIGHTCREW MEMBER DUTY AND REST REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains the following:

(1) An assessment of the effects of the proposed rule of the Federal Aviation Administration with respect to flightcrew member duty and rest requirements (as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852)) on Department of Defense operations.

(2) A description of—

(A) the efforts of the United States Transportation Command to inform the Administrator of the Federal Aviation Administration of concerns with respect to the application of the proposed rule; and

(B) the response, if any, received by the United States Transportation Command from the Administrator.

(3) An assessment of options available to the United States Transportation Command and other Federal agencies that rely on support from the Civil Reserve Air Fleet to mitigate any adverse effects of the potential rule.

(b) **LIMITATION ON APPLICATION OF PROPOSED RULE.**—Notwithstanding any other provision of law, the proposed rule specified in subsection (a)(1) may not take effect with respect to flights operated by or in support of the Department of Defense or in furtherance of national security until the date that is 90 days after the report required by subsection (a) is submitted.

SA 1337. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 933. REPORT ON THE INCORPORATION OF EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation into Department of Defense networks or the networks of Department of Defense contractors of equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A comprehensive list of the networks of the Department of Defense into which equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations was incorporated.

(2) A comprehensive list of the networks of Department of Defense contractors into which such equipment was incorporated.

(3) An assessment of the vulnerabilities created by the incorporation of such equipment into such networks.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1338. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. PROHIBITION ON USE OF FUNDS FOR CONTRACTS THAT INCORPORATE EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.

None of the amounts authorized to be appropriated by this Act may be expended on a contract that results in the incorporation

into Department of Defense networks of any equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

SA 1339. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in subsection (a), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit”; and

(2) in subsection (b)—

(A) by redesignating paragraph (12) as paragraph (15); and

(B) by inserting after paragraph (11) the following new paragraphs:

“(12) Chinese military-to-military relationships with other countries, including—

“(A) the size and activity of military attaché offices around the world;

“(B) military education programs conducted in China for others countries or in other countries for the Chinese;

“(C) the size and scope of purchases of foreign military hardware and software by the Chinese and from the Chinese; and

“(D) Chinese foreign aid to and economic investment in other countries.

“(13) Activities by the Government of the People's Republic of China at or near United States military installations worldwide.

“(14) Activities by the Government of the People's Republic of China in key industries, including energy, rare earth minerals, biotechnology, and telecommunications, and the implications of those activities to the national security of the United States.

“(15) Joint ventures between firms in the People's Republic of China and contractors of the Department of Defense that involve the intellectual property of those contractors.”.

SA 1340. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) There are 1,680 policy documents and 91 laws affecting the Federal acquisition rules (FARs), with 30 new documents added in 2011.

(2) The Department of Defense has developed alternative procedures, working groups, and organizations, such as the Joint Improvised Explosive Device Defeat Organization (JIEDDO), that essentially bypass current Federal acquisition rules in order to rapidly field new weapons systems critically needed by our warfighters.

(3) In 2005, the Defense Acquisition Performance Assessment (DAPA) panel found that problems in the defense acquisition system were deeply embedded in many of its acquisition management processes.

(4) The General Services Administration (GSA), the National Aeronautics and Space Administration (NASA), the Department of Defense, and the Office of Management and Budget (OMB) met in February 2011 to develop “bold, new ways to improve the product quality and timeliness of the FAR process” and “called for a tune-up of the FARs”.

(5) Despite attempts by Congress and other Federal agencies, Federal acquisition rules remain complicated and outdated, leading to increased procurement times and costs.

(b) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the other members of the Federal Acquisition Regulatory Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current Federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.

(2) **ELEMENTS.**—The assessment required by this subsection shall include, but not limited to, the following:

(A) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(B) A consideration of the history, rationale and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(C) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(D) The impact of current Federal acquisition rules on warfighter access to the latest technologies and weapon systems.

(E) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(F) An assessment of the feasibility and advisability of establishing an independent commission to reform the Federal acquisition rules.

(G) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by this subsection.

SA 1341. Mr. NELSON of Florida (for himself and Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB)

and intended to be proposed to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, beginning on line 2, strike “**LIMITATION**” and all that follows through page 2, line 2, and insert the following: “**SENSE OF CONGRESS ON IMPORTANCE OF ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.**”

It is the sense of Congress that—

(1) as mandated in the 2010 Quadrennial Defense Review, in order to mitigate the risk of a terrorist attack, accident, or natural disaster, the United States Navy will homeport an East Coast carrier in Mayport, Florida;

(2) numerous studies have affirmed what the Navy has maintained all along, that dispersing our capital ships is in our best national security interest;

(3) this decision has been supported by the past four Chiefs of Naval Operations, and both President George W. Bush and President Barack Obama;

(4) during this time of fiscal austerity, the case for strategic dispersal has been strengthened by the recent Government Accountability Office report that states that the total one-time cost of homeporting a nuclear-powered aircraft carrier at Naval Station Mayport is expected to be between \$258,700,000 and \$356,000,000, which is well below the Navy's estimate of the one-time cost as \$537,600,000;

(5) the infrastructure improvements necessary to ready Mayport for a carrier move in 2019 are purposefully spread out over the next five years in order to mitigate the impact on the Navy's budget in any given year; and

(6) dispersing the East Coast carrier fleet is a national security priority, and the infrastructure improvements necessary to achieve this goal are vital to the defense of our Nation.

SA 1342. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “**OPERATION AND MAINTENANCE**” under the heading “**CORP OF ENGINEERS—CIVIL**” under the heading “**CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY**”, strike “such fees have been collected” and all that follows through the matter under the heading “**REGULATORY PROGRAM**” and insert the following: such fees have been collected; *Provided*, That no funds shall be made available to carry out a project for the dredging of small ports unless the project complies with a tonnage requirement of a minimum of 500,000 tons, which shall be calculated by each relevant port authority and submitted to the Corps of Engineers.

REGULATORY PROGRAM

None of the funds made available by this Act may be used to enforce laws pertaining

to regulation of navigable waters and wetlands: *Provided*, That \$64,333,333 shall be deposited in the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1954: *Provided further*, That \$128,666,667 shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

At the appropriate place, add the following:

SEC. 5.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the highway bridge program established under section 144 of title 23, United States Code, \$238,000,000, to remain available until expended, which shall be derived by transfer from amounts made available under the heading under the heading “**TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM**” under the heading “**DEPARTMENT OF ENERGY, ENERGY PROGRAMS**”, so that the total amount available under the heading “**TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM**” is \$0.

SA 1343. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

PRIVILEGES OF THE FLOOR

Ms. AYOTTE. Mr. President, I ask unanimous consent that Dennis Deziel, a defense fellow in my office, be granted floor privileges during the consideration of S. 1867.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Joel Garrison, a defense legislative fellow in our office, be granted floor privileges for the consideration of these amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator CONRAD, Air Force MAJ Jason Jensen, be granted the privilege of the floor for the duration of debate on S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to allow CDR Mike Moore, my defense legislative fellow, floor privileges through final passage of S. 1867, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will say how much I have appreciated Commander Moore's contributions to our effort to preserve and protect and defend this country, and he is going to be returning to the full naval service before too much longer. It has been a great asset to have him on board.

Mr. LEVIN. Mr. President, I ask unanimous consent that Christopher White, a national security fellow in Senator WARNER's office, be given floor privileges during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Connecticut, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:24 p.m., recessed subject to the call of the Chair and reassembled at 3:47 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

Mr. REID. Mr. President, I thought we were in a quorum call. I didn't realize we were out of session subject to the call of the Chair, so I thank the Chair.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 28, 2011, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 270; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 270; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any related statements be printed in the RECORD; that the President of the United States be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider the following nominations: Calendar Nos. 436, 445, 446, 447, 448, 449, 451, 452, 453, 454, 455, 457, 466, 467, 468, 469, 470, 471, and 498; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SMALL BUSINESS ADMINISTRATION

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

THE JUDICIARY

Catharine Friend Easterly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

DEPARTMENT OF HOMELAND SECURITY

Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

NATIONAL SCIENCE FOUNDATION

Claude M. Steele, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

Annella I. Sargent, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2015.

NATIONAL CONSUMER COOPERATIVE BANK

Cyrus Amir-Mokri, of New York, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

FEDERAL MARITIME COMMISSION

Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

NATIONAL TRANSPORTATION SAFETY BOARD

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development.

THE JUDICIARY

John Francis McCabe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter Arno Krauthamer, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Danya Ariel Dayson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Nancy Maria Ware, of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

DEPARTMENT OF JUSTICE

Michael A. Hughes, of the District of Columbia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

David Avren Jones, of Connecticut, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2014.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

REVISING THE FEDERAL CHARTER FOR THE BLUE STAR MOTHERS OF AMERICA, INC.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1541 and that we now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The bill clerk read as follows:

A bill (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1541) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF MEMBERSHIP TERMS.

Section 30504 of title 36, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the text preceding subparagraph (A) and inserting “she is a mother (meaning a woman who filled the role of birthmother, adoptive mother, step-mother, foster-mother, grandmother, or legal guardian) of a person who—”; and

(B) in subparagraph (B), by striking “in World War II or the Korean hostilities”; and

(2) in paragraph (2), by inserting “or is a citizen of the United States living outside the United States” before the period at the end.

HONORING THE LIFE AND LEGACY OF EVELYN H. LAUDER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 335.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 335) honoring the life and legacy of Evelyn H. Lauder.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in strong support of this resolution, submitted with my colleagues, Senator GILLIBRAND and Senator FEINSTEIN, which honors the life and legacy of Evelyn Lauder.

Fittingly extolled by The New York Times as a “Champion of Breast Cancer Research,” Evelyn will be long remembered by our Nation and indeed the world for her profound and lasting leadership in combating the dreaded scourge of breast cancer which Evelyn battled herself.

One of the great philanthropists of our time or any time, Evelyn undeniably had the Midas touch as a superb business leader and innovator during her more than 50 years at the Estee Lauder Companies, where she had been initially persuaded by her mother-in-law, Mrs. Estee Lauder, to join the family business.

And over the course of five decades, Evelyn became a driving impetus behind some of the company's most monumental strides. Make no mistake, any one of her myriad industry milestones alone would have secured Evelyn's name in the constellation of stars in cosmetics, but truly what set her apart time and again was the Midas heart she possessed that reached millions, especially breast cancer survivors.

Evelyn was a rare visionary who not only conceived tremendous endeavors, but also possessed the will, talent, and fortitude to bring them to fruition. When the venerable Memorial Sloan-Kettering Cancer Center lacked a breast and diagnostic center, Evelyn undertook a fundraising campaign to establish the Evelyn H. Lauder Breast Center which opened its doors in 1992 and underwent an expansion in 2009.

When also in 1992 Evelyn saw a gap in breast cancer awareness, she and Alexandra Penney, then editor of SELF

magazine, developed the now iconic and legendary Pink Ribbon Campaign which has become the universal symbol for the battle against breast cancer.

When Evelyn recognized a lack of funding for breast cancer research, she founded the landmark Breast Cancer Research Foundation which under her aegis grew from providing research grant awards totaling \$159,000 to fund eight researchers in 1994 to remarkably awarding \$36.5 million to 186 researchers this year. And this renowned foundation has since become the largest national organization dedicated exclusively to funding research relating to the causes, treatment, and prevention of breast cancer.

And so, Mr. President, you can imagine the honor I felt upon being named a Funding Hero by The Breast Cancer Research Foundation along with then-Senator Hillary Clinton in 2004. And it is only fitting that I have joined with then-Senator Clinton's successor, Senator GILLIBRAND, in paying tribute to one of their legendary constituents from the Empire State.

Evelyn Lauder was proof positive of Andrew Jackson's tenet that "one man"—or, I might add, a woman—"with courage makes a majority" as she helped to dramatically destigmatize and demystify the topic of breast cancer, spurring more women to seek medical attention sooner and improve their capacities to be their own best advocates. With unsurpassed leadership, Evelyn helped fill the so-called "funding gap" that scientists too often must confront between good and bold ideas.

And I don't have to tell any of my colleagues here today, that means enabling more promising scientists with innovative scientific proposals to accelerate their research and findings rather than apply for federal grants alone.

As I have remarked in the past, breast cancer doesn't wait to strike, just as our best researchers shouldn't have to wait to begin the work that just might lead to the goal we all seek a cure. Not only that, but with more than 90 cents of every dollar going directly to research and awareness, it seems to me Congress would do well to emulate the Foundation's efficiency.

By increasing awareness, by funding research, by searching tirelessly for a cure, Evelyn Lauder was a vital, public service catalyst in this battle against breast cancer. Undoubtedly, Evelyn was not just a difference-maker in this fight, but the consummate, indispensable game-changer as well.

Surely, integral to Evelyn's long cavalcade of achievements will be our continuous drive to make breast cancer history to move the needle where 1 in 8 women will be diagnosed with breast cancer at some point in their lifetime to eradicating this disease for all time. As someone who battled breast cancer

herself, Evelyn understood better than anyone the urgency of waging a full attack that was both relentless and comprehensive.

Indeed, Evelyn through her foundation was crucial in contributing dollars to the development of targeted therapies, such as Herceptin. As a longtime, vigorous advocate of the DOD Breast Cancer Research Program, which also contributed funding into the early research behind Herceptin, I recognize how essential it is to have strong partners like Evelyn complementing and amplifying our efforts in Congress.

Finally, no discussion about Evelyn Lauder is remotely complete without paying tribute to the love of her life for well more than half a century, her incredible husband Leonard Lauder, Chairman Emeritus of the Estée Lauder Companies. Theirs was indeed a partnership in every sense of the word their mutual regard and respect for one another could not have been greater, and the joy they took in being in each other's company could not have been more evident. Each was instrumental to the success and trajectory of the other.

Evelyn's legacy was perhaps best crystallized in her response to an interviewer's question about none other than her own critically-acclaimed photography. Regarding her passion for being behind the camera, Evelyn observed that "you can't hold back time, but you can look forward to what's coming next and do everything in your power to create the best possible future."

Suffice it to say, the lens through which Evelyn saw her camera's subjects will forever be the lens through which we will remember Evelyn, as she helped create the best possible future for millions of breast cancer survivors around the world.

Our thoughts and prayers remain with her beloved Leonard and their two sons, William and Gary. It's often been said that "we make a living by what we get, but we make a life by what we give." Never have the words rung more true than when associated with the incomparable, selfless, trailblazer for good, Evelyn Lauder.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 335

Whereas with the passing of Evelyn H. Lauder, the world has lost an energetic and dedicated friend and ally who catapulted to

the world stage the quest to prevent and cure breast cancer in this lifetime;

Whereas Evelyn was born Evelyn Hausner on August 12, 1936, in Vienna, Austria;

Whereas in 1940, the Hausner family fled Nazi-occupied Austria, eventually settling in the State of New York, where Evelyn was a proud product of the New York City public school system and met her future husband of more than half a century, Leonard Lauder;

Whereas Evelyn and Leonard wed in July 1959;

Whereas, Evelyn joined the family cosmetic company, Estée Lauder, handling many roles in the early years and later becoming Senior Corporate Vice President and Head of Fragrance Development Worldwide;

Whereas Evelyn helped bring global awareness to breast cancer after being diagnosed with early stages of the disease in 1987;

Whereas in 1989, Evelyn initiated the fund-raising drive to establish the Evelyn H. Lauder Breast Cancer Center at Memorial Sloan-Kettering Cancer Center in New York City, which opened in 1992 and quickly became the model for similar breast cancer diagnostic centers around the world;

Whereas the expanded Evelyn H. Lauder Breast Cancer Center opened in 2009 and provides the most up-to-date breast cancer prevention, diagnosis, and outpatient treatment services under 1 roof;

Whereas in 1992, Evelyn worked with longtime friend Alexandra Penney, former editor-in-chief of SELF magazine, to create the Pink Ribbon Campaign for breast cancer;

Whereas Evelyn launched the Estée Lauder Companies' Breast Cancer Awareness Campaign, which has distributed more than 115,000,000 pink ribbons worldwide;

Whereas in 1993, Evelyn founded The Breast Cancer Research Foundation, thereby affirming her commitment to preventing breast cancer and finding a cure in this lifetime through funding some of the most innovative clinical and translation research at leading medical centers worldwide;

Whereas The Breast Center Research Foundation, which to date funds 186 researchers around the world and has raised \$350,000,000, has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment and prevention of breast cancer;

Whereas during Breast Cancer Awareness Month in October 2010, Evelyn and the Estée Lauder Companies' Breast Cancer Awareness Campaign achieved a first-ever Guinness World Record, "Most Landmarks Illuminated for a Cause in 24 Hours", by illuminating 38 iconic landmarks, including the Taj Mahal, the Tokyo Tower, the Hotel Majestic, the Empire State Building, and Niagara Falls;

Whereas in October 2011, the Lauder family was honored with the prestigious Carnegie Medal of Philanthropy for commitment to philanthropic endeavors and public service;

Whereas Evelyn will be remembered for her vision and leadership in achieving funding for promising scientific research that lead to breakthrough drugs, including Herceptin and Avastin, a better understanding of how tumors develop and risk factors for recurrence, and an improved quality of life for breast cancer survivors;

Whereas her work continues to help promising scientists who have equally promising, imaginative, and innovative proposals get research off the ground;

Whereas there is no doubt that we must find a cure, and research is instrumental to achieving this goal;

Whereas this year, nearly 40,000 women of the United States are expected to die of breast cancer; and

Whereas we must keep up the battle and recruit more heroes like Evelyn if we are to achieve "prevention and a cure in our lifetime": Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Evelyn H. Lauder;

(2) honors the life and accomplishments of Evelyn H. Lauder, a world renowned advocate for breast cancer awareness and health of women; and

(3) offers the deepest condolences to the beloved husband, Leonard, sons, William and Gary, and 5 grandchildren of Evelyn H. Lauder.

PERMITTING COLLECTION IN SENATE BUILDINGS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 336.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 336) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 336) was agreed to, as follows:

S. RES. 336

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Services and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 112th Congress.

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding

the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Friday, November 18, through Monday, November 28, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE- MENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, but not prior to December 5, 2011, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 363, 364, 365, and 406; there be a total of 1 hour for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on the nominations in the order listed; further, that on all of the listed nominations, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 22, 2011, THROUGH MONDAY, NOVEMBER 28, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., on Tuesday, November 22, 2011, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10:30 a.m., on Friday, November 25, 2011, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 1 p.m., on Monday, November 28, 2011; that following the prayer and pledge, the Journal of proceedings be approved

to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1867, the Department of Defense bill, and that at 5 p.m. the Senate proceed to executive session, as indicated under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. The next rollcall vote will be Monday, November 28, at about 5:30 p.m., on confirmation of the Droney nomination. Additional votes on DOD authorization amendments are possible Monday evening, and everyone should be aware of that. Senators LEVIN and MCCAIN want to move as many amendments as they can, and so we will try to schedule some more amendments that evening to be voted on.

I would also indicate, we have worked long and hard today to try to have a consent agreement on amendments to go to the Energy and Water appropriations bill. Senators FEINSTEIN and ALEXANDER have worked very hard. At this stage, we just can't do it. I am sorry we didn't try to do it yesterday because yesterday's issues were easier than those today. Twenty-four hours has not helped, but we will continue to work on that.

ADJOURNMENT UNTIL TUESDAY, NOVEMBER 22, 2011, AT 11 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:54 p.m., adjourned until Tuesday, November 22, 2011, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

MARGARET ANN SHERRY, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE DAVID L. NORQUIST, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

SARA A. GELSER, OF OREGON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2011:

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

THE JUDICIARY

CATHARINE FRIEND EASTERLY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

CORINNE ANN BECKWITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF HOMELAND SECURITY

ERNEST MITCHELL, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012.

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2016.

NATIONAL SCIENCE FOUNDATION

CLAUDE M. STEELE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

ANNEILA I. SARGENT, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DANA KATHERINE BILYEU, OF NEVADA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2015.

NATIONAL CONSUMER COOPERATIVE BANK

CYRUS AMIR—MOKRI, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

FEDERAL MARITIME COMMISSION

MICHAEL A. KHOURI, OF KENTUCKY, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2016.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2016.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DAVID A. MONTOYA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

THE JUDICIARY

JOHN FRANCIS MCCABE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR

COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

PETER ARNO KRAUTHAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DANYA ARIEL DAYSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

NANCY MARIA WARE, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA FOR A TERM OF SIX YEARS.

DEPARTMENT OF JUSTICE

MICHAEL A. HUGHES, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DAVID AVREN JONES, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2014.

EXTENSIONS OF REMARKS

DR. MANERT KENNEDY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Marine Corps Veteran Dr. Manert Kennedy. Dr. Kennedy was a professor at Adams State College and CU Boulder, where he taught Genetics and Biology until retiring in 1995.

Dr. Kennedy is a veteran of the United States Marine Corps. His career in education and in the military afforded him the opportunity to conduct research in over 48 different countries, including making 27 separate trips to Korea where he first visited while serving in the Marines in 1951.

Dr. Kennedy reflected upon his time in the military, including his participation in the battle of Chosin Reservoir, stating that it "defined [him] as the person [he is] today."

After his service, Dr. Kennedy attended Butler University where he played football, earned his bachelor's degree, and started a family.

Dr. Kennedy is a shining example of the honor and devotion that so many of our uniformed servicemen and women exemplify.

Mr. Speaker, it is an honor to recognize Dr. Manert Kennedy. His love for his country and sense of duty and responsibility is something we should all strive to replicate.

SUPPORT FOR THE ARTIFICIAL PANCREAS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. TIBERI. Mr. Speaker, I rise today to express my strong support for advancement of the artificial pancreas, a transformative medical technology under consideration at the Food and Drug Administration that would help millions of Americans who suffer from diabetes.

In my home state of Ohio, approximately 900,000 people have diabetes—nearly 10 percent of the state's population. This unforgiving disease is not only the leading cause of kidney failure and adult-onset blindness, it also causes more than 80,000 amputations each year and increases the chance of suffering a heart attack.

The toll of diabetes is not limited to health. Americans spend \$174 billion each year in diabetes-related treatments, with a significant portion of that figure going toward addressing long-term complications. With millions of lives at stake and billions of dollars being spent, this is a disease that demands our attention and we must strive to find better treatments for it until a cure is found.

The artificial pancreas is one such technology that automatically adjusts blood sugar levels for people with type 1 diabetes. With this technology, people will see optimal blood sugar control and as a result, significant reductions in complications associated with type 1 diabetes. Furthermore, an independent study has projected that Medicare will save \$2 billion over 25 years once this technology is finally available to the diabetes community.

Currently, this technology is awaiting draft guidance from the Food and Drug Administration as to how clinical trials can proceed. The FDA has a self-imposed deadline of December 1st to issue this draft guidance and it is my sincere hope that they will not only meet this goal, but will give full credence to clinical expert recommendations so as to assure that this life-saving technology can safely and quickly be put in the hands of the people who need it.

EXPRESSING SUPPORT FOR LEGISLATIVE EFFORTS TO COMBAT BULLYING IN SCHOOLS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. INSLEE. Mr. Speaker, a fundamental principle of our nation's education system is that all schools should provide students with a safe environment that allows them to learn without fear of harassment or discrimination. Unfortunately, we are not doing nearly a good enough job to provide this type of environment for our children, as far too many students go to school every day facing anti-LGBT bullying and discrimination. Allowing this sort of atmosphere to exist anywhere is unconscionable and wrong.

Over the last fifty years, the federal government has taken action to require that all schools receiving federal funds prohibit discrimination on the basis of race, color, national origin, gender, disability, and age. These laws are now in desperate need of updating, in order to expressly protect students from discrimination and harassment on the basis of sexual orientation and gender identity. This gap has left students and guardians with limited legal recourse in case of discrimination and harassment, and the federal government currently faces a dearth of information on how deep the problem runs. As a result, I am adding my name as a cosponsor to H.R. 998 and H.R. 1648 to help address these issues. While this law would place additional reporting requirements on cash-strapped school districts, I hope the federal government can work with states to share in this burden.

Studies have shown just how detrimental an impact this type of treatment can have on LGBT youth. Among the many potential con-

sequences of anti-LGBT bullying are increased absenteeism, academic underachievement, and serious health consequences. The need for this legislative change has only been made more acute recently, as we have seen far too many tragic deaths arise from the terrors of bullying in schools. I refuse to stand by and let any more suicides occur among students who were not sufficiently protected from harassment at school.

While these bills address discriminatory activities occurring on school grounds, we must also encourage parents in every state to provide safe, healthy environments at home. This is particularly important as we continue to see a steep rise in cyber bullying, which can further isolate youth in desperate need of an open and honest environment. I look forward to working with my colleagues to modernize our federal laws to recognize this serious and growing problem as well.

A TRIBUTE TO JEFF MANTO AND THE 21ST CENTURY LEARNING CENTER IN BRISTOL BOROUGH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Mr. Jeffrey Paul Manto, former Major League Baseball player and longtime resident of Bristol, Pennsylvania. This Saturday, Jeff will be honored by the 21st Century Learning Center in Bristol Borough as "Person of the Year," for his community support and involvement with the center's After School Steering Committee.

Mr. Manto was born at Lower Bucks Hospital in Bristol, Pennsylvania on August 23, 1964. Jeff was the third of four children of Michael and Antoinette "Toni" Manto. His father was a Magisterial District Judge in Bristol Borough and his mother was a homemaker. Mike and Toni encouraged all of their children to excel in every arena in which they participated. This encouragement was the guiding force that helped Jeff develop his baseball acumen, which was the predominant sport played on the streets in his closely knit neighborhood, called the "Avenues." At Bristol High School, Jeff was a star athlete. He was the first student-athlete in Bucks County to pass for 1,000 yards in football and score 1,000 points in basketball in the same year. Often overlooked, Jeff also struck out nearly 100 hitters during the baseball season that year.

In 1982, Jeff Manto was selected to All League and All-County first teams in football, basketball and baseball. He was subsequently spotted by a scout and drafted by the New York Yankees, but instead chose to accept a baseball scholarship to Temple University after

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

considering other colleges with equal or better offers to play either football or basketball. His passion was the game of baseball. At Temple, Jeff set the single season record for homeruns and still holds the all-time batting average of .441.

After three years playing Temple baseball, Jeff was drafted in 1985 by the California Angels. By 1990, Manto was a dominant player in the game. He made his Major League debut with the Cleveland Indians and later that year hit his first professional major league homerun, in front of dozens of family members and friends, at Yankee Stadium. By the end of his professional baseball career, Jeff played in three World Series on three different teams: the Philadelphia Phillies, the Cleveland Indians, and the New York Yankees.

Jeff retired from playing professional baseball in 2000 and is known today as one of the game's greatest all-around utility players, recognized for his power hitting and homerun swings. Often referred to as "Mickey Manto," Jeff is the only player from the area with his bat on display at the National Baseball Hall of Fame in Cooperstown, New York.

On December 7, 1991, Jeff married Denise Louise Sabol of my hometown of Levittown. Jeff and Denise have three children, Gabrielle, Andreana, and Jeffrey Jr. Beyond his career in baseball, Jeff continues to be involved in various community activities in our area, including scouting, coaching, and helping out at the Learning Center in Bristol. Accordingly, for his outstanding athletic, civic, and charitable contributions, Jeff Manto is being honored today.

At the Bristol Borough 21st Century Community Learning Center, children have the opportunity to enrich their lives. Programs and services provided at the Learning Center, which are free and available to Borough residents in grades 6 through 12, include access to tutoring, academic, and cultural enrichment activities. Some of those activities include SAT Prep help, Hip Hop studies, sports, and community service projects. These programs provide opportunities for students to grow socially and emotionally and help them stay away from high-risk activities. Over 200 students attended programs and services in 2010–2011, and an independent report authored by the Bucks County Intermediate Unit that documents students' achievement gains substantiates the level of satisfaction with the Learning Center expressed by teachers and parents.

Thank you once again to Jeff Manto and the Bristol Borough 21st Century Community Learning Center for all that you do for our community. Thank you for your hard work, dedication, and devotion to bettering Bucks County. It is my pleasure to speak on your behalf today, and I am truly honored to serve you in Congress.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KIND. Mr. Speaker, I was unable to record my vote on the House floor for the

McCarthy of New York Amendment No. 2 to H.R. 822 on Wednesday, November 16, 2011. I was in a meeting with U.S. Secretary of Transportation Ray LaHood, U.S. Secretary of the Interior Ken Salazar, and others discussing how to move forward with the St. Croix River Crossing Project, a transportation project of critical importance to western Wisconsin. Had I been present, I would have voted against the McCarthy Amendment No. 2 to H.R. 822 (Roll No. 844).

CONGRATULATING CECILIO LAMAR FOWLER, RECIPIENT OF THE 2011 MILKEN EDUCATOR AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Cecilio Lamar Fowler upon receiving the 2011 Milken Educator Award. Predicated on the maxim "The future belongs to the educated," the Milken Educator Awards have recognized over the last 25 years more than 2,500 teachers, principals, and specialists who have made outstanding contributions to the education of K–12 students.

Fowler is a teacher of mathematics and geometry at Evans High School in Orlando, Florida. A native of Winter Park, Fowler graduated from Winter Park High School and the University of Florida. In only his second year at Evans High, Fowler has demonstrated a commitment to educating and mentoring, requesting the most challenging students be assigned to his classroom.

Fowler emphasizes the importance of education in student lives and believes nothing provides his students with greater opportunity in life than a good education. He has been praised by Evans High School Principal David Christiansen for reaching students previously considered "unreachable."

Fowler was awarded the Milken Educator Award for the dramatic improvement his students made on state and local tests and for the efficiency and industriousness of his model classroom, where Fowler encourages peer collaboration and works to help his students achieve confidence-building accomplishments, no matter how small. Fowler is the only 2011 Milken Educator Award recipient in Florida.

On behalf of the citizens of Florida's 8th Congressional District, I congratulate Mr. Fowler for his hard work, dedication, and leadership. He is most deserving of the 2011 Milken Educator Award. I hope his investment in Florida's students and Florida's future inspires others to follow in his footsteps.

CONGRATULATING THE ACADEMY OF MODEL AERONAUTICS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PENCE. Mr. Speaker, I rise to congratulate the Academy of Model Aeronautics lo-

cated in Muncie, Indiana, for their receipt of the prestigious National Aeronautic Association's Brewer Trophy for youth education. The Brewer Trophy is the nation's highest award for aerospace education and is awarded annually to individuals or organizations who make significant contributions to aerospace education in the United States.

The Academy of Model Aeronautics has a 75-year history of aviation education, and they have impacted millions of young people across the country. They have taught tens of thousands of teachers, community leaders, and students how to build and fly miniature aircraft. In addition to their educational programs, the Academy of Model Aeronautics has given nearly \$800,000 in scholarships to college-bound seniors pursuing careers almost exclusively in engineering, technical, and professional disciplines. The Academy is also strongly invested in science, technology, engineering, and math education programs.

I commend the Academy of Model Aeronautics for their receipt of the prestigious Brewery Trophy and thank them for their numerous contributions to the Muncie community, the State of Indiana, and the nation.

LIBERIA'S PRESIDENTIAL ELECTIONS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to congratulate Liberia on the completion of its second peaceful and democratic election. On November 15th, Liberia's National Elections Commission certified President Ellen Johnson Sirleaf of the Unity Party as the President of the Republic of Liberia. The November 15 declaration followed a Presidential run-off election on November 8, which was required by the Liberian Constitution as no candidate received a majority of votes in the first round held on October 11.

I was encouraged by reports that the Liberian election process was deemed free, fair and transparent by some 4,800 domestic and international observers. The role that the African Union (AU), the Economic Community of West African States, ECOWAS, the Carter Center and other institutions played was crucial in providing additional confidence in the process. I applaud the UN Mission in Liberia for providing a safe and secure environment in which voters were able to cast their ballots without incident on both October 11 and November 8. Furthermore, I applaud the Liberian people on demonstrating their commitment to peace and democracy.

I congratulate President Johnson Sirleaf and the newly elected members of the National Legislature, and I hope that they will work together to continue along the path to progress, peace, and prosperity that Liberia has already taken. At the same time, I express my deep regret over the decision of the Congress for Democratic Change, CDC, to boycott the run-off election based upon unproven allegations that the election process was fraudulent. I concur in the sentiments expressed by ECOWAS, the AU and the Carter Center that

the CDC boycott deprived the people of Liberia of a dynamic vote in the runoff and created a climate of intimidation and fear in the country.

I was saddened by the violent protest that erupted on November 7, the eve of Liberia's runoff election, and I mourn the lives lost on that day, which will remain a shadow cast over an otherwise peaceful and democratic process. I'm pleased by President Johnson Sirleaf's efforts to set up an independent commission to investigate the incident and bring those responsible to justice. I firmly believe that reconciliation is essential to create a sense of national unity and purpose, and I call upon all political party leaders and their supporters to recognize the certified results of the Presidential and Legislative contests.

The United States will hold accountable any and all political leaders and their supporters seeking to undermine Liberia's peace and democracy by all means available, including the possible use of multilateral and bilateral sanctions.

It is now more important than ever that the United States continue to work with Liberia's elected leaders and stand by the Liberian people as they move to complete their journey into post-conflict success, and sustain the path toward social stability and economic prosperity.

TRIBUTE TO THE MEMORY OF MR.
BENJAMIN HICKMANN WRIGHT SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PAYNE. Mr. Speaker, I rise today to honor the memory of Mr. Benjamin Hickman Wright, Senior who passed away on April 12, 2011. His beloved family is holding a memorial service on November 23, 2011. Throughout his lifetime, Mr. Wright exemplified the highest traits of fidelity to his country and family in a manner truly deserving of this great honor. Mr. Wright was an individual who came from a lineage that strove for excellence in all facets of their work. Over a lifetime of achievement and service to others, Mr. Wright embodied the ideals of hard work and dedication to his community, which is the bedrock of American values.

Mr. Wright was an individual who realized significant achievements throughout his life. This can be traced back to his family who attained advanced degrees in the early twentieth century. In fact Mr. Wright's grandfather and great uncle were the first African American physicians in Ohio. Mr. Wright's father was a top ranking life insurance salesman who also gave back to his community by teaching sharecroppers how to read, write and calculate the price of their produce and goods. After receiving a stellar education, Mr. Wright served in the armed forces during World War II in the European Theater as a First Class Petty Officer of the United States Navy. He was recently honored for his service with an Armed Forces Citation signed by President Obama.

From one generation to the next, it is evident that the Wright family has attained signifi-

cant accomplishments and remained committed to excellence in their work. Mr. Wright maintained and advanced this work through his many accomplishments including his service in the military followed by his service as an Economic Advisor in Monrovia, Liberia. Mr. Wright would go on to become a business owner and an employee in several fortune 500 companies. By the 1980's he founded a nationwide coalition of civic and fraternal associations that served to empower and up lift others.

His commitment to serving his community and country and his accomplishments benefited and enhanced the lives of many citizens over several decades. His memory and work will be remembered by a grateful nation and I am pleased to add my voice as his family celebrates his legacy.

TRIBUTE TO THE CITY OF RIALTO'S
CENTENNIAL CELEBRATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to join me in celebrating the City of Rialto's 100th Birthday. Rialto has a long, rich history, and has grown into a city that is home to over 100,000 people. I have been fortunate enough to raise my family in Rialto. I am proud to live in this city, represent these people, and join them in celebrating this momentous event.

Ancient artifacts and traces of a village indicate that Native Americans inhabited this area between 1500 AD and 1800 AD. What happened to these people and settlements still remains a mystery. In 1769, the King of Spain awarded areas of Rialto as land grants to Spanish Dons. Following the cession of California to the United States, Mormons became the next wave of settlers in the San Bernardino valley. By 1854 some of these early pioneers settled in Rialto, constructing ranches and farms in their wake. This period gave birth to the international distribution of Muscat Grapes and the building of the oldest structure in Rialto.

The Semi Tropic Land and Water Company purchased 25,000 acres of land in 1887. The company helped develop and christen the town site. Hattie Merrill, daughter of the former Governor of Iowa, Samuel Merrill, named the town site after the Rialto Bridge in Venice, Italy. Within the same year, a railroad connector line was constructed in Rialto. Towns were located every 2,600 yards along the line, connecting Rialto to towns from San Bernardino to Pasadena. That year alone over 25 new towns were built. During the same year, a group of Methodists settled in Rialto. They originally came to build a college, but soon began to grow citrus in the beautiful climate of Rialto. Their farms quickly expanded to acres of citrus groves. In 1888, the Brooke School was built to educate the growing population. Many credit this group of Methodists for developing the Town of Rialto.

By the late 1800s, Rialto became home to a blacksmith, lumber yard, and a cement pipe

manufacturing company. The first citrus association was established, and the first citrus packing house was built. Rialto's reputation for beautiful homes with shaded drives began to grow, and so did the population. In 1891, the Rialto School District was formed, and in 1907 the Chamber of Commerce was established. Over the next four years, the population grew to the point that the town supported 40 businesses and a newspaper. In 1911, Rialto was officially incorporated as a City.

For many years thereafter, the City of Rialto continued to grow, shipping citrus to every area in the country. Today those train tracks still run through the City, but are used on a much smaller scale—the area has matured and modernized. Throughout these changes, Rialto remains a great place to raise a family. My children grew up attending school and playing sports in the area. I am honored to have had the opportunity to serve this community both at the local and national level. My son, Joe Baca, Jr. still lives in Rialto and has the opportunity to serve our community as a City Council Member. On behalf of my wife, Barbara, and my children, Councilman Joe Baca, Jr., Jeremy, Natalie, and Jennifer, we would like to join our neighbors in celebrating Rialto's 100th birthday.

HONORING NATIONAL ADOPTION
DAY

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. MARINO. Mr. Speaker, as a parent of two wonderful adopted children and a co-chairman of the newly established bipartisan Congressional Caucus on Foster Care, I rise today in recognition of the 12th Annual National Adoption Day which is tomorrow November 19.

As we look forward to celebrating Thanksgiving, it is important to keep in mind there are over 400,000 children in foster care across the nation who will not be spending the holiday with a permanent family. Of these children, nearly 107,000 of them are eligible for adoption and waiting for a family.

In my home State of Pennsylvania, over 19,000 children are in Pennsylvania's foster care system. About 3,300 of these children await adoption.

Each year about 28,000 youth age out of foster care having never been adopted.

I want to issue a challenge those of us here in Washington and around the country to make it easier for families to adopt children.

Our goal must be a loving, caring and safe permanent home for each of these children. For this to happen, courts, judges, attorneys, adoption professionals, child welfare agencies, religious and civic organizations needs to work together to finalize adoptions and find homes for children in foster care.

National adoption Day is an essential part of this effort.

For the past 12 years, National Adoption Day has been a nationwide attempt to raise awareness of the children in foster care waiting to find permanent homes and loving families. It is commemorated across the country

with numerous events held each year to finalize the adoptions of children in foster care, and to celebrate all families who adopt.

The result is that since 2000, more than 35,000 children have been adopted from foster care on National Adoption Day. This year nearly 5,000 adoptions will be finalized in through these special events.

That is why I am gratified to be speaking in recognition National Adoption Day. I also want to thank foster and adoptive families across the country because of the important role that they play in the well-being of our children.

IN RECOGNITION OF THE CAÑON
CITY NOON LIONS IN HONOR OF
THEIR 90TH ANNIVERSARY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. LAMBORN. Mr. Speaker, I rise today to pay tribute to the 90th Anniversary of the Cañon City Noon Lions Club in my district in Colorado. For Ninety years, the Noon Lions have been dedicated to providing aid and assistance to the needy and less fortunate in their community. During the Lions Club International Campaign Sight First II, the Noon Lions were one of five Model Clubs within the state of Colorado raising over \$32,000 for the program. This program helps under-privileged children from all over the world get much needed eye exams and medications. Last December, the Noon Lions raised over \$3,000 in a "Cash for Christmas" raffle in order to pay for appointments and surgery for a young girl with Amblyopic eye condition and a man with cataracts.

The Cañon City Noon Lions are dedicated to serving their community and the wider world. Ever since they started in the basement of a local YMCA building on November 22, 1921, the Noon Lions have tirelessly devoted their time, effort, and energy to fighting blindness, combating hunger, and aiding seniors and the disabled. With the introduction of the "Sight First" program the Noon Lions have screened the eyes of more than 5,000 children within their community and surrounding area. The Noon Lions look back at their legacy of community service with an eye on the future and on the service they will be a part of in strengthening their community. I am proud of the work they have done my district and I offer them my most sincere congratulations on their 90th anniversary.

A TRIBUTE TO THE FAMILY ALLI-
ANCE FOR VETERANS OF AMER-
ICA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the exceptional work that the Family Alliance for Veterans of America has been doing on behalf of our veterans, and to con-

gratulate them on the recent launch of their cutting-edge website.

FAVA's Chairman, Rhonda Jordal, has been a tireless advocate for veterans and military families for numerous years. Because of her commitment, FAVA has been at the forefront of providing information, advocacy and support to our veterans and their families in their most crucial time of need. FAVA's nationwide assistance is aimed at helping with any difficult situation veterans or their families find themselves in. This program has found a niche that allows them to assist veterans through their own practices, as well as assisting government agencies in being more attentive and responsive to the needs of America's heroes.

FAVA's goal is to become a comprehensive repository of information that can assist veterans all over the globe, and the launch of their new website is a crucial step in that direction. At fava.westcare.com, families of veterans, and veterans themselves, can read and share their own stories regarding unexpected difficulties and experiences that they have faced. The message that FAVA wishes to convey to every veteran and their family is simple—you are not alone.

Mr. Speaker, it is a privilege and an honor to represent Iowa veterans in the U.S. House of Representatives. No one has done more to secure the freedom enjoyed by every single American than our veterans and those currently serving in the armed services. It goes without saying that we must collectively do everything we can to deliver on the benefits and support our veterans deserve, and I am proud to honor the Family Alliance for Veterans of America for supporting our veterans in such a tangible and meaningful way. Thank you.

IN CELEBRATION OF THE 100TH
ANNIVERSARY OF THE LUKENS
BAND

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The Lukens Band of Coatesville, Chester County, Pennsylvania on the occasion of its 100th Anniversary.

Founded in 1911 by Mr. and Mrs. Charles Lukens Huston, the first meeting of the Lukens Mission Band brought together fifteen youngsters with little or no musical ability. Today, they number in excess of 40 musicians. The Band performs about 60 times per year and has four subgroups known as the Lukens Marching Band, Lukens Concert Band, Lukens German Band and Lukens Small Ensemble. In its many forms, the Band plays for a wide variety of venues such as community concerts, the Coatesville VA Hospital, senior centers, retirement communities, corporate events and community celebrations.

In 1994, the Band incorporated as The Lukens Band, to reflect a broader scope as a non-profit public organization, the end of support by the Lukens Steel Company, and the start of support from The Huston Foundation and The Stewart Huston Charitable Trust.

Mr. Speaker, in light of its years of service to the community and outstanding entertain-

ment and musical accomplishments, I ask that my colleagues join me today in recognizing The Lukens Band in celebration of its 100 year anniversary.

HONORING ALEXANDER SCOTT
MASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alexander Scott Mason. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alexander has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alexander Scott Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on November 14, 2011. Had I been present, I would have voted on the following: rollcall No. 837—S. 1412 (Sen. KERRY), "aye"; rollcall No. 838—H.R. 298 (Rep. CARTER), "aye"; rollcall No. 839—H.R. 2422 (Rep. GRIMM), "aye".

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 855 I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING MAYOR MARILYN
STEPHAN'S LEADERSHIP IN THE
CITY OF BERKLEY, MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize my friend, Mayor Marilyn Stephan,

as she retires from her position as Mayor of Berkley, Michigan, after more than a decade of service to her community and region.

A longtime resident of Berkley, Marilyn's record of service long predates her involvement on Berkley's City Council and as Mayor.

In a demonstration of her commitment to building a stronger community, Marilyn dedicated her professional life to educating and nurturing the development of her students. As a teacher, first in Clarenceville and later in the Berkley School District, Marilyn made development of future generations her daily responsibility. Whether it was teaching English or home economics, Marilyn brought with her an unwavering commitment and passion for educating her students in the skills they needed to become successful. As a debate coach, Marilyn helped her students refine their critical thinking and public speaking skills, both of which are required for being an effective leader.

As a passionate educator in her community, Marilyn's work during her tenure did not end in the classroom. In her home, Marilyn raised her children with the same zeal she displayed in her teaching and today is a proud mother and grandmother. As an impassioned leader among her fellow educators, Marilyn also served a decade as President of the Berkley Education Association.

It is no surprise that a quiet retirement was unlikely for Marilyn and in November 1999 she was elected to the Berkley City Council and later as Mayor of Berkley in 2005. In her role as Mayor, Marilyn has been a strong voice of the needs of her community in important regional organizations like the Southeast Michigan Council of Governments, the Woodward Avenue Action Association and the South Oakland County Mayors Association. Under her leadership, Berkley has successfully implemented major road improvements, stabilized its financial outlook and updated its master plan, all of which made Berkley a better place to live for its residents. As a testament to the improvements she oversaw, *Forbes Magazine* and *Business Week* named Berkley one of America's best affordable suburbs in 2010.

Mr. Speaker, I ask my colleagues to join me today in recognizing Marilyn's lifelong career of service to Berkley, Michigan. I know that her dedication, passion and leadership will be greatly missed within Berkley's city administration and by its neighboring communities. I wish Marilyn many happy years with her children and grandchildren in retirement and I know she will continue to be a voice of positive change in her community.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. SMITH of Washington. Mr. Speaker, on Wednesday, November 16, 2011, I was detained in a meeting and inadvertently missed a vote in a series of recorded votes. Had I been present, I would have voted "no" on roll-call vote No. 850 (on agreeing to the Cicilline amendment to H.R. 822).

TRIBUTE TO DANIEL "DAN" SISEMORE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Daniel "Dan" Sisemore who passed away on November 11, 2011 in Newport Beach, California. Dan was a pillar of the community in Corona, California and he will be deeply missed.

Dan Sisemore was born on November 9, 1934, in California. In 1952, Dan and his father began work in the construction industry. With just one truck they founded the company More Truck Lines. The business grew and in 1969 they started All American Asphalt with an asphalt plant in Westminster, California. The company has grown exponentially over the years and now owns an aggregate quarry in Corona, California and six asphalt plants throughout the region. All American Asphalt is not only a material supplier but also a fully integrated road construction firm. All American Asphalt employs 850 employees, all of whom took inspiration from the founder and leader: Dan Sisemore. Dan was a visionary in the industry and the quintessential American entrepreneur.

Dan's hobbies and interests included golf, fishing, hunting and horse racing. He enjoyed the desert and spending time with friends at the beach. The way in which Dan lived his life should serve as reminder to others that the power of an individual with drive, perseverance and a stellar work-ethic can do great things.

Dan was the loving husband to Betty, brother to Cindy, father to Toni, Tracy, Donna and Mark and devoted uncle to Bob and Don. He was affectionately known to his grandchildren as "Papa."

On Saturday, November 19, 2011, a memorial service celebrating Dan's extraordinary life will be held. Dan will always be remembered for his incredible contributions to business, his work ethic, generosity, and love of family. His dedication to his work, family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Dan's family and friends; although Dan may be gone, the light and goodness he brought to the world remains and will never be forgotten.

HONORING THE HUDSON RIVER SCHOOL OF PAINTING

HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GIBSON. Mr. Speaker, I am privileged to represent a district along the Hudson River that is steeped in history and produced the first American school of painting in the mid-nineteenth century, called the Hudson River School of Painting. Its founder and spiritual leader was Thomas Cole, who, in 1825, sailed up the Hudson River to the Catskill Mountains

and painted inspiring pictures of New York State sites that attracted instant acclaim. Thomas Cole was born in Bolton, Lancashire in northwest England in 1801. He emigrated to the United States in 1818, and around 1832, rented a small studio in my district called Cedar Grove. This is now known today as the Thomas Cole National Historic Site. Complementing Cedar Grove, and also located in my district, is the home and studio of Frederic Edwin Church, who was a student of Thomas Cole. During the last 40 years of Church's life, he created a 250 acre estate called Olana. Olana is a National Historic Landmark located in Hudson, NY, and I am proud to represent this fine marker of our history, which is home to the Hudson River School of Painting. The painters that gathered here, among them Asher B. Durand, Jasper F. Cropsey, John F. Kensett, Sanford R. Gifford, formed the first coherent society of artists in America, and led the fine arts until the end of the Civil War. Today, their major paintings are seen in museums throughout the United States, including major federal buildings in Washington, D.C., such as the White House, State Department, and National Gallery of Art. They depict the landscape of America, and some have said these were the first environmental conservationists, who glorified our land and its contours in the mid-nineteenth century.

I would like to take this opportunity to commend the effort to place creative bronze "Arches" historic markers along the Hudson River, marking where these artists painted. My colleague, Rep. ELIOT ENGEL, recently unveiled a Hudson River School of Painting historic marker at Hastings on Hudson, and others will be placed at Hook Mountain, on the Hudson River near Nyack, with a beautiful view of the Tappan Zee Bridge and Haverstraw Bay, as well as at Newburgh, New York. Greg Wyatt, Director of the Academy of Art at the Newington-Cropsey Foundation, has created these historic markers, and I encourage those that visit our region to view them, as well as the striking landscape and sweeping natural beauty of our Hudson River.

Mr. Speaker, it has been said that the Hudson River School of Painting led not only to the establishment of the Metropolitan Museum of Art in New York City, but also to the creation of the National Parks Systems begun under the late President Theodore Roosevelt. I salute the Hudson River School painters, who celebrated the ideals of American democracy, individuality, and illustrated themes such as nature, education, family, and chivalry. I urge my colleagues to take the time to review the influences of this American art movement and to have all Americans understand its impact on our culture. There are two paintings by Albert Bierstadt, a prominent member of the Hudson River School of Painting, that were recently placed on public view in the Capitol Visitors Center of the U.S. Congress. These works, "Discovery of the Hudson River" and "Entrance into Monterey," were purchased by Congress after the Civil War and are beautiful examples of this movement.

HONORING MICHAEL ANTHONY MASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Michael Anthony Mason. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Michael has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Michael Anthony Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KING of Iowa. Mr. Speaker, on November 16, on rollcall No. 843, I mistakenly cast a "yes" vote in favor of the Woodall amendment to H.R. 822. I am submitting this statement for printing in the CONGRESSIONAL RECORD to clarify that I am opposed to the Woodall amendment and had intended to vote "no."

I was delayed in reaching the House floor because of a meeting in my office and, as a result, I arrived on the floor just before the vote was closed. Owing to this, I cast my vote in haste, which led to the resultant errant vote.

HONORING UNION COUNTY KENTUCKY ON THEIR 200TH ANNIVERSARY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. WHITFIELD. Mr. Speaker, I rise today to honor Union County in the First Congressional District of Kentucky on their 200th Anniversary. This momentous occasion not only celebrates the rich history of Union County, but the many thousands of residents who over the years have made it a vibrant and thriving community.

Union County was formed on January 15, 1811 and was likely named for the unanimous agreement of Henderson and Webster citizens to create a new county. Union County is rich in soil and farming is one of the industries that

thrive in this part of Kentucky. Coal mining is also a large industry that continues to provide good jobs.

During World War II, Camp Breckinridge Training Center was established near Morganfield and between 1942 and 1946 more than 30,000 infantry recruits were trained there. In 1965 the Earle C. Clements Job Corps Center, which teaches vocational courses, was established on eight hundred acres of the original camp land. The Job Corps Center provided a labor pool for Union County industries and is the second largest Job Corps center in the nation.

Today, Union County attracts many tourists through U.S. 60, railroads, and a nine-foot navigation channel on the Ohio River. The county also hosts the annual Corn Festival and the Union County Fair. There are almost 16,000 people who are proud to call Union County their home.

To commemorate the county's 200th anniversary, community leaders and residents of Union County have planned over 16 different events to educate Kentuckians about the history of Union County and celebrate its residents and culture. It is my privilege to represent Union County in the U.S. House of Representatives and I hope my colleagues in Congress will join me in celebrating this community and its residents.

PERSONAL EXPLANATION

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. COURTNEY. Mr. Speaker, I regret that I was unable to attend votes on Thursday, November 17, 2011 as I was accompanying Secretary of Defense Leon Panetta on a visit to the Electric Boat shipyard in Groton, Connecticut. Had I been present, I would have voted:

"Nay" on rollcall vote No. 854 (ordering the previous question on H. Res. 466, the rule providing for consideration of motions to suspend the rules);

"Nay" on rollcall vote No. 855 (on passage of H. Res. 466, the rule providing for consideration of motions to suspend the rules);

"Nay" on rollcall vote No. 856 (on passage of H. Res. 467, the rule providing for consideration of the conference report to accompany H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes);

"Yea" on rollcall vote No. 857 (on agreeing to the Conference Report for H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes).

THE WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in observance of the World Day of Remembrance for Road Traffic Victims, which will be observed on Sunday, November 20, 2011. I offer my thoughts and prayers to all those who have lost loved ones to road crashes. All over the world, in every country and locality, traffic accidents remain an ongoing peril and a source of preventable tragedy. As we embark on the Decade of Action for Road Safety, we should pause to remember who it is that we are fighting for.

Road traffic crashes kill nearly 1.3 million people every year and injure or disable as many as 50 million more. The leading cause of death throughout the world for people ages 10 to 29 is not disease or war, but road crashes. Even today, we can expect that 1,000 people under the age of 25 will die on the world's roads.

These numbers are dramatically increasing and place particular strain on developing nations, where crash rates are highest. In developing countries, road crashes have a dramatic impact on their fragile economies, costing an estimated \$100 billion and often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes affect first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation.

In October 2005, the United Nations General Assembly adopted a resolution which calls for governments to mark the third Sunday in November each year as World Day of Remembrance for Road Traffic Victims. The day was created as a means to give recognition both to victims of road traffic crashes and to the plight of their relatives who must cope with the emotional and practical consequences of these tragic events.

This Day of Remembrance also calls attention to the necessary policies needed to improve transportation management, infrastructure, vehicle safety, education, and post-crash care and rehabilitation. Here in the United States it is of the utmost importance that we continue to support public policies designed to reduce key risk factors like speeding, drunk driving, distracted driving, and the failure of many Americans to use seat belts, child restraints, and other safety devices.

The Decade of Action for Road Safety has not been declared to merely raise awareness, but also to take action. We all use roads, cars, buses, and bicycles every day. It is easy to take our safety for granted. But too many tragedies remind us that road fatalities and injuries have an enormous impact on our lives. As Americans travel the world more and more and as our global society grows ever more close-knit, the pressing importance of our observance of the World Day of Remembrance only grows as well.

Mr. Speaker, no one should die because of entirely preventable traffic accidents. We must do everything we can to raise awareness and address the underlying causes. On this year's Day of Remembrance, let us pay extra attention to ways we can make the world a safer place.

CELEBRATING THE SERVICE OF
JON MARTHEDAL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Jon Marthedal, a third generation farmer from Fresno, California. Jon has been named Agriculturalist of the Year by the Greater Fresno Area Chamber of Commerce. Jon has been instrumental in enhancing the San Joaquin Valley by advocating for business opportunities and encouraging innovation in our community. A distinguished farmer and leader, Jon is certainly deserving of recognition by the Chamber.

Marthedal Farms has been a family operation since its inception in 1903. Upon immigrating to the United States from Denmark, Harold Marthedal, Sr. purchased 20 acres of property. Years later, his son Harold Jr. took over and worked to expand the size of the farm. Today, Marthedal Farms is operated by Jon and his son Eric. They manage about 700 acres of raisin grapes, table grapes, and blueberries.

Jon has been an important part of the agricultural community for many years. Upon earning his degree in Agricultural Business from California State University, Fresno, he began his career at Sun-Maid Growers in 1978. In ten years, he became Director, and then served as Vice Chairman before becoming Chairman in 1999. Through his progressive and innovative work, Jon has become a respected voice in matters pertaining to California agriculture.

Jon's passion and commitment to agriculture has been demonstrated by his enthusiastic membership and leadership within a number of agriculture-based organizations. He serves as Secretary of the Raisin Administrative Committee, Vice Chairman of the Agricultural Council of California, Chairman of the California Blueberry Commission, and is a member of the Board Restructuring Committee for CoBank—a lender to cooperatives. For over 100 years, Marthedal Farms has been an integral part of maintaining the San Joaquin Valley's status as the breadbasket of the world.

Jon and his wife Sandy have three children. Whether he is spending time with his family and friends, or serving our community, Jon has always been known to be a man of principle and integrity.

I applaud Jon for his many years of work and congratulate him on his well-deserved recognition from the Greater Fresno Area Chamber of Commerce.

Mr. Speaker, I invite my colleagues to join me in applauding and expressing appreciation for Jon's work.

NATIONAL NURSE PRACTITIONER
WEEK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. LEVIN. Mr. Speaker, I rise in support of National Nurse Practitioner Week.

This honorary week, November 13th through the 19th, celebrates the vital service that over 148,000 nurse practitioners provide to patients around the country. At a time when there is a shortage of primary care physicians, more and more Americans are turning to nurse practitioners to help with their medical problems.

Nurse practitioners are highly educated, licensed clinicians that provide a broad range of patient-focused care. Besides treating medical needs, nurse practitioners also focus on health promotion and disease prevention as well as health education that helps guide patients and assist them in making healthy choices in their day-to-day lives. Nurse practitioners improve the lives of Americans and help reduce health care costs. We should celebrate nurse practitioners as a crucial part of our healthcare system and a solution to many of the problems it faces.

I urge all my colleagues to join me in recognizing the important work of nurse practitioners across the nation.

HONORING MICHAEL DUANE
CURTIS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Michael Duane Curtis. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many Scout activities. Over the many years Michael has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Michael has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Michael Duane Curtis for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MIKE WHITT, EXECUTIVE DIRECTOR
MINGO COUNTY REDEVELOPMENT AUTHORITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RAHALL. Mr. Speaker, I want to call to my colleagues' attention, during these times of budgetary debate, the significant savings realized by the taxpayers of our country by the vision and work of one of my constituents, Mr. Mike Whitt, the Executive Director of the Mingo County Redevelopment Authority.

In pursuit of sound, forward-thinking economic development initiatives, Mike was light-years ahead of other jurisdictions when he began forging public-private partnerships to save taxpayer dollars, leveraging public funding and above all creating good paying sustainable jobs for families. No slick financing schemes; no hocus pocus accounting tricks here. Mike did his homework and did it well. He still does. Anyone, who has ever had the good fortune to participate in one of his project presentations, knows they have to be on their toes to answer detailed questions about what they can bring to the table.

Mike has travelled the country sharing his valuable time with agencies and associations to spread the word about how some old-fashioned hard work in planning economic development ventures upfront can save millions in the end. He has given freely of his experience and expertise so others can adopt his sensible and thoughtful approach to investing public funds to address citizen's needs for a darn good return on the taxpayer's dime.

As we debate ways to improve our budget in the coming weeks, I hope my colleagues will look to the results sound public investment can yield when that investment is married with private investment and properly managed. I am certain the Mingo County Redevelopment Authority will be happy to share their accomplishments.

In a larger sense, Mike Whitt serves as a bright beacon to all who strive to serve the public, administer public programs, and manage public funds. Our country owes Mike a debt of great gratitude for his work and his years of sacrifice away from family and friends to serve the public good.

Recently, Mike has been battling some health issues. Mike is a man of great faith, a strong fighter, who has the courage of his convictions. We know though he appreciates the power of partnership, so we welcome your thoughts and prayers for Mike and his family as he tackles this personal challenge.

TAIWAN AIRPOWER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. POE of Texas. Mr. Speaker, China should not dictate what America can or cannot do. But, when it comes to our Taiwan policy, it seems we kowtow to the wannabe empire of

the East. China has over 1,400 missiles pointed at Taiwan, and military experts agree that Taiwan is losing its ability to even slow China down if it chooses to attack. Yet China tells the U.S. "don't sell F-16s to Taiwan" and so we don't.

On September 21st, the Administration officially notified Congress of its decision to only offer Taiwan an upgrade of existing F-16A/Bs, rather than sell 66 new F-16 C/Ds as the Government in Taipei had requested. The C/D aircraft would've gone to replace the 30-year-old F-5s. Now, the Ft. Worth, Texas production line may close because of lack of new orders. This should not be an issue. Our good friends, the Taiwanese, want to buy them.

The U.S. needs to boost its economy and prevent Chinese aggression. This sale would've been good for everybody. Everybody, that is, except China. America has to do what is in our best interest. And, it is not in our best interest to give in to a brutal, communist regime while forsaking our democratic ally. I fully support selling modern aircraft to Taiwan.

And that's just the way it is.

HONORING THOMAS MORAN AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize the important role played by the artists of the Hudson River School in the development of the conservation movement and the creation of America's National Park System. In particular, I rise to honor the painter Thomas Moran, who came to prominence in the United States in the 1870's for the landscapes he painted while accompanying the geological and geographic survey of America's West headed by Ferdinand V. Hayden. During that era, the promotion of settlement and commerce in America's West was a centerpiece of federal domestic policy, with a special focus on exploiting the area's vast natural resources. However, watercolors by Moran sent back to Washington with Hayden's scientific data helped convince Congress that certain areas of exceptional beauty in the West should be preserved in their natural state.

Shortly after Congress established the first National Park at Yellowstone, Moran's 7 by 11 foot canvas "The Grand Canyon of The Yellowstone" was unveiled to the public at the U.S. Capitol. If any pictorial representation could do justice to the West's natural treasures, it was the large-scale landscape style of Moran and his contemporaries. These massive paintings captured the popular imagination, compelling Congress to expand federal land holdings in the West and establish Yosemite and Sequoia National Parks in California and Mount Rainier National Park in Washington before the close of the 19th Century.

Moran later accompanied John Wesley Powell's survey of the Utah and Arizona Terri-

ories, documenting the natural formations of what are now Zion and Arches National Parks. On this expedition, Moran encountered the natural wonder that would fascinate him for the rest of his life: the Grand Canyon of the Colorado River. In 1874, Congress purchased Moran's massive canvas: "The Chasm of the Colorado," which he produced along with two dozen wood engravings for a widely read account of the Powell expedition published in Scribner's Monthly magazine. Moran wrote of the Grand Canyon, which joined the ranks of the National Parks in 1912: "Of all places on Earth the great canyon of Arizona is the most inspiring in its pictorial possibilities."

Mr. Speaker, later in life, Moran spent many years living and working in East Hampton, in New York's First Congressional District, where the unique quality of light has attracted some of our Nation's finest painters. However, we are truly fortunate that his prodigious talent found a fitting subject in the incomparable majesty of the American West. Along with his contemporary Albert Bierstadt and the other members of the Hudson River School, Moran introduced millions of Americans to our western lands and played a vital role in encouraging his generation to preserve America's Crown Jewels—our National Parks—for the enjoyment of generations to come.

MISSISSIPPI AND VIRGINIA MAKE HISTORY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. WILSON of South Carolina. Mr. Speaker, history was made last week in off-year elections with Republicans gaining a majority in the Mississippi House for the first time in years and Republicans gaining a majority in the Virginia Senate, along with the State House and the Governorship for the first time in 130 years.

With these gains, Republicans are now state legislative majorities in both houses in all states from Texas to Florida to Virginia and all states in between except narrowly in Arkansas.

I am grateful my home state of South Carolina is symbolic of change. Fifty years ago this August, Charlie Boineau of Richland was elected the first Republican legislator of the Twentieth Century and the next year, State Rep. Floyd Spence was the first party switch ever leading in 1994 to David Wilkins elected the first Republican Speaker in the South. In 2010 all nine Republican statewide candidates were elected with the Governor being the first female in 341 years and only the second Indian American in national history. Seven out of eight federal officials are now Republicans.

Encouraging the extraordinary change are transplants from the Northeast and Midwest who have relocated for a milder climate and lower taxes.

In conclusion, God Bless our Troops and we will never forget September 11th in the Global War on Terrorism.

IN RECOGNITION OF THE GREATER BEULAH BAPTIST CHURCH'S 108TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BISHOP of Georgia. Mr. Speaker, it is my pleasure and honor to extend my sincere congratulations to the congregation of the Greater Beulah Baptist Church in Columbus, as the church's membership and leadership celebrates 108 years of providing spiritual guidance, moral counseling and dedicated community service to the residents of Muscogee County, Georgia. The congregation of Greater Beulah Baptist Church will celebrate their 108th anniversary on Sunday, November 20, 2011 at service ceremonies on the church's campus at 631 Sixth Avenue in Columbus, Georgia.

This upcoming anniversary ceremony will enable church members, local religious leaders, elected officials and other individuals throughout the Columbus, Georgia metropolitan area to pay tribute to the members of Greater Beulah Baptist Church who have positively contributed to the spiritual maturation and personal development of those in the Columbus, Georgia metropolitan area and beyond.

As one of Columbus, Georgia's long-standing institutions of Christian excellence, the Greater Beulah Baptist Church traces its historical roots back to 1903.

Throughout the last two centuries, the church's edifice has gone through numerous transformations, renovations and relocations. In the early 20th century, the church was located in a one-bedroom house on the corner of Dry Avenue and 12th Street. In 1904, the church relocated to a red church building on Magnolia Street and in the late 1940s, the church was reconstructed before moving to 6th Avenue.

Over the years the church has expanded its external and internal outreach efforts through the establishment of a Senior Choir; Gospel Choir; Junior Choir; Inspirational & Mass Choirs; Chester Medley Hayes Young Adult Choir; Golden Age Ministry; Layman Ministry; Prayer and Praise Team; Intercessory Prayer Ministry; Women Outreach Ministry; Greater Beulah Women Inreach Ministry; and Children's Church.

Over the years, the Greater Beulah Baptist Church has remained a dedicated community leader and supporter of projects that have assisted individuals in need. The church's Evangelistic Committee and Catherine Gordon Scholarship Fund have helped to advance educational charitable opportunities for students throughout Muscogee County, Georgia.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to the Greater Beulah Baptist Church in Columbus, Georgia for all the many things this church's members have done and will continue to do to positively impact the lives of those seeking spiritual guidance and in need of charitable assistance.

CELEBRATING THE 100TH
BIRTHDAY OF MS. SARAH BOYD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RANGEL. Mr. Speaker, I rise today to recognize the birthday of Ms. Sarah Boyd who turns 100 years old on November 22, 2011.

Born to Sanders Aye and Annie Aye on November 22, 1911, in Eastover, South Carolina, Ms. Boyd is the youngest of her four siblings, two brothers, and two sisters. She received her education from The Weber School in Eastover, South Carolina and lived in the city of Columbia, South Carolina where she met and married Ernest Boyd. In 1945, they moved to my Congressional District in Harlem, New York where she has remained ever since.

Nicknamed "Doll", it is remarkable to imagine all that she has been able to witness during her remarkable life. When she was born, the 27th President William H. Taft was in office and Jim Crow Laws ruled the land. She lived through the Civil Rights Movement during the Sixties and saw President Barak Obama elected as 44th President of the United States of America. She has seen our great nation in times of peace and in times of wars. She has lived through the Great Depression, and has been part of our country's strength and resolve during this past century. Let us look to her today for inspiration as we face many challenges.

A couple of her anecdotes are: "Make sure to get plenty of rest" and "Don't eat meat a few hours before going bed." But most of all, she often says: "God is Good" and "He will make a way! If you take one step, God will take two."

Mr. Speaker, I am proud to honor such an extraordinary member of our community on her 100th birthday. I wish Ms. Sarah "Doll" Boyd, as well her daughter Annie, son-in-law Levi Carter, four grandchildren, five great grandchildren and twin great, great granddaughters many more joyous days.

RECOGNIZING NOVEMBER 15 AS
AMERICA RECYCLES DAY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize, along with my colleague, Rep. GEOFF DAVIS, the date of November 15 as America Recycles Day, an annual event intended to raise awareness and promote the social, environmental, and economic benefits of recycling and purchasing products made from recycled materials.

I also wish to highlight the automotive recycling industry, which reduces our need for already scarce landfill space, and makes important strides toward preserving precious natural resources. During the recycling process, more than 80 percent of an entire automobile by weight can be reused, remanufactured or recycled. This process saves an estimated 85 million barrels of oil, which would have other-

wise been used in the manufacturing of new or replacement parts.

In addition, the automotive recycling industry employs more than 108,000 workers throughout the United States. A majority of the businesses in this industry are small, and in many cases are owned and operated by families.

The Automotive Recycler's Association (ARA) is an international trade association which represents businesses in an industry devoted to the removal and reuse of still-viable automotive parts, and to the safe disposal of inoperable motor vehicles. Our Nation owes a great debt to the 4,500 automotive recycling facilities represented by the ARA, which help to recycle more than 11 million retired vehicles each year. ARA also serves as a regulatory body, utilizing a program that ensures each automotive recycling facility meets specific business, environmental, safety and licensing standards.

Mr. Speaker, please join me in recognizing the annual occurrence of America Recycles Day, and in my commendation of the automotive recycling industry for all that it does to protect our environment.

HONORING TIMOTHY AARON
MASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Timothy Aaron Mason. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Timothy has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Timothy Aaron Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXTENSION OF PORT SECURITY
GRANT PROGRAM THROUGH 2015

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Ms. HAHN. Mr. Speaker, each day, U.S. ports move both imports and exports totaling some \$3.8 billion worth of goods through all 50 States. Additionally, ports move 99.4 percent of overseas cargo volume by weight and generate \$3.95 trillion in international trade. Given the importance of ports to our national economy, they must remain competitive and secure.

Thus, we must remain vigilant and make sure we are giving States the resources necessary, so they can address the constant security threats that continue to loom at our Nation's ports. Whether its scanning foreign cargo for nuclear material or patrolling essential waterways, port security has become increasingly important as we expand into a 21st century global economy. However, funding for these efforts continue to be a challenge as maritime security continue to expand and broaden with ever-evolving threats. Additionally, the economic downturn has forced cash-strapped States to cut funding for these vital security initiatives.

That is why I am introducing the Port Security Grant Act, which will extend the Port Security Grant Program through 2015. The Port Security Grant Program addresses these problems by allowing States to receive the Federal funding they need in order to secure their vital ports of entry. The program provides up to \$400 million for states to train personnel, expand port recovery and resiliency capabilities, and increase their capacity to detect, respond to, and recover from attacks involving explosive devices.

However, Congress has failed to extend this vital program beyond 2015. By not extending this program, we risk compromising the critical progress that has been made in port security and increasing the overall risk.

By passing this bill, we will ensure that States continue to receive the funding they need in order to protect our Nation's gateways to the rest of the world.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 854, I was unavoidably detained. Had I been present, I would have voted "yea."

ACKNOWLEDGING WORLD
REMEMBRANCE DAY 2011

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to take a moment to pay my respects to road traffic victims in honor of World Remembrance Day, this Sunday, November 20th. Since 1993, this special Remembrance Day responds to the great need that road crash victims and their loved ones harbor for public recognition of their loss and pain.

The sense of grief and distress of this large group of people is all the greater because many of the victims are young and many of the crashes could have been prevented. The response to road death and injury is often experienced as inadequate, cruelly unsympathetic, and inappropriate to a loss of life or quality of life. In 2005, the United Nations took it global, endorsing it to be the third Sunday in

November each year, encouraging NGOs, such as the Association for Safe International Road Travel to commemorate this day.

I am proud to say, this past July, Indiana became the 32nd state to ban texting while behind the wheel. On May 11, Gov. Mitch Daniels signed the legislation which became effective July 1, 2011. Distraction is still a factor in too many serious crashes, and the new law is a small step to help make Indiana roads safer—and a small initiative which I hope will inspire road safety initiatives worldwide.

It is estimated that 1.3 million people die in road crashes each year. Unless action is taken, road traffic injuries are predicted to become the fifth leading cause of death by 2030.

It is my hope that recognizing Remembrance Day will signal the importance the issue of reducing road danger to government.

GLOBAL ENTREPRENEURSHIP WEEK

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. CLEAVER. Mr. Speaker, I rise in support of Global Entrepreneurship Week, a celebration of the innovators and job creators who launch new companies. These innovators bring forth new ideas, drive economic growth and expand human welfare. This year, I am pleased to announce that Global Entrepreneurship Week, supported by the Ewing Marion Kauffman Foundation in my district, will be celebrated in 123 different countries, directly engaging more than seven million participants.

During this week each November, Global Entrepreneurship Week inspires Americans from all walks of life through local, national and global activities designed to help them explore their potential as self-starters and imaginative innovators. These activities, from large-scale competitions to intimate networking gatherings, connect participants to potential collaborators, mentors and even investors—introducing them to new possibilities and exciting opportunities.

But G.E.W. is more than just an awareness campaign supported by world leaders and celebrity entrepreneurs. It is a rallying cry, calling us to unleash ideas and bring them to life—recognizing opportunities, taking risks, solving problems, being creative, building connections and learning from both failure and success. It is about challenging young people to think big and to make an impact on the world.

Entrepreneurs do three things—they advance innovation, build wealth for society, and create jobs. In fact, research from the Kauffman Foundation shows that almost all net new jobs in the United States over the past 25 years have come from firms less than five years old. It's not surprising that policymakers are looking to reinvigorate their economies by focusing on ways to stimulate new firm formation.

I invite my colleagues to take part in Global Entrepreneurship Week in your community. Support the innovators and engage the entrepreneurs that are a driving economic force in each of our districts. Together, we can encour-

age and empower aspiring and existing entrepreneurs to unleash their ideas and create the startups of the future that will change our country forever.

A TRIBUTE TO DR. BOBBY MUKKAMALA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KILDEE. Mr. Speaker, I rise today to extend congratulations to Dr. S. Bobby Mukkamala as he completes his term as the youngest president of the Genesee County Medical Society.

Bobby and his family have dedicated their lives to providing health care to our community. His parents, his wife, his sister and brother-in-law are all physicians. Bobby fondly remembers playing as a child on the grounds of Hurley Medical Center while his mother, Dr. Sumathi Mukkamala made her hospital rounds. The twin sons of Bobby and his wife Dr. Nita Kulkarni, Nikhil and Deven, play today on that same playground while they wait for their parents to finish rounds.

Despite his young age, Dr. Mukkamala has extensive leadership experience. Bobby served on the Michigan State Medical Society Board as Young Physicians Section Chair in 2002 and was elected as a District Director to the Board earlier this year. Governor Jennifer Granholm appointed Bobby to the Board of Audiology for the State of Michigan. In 2008, Bobby received the American Medical Association Foundation Leadership Award.

Dr. Mukkamala was tapped in October of 2010 to serve as President of the Genesee County Medical Society where in his tenure he dramatically increased membership while encouraging his colleagues to focus on the many diverse needs of the Flint community. This was a realization of his dream to serve as President as his father, Dr. Appa Rao Mukkamala, did in 1994. His commitment is best illustrated by the scholarship that was created by Bobby and his wife Nita at the University of Michigan-Flint and the endowment fund they established for the Community Foundation of Greater Flint.

Mr. Speaker, I find Dr. Mukkamala's dedication and leadership in the community a great inspiration and I am a better person for knowing him. That is why I ask you to please join me in congratulating Dr. Mukkamala on his many accomplishments as President of the Genesee County Medical Society. We graciously thank him for the leadership and vision he continues to bring to our community.

NATIONAL ADOPTION DAY

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. SCHILLING. Mr. Speaker, I rise today to recognize National Adoption Day and to celebrate the many families who graciously open

their homes and their lives to the most vulnerable and often forgotten children in our communities. As the father of 10 children I understand the importance of family, I also understand the many sacrifices parents make to provide the best opportunities for their kids. This is why I deeply respect adoptive and foster parents; they so readily take on additional expenses and sacrifices to provide a safe home for a child.

I recently joined the Congressional Caucus on Foster Care which is dedicated to protecting and promoting the welfare of the more than 424,000 children who are part of the foster care system in the U.S. The Caucus provides a forum where Members can come together to discuss ways we can improve the system and help these children make a successful transition out of care and into society.

Tomorrow, National Adoption Day will be celebrated across the country. There are more than 400 events planned to highlight the need for more families to open their hearts to children in need and to show gratitude to those who have taken that step. I want to thank each and every foster parent and adoptive parent for opening your safe and loving home to a child. Thank you for taking the time to enrich the lives of those children who need it the most.

ON THE OCCASION OF MARY LOUISE PETERS-HUGHES' 100th BIRTHDAY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PETERS. Mr. Speaker, I rise today for the most special purpose and privilege of honoring the life of Mary Louise Peters-Hughes on the occasion of her 100th birthday.

Mary Louise Peters-Hughes is a most remarkable woman, having lived through 100 years of the most changeable times in human history; she is also my aunt, big sister to my late father Herb, and the matriarch of our family.

Born on September 20, 1911, Mary came of age amidst the burgeoning era of women's rights. Her achievements embodied the kind of progress and leadership envisioned by that movement; throughout her life, Mary has held herself to a high standard of achievement and leadership.

In 1929, she graduated valedictorian from Rochester High School, after serving in the National Honor Society and as president of her senior class. Mary matriculated at Alma College, during a time when only 10% of young people sought higher education. Mary studied English and Latin and continued to be a leader among her peers by serving as President of the Wright Ladies Hall and member of the Philamathion Ladies Social Society. Within four years, she graduated with a near-perfect grade point average. Finally, before embarking upon a career in teaching, Aunt Mary obtained her Master's Degree from the University of Michigan.

Aunt Mary was a devoted teacher, always encouraging her students to fulfill their best

potentials. She did the same with family, too. Ever the supportive big sister, she sent my father money every week as he worked to get his own degree from her alma mater, Alma College. My father often talked of his deep gratitude for her vital support of him during those lean depression. After marrying my uncle, Halley Hughes, Mary took a leave from her career and devoted herself full time to family and raising her three sons: Bob, Dick, and Jim.

Later in life, Aunt Mary returned to her beloved career and for another 21 years. And as a passionate educator, Aunt Mary joined both the National Education Association and Delta Kappa Gamma to enhance the status and fight for the rights of her fellow teachers across Michigan and the Nation.

Mr. Speaker, though she is my beloved aunt, by any objective measure Mary Louise Peters-Hughes has lived an exceptional life, marked by academic excellence, an admirable professional career and a most compassionate and strong family life. Her story and path is truly one we can all look to as an example for our own lives. I, my wife and children and Mary's three children, six grandchildren and nine great grandchildren are grateful for the 100 years she has lived and the lessons and love she has shared with each of us. We wish for many more lived in health and happiness.

**HONORING 70TH ANNIVERSARY OF
MESSIAS TEMPLE CHURCH AND
THE PASTORAL ANNIVERSARY
OF SUFFRAGAN BISHOP HARRY
S. GRAYSON**

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the honorable Suffragan Bishop Harry S. Grayson, who is celebrating his 60th birthday and 20th year of service as the pastor of The Messiah Temple Church, as well as the 70th Anniversary of the Church in the community of Ypsilanti, Michigan. As friends and family and community members gathered last Saturday on November 12, 2011 to honor both anniversaries, my wife Deborah and I joined the service to honor the church and Pastor Grayson's service and care to the Ypsilanti community.

Time tends to show us what is really important in life. Since the founding of the Messiah Temple on November 10, 1940, four pastors have dedicated their lives to spreading the Gospel and ministering to the well-being of the congregation and the community. As the church family grew in size, so did the church's community outreach and it was the spirit and leadership of these ministers, including Pastor Grayson, that have made the difference.

Over the past 20 years, many programs that promote the joy of giving have been initiated under the fine leadership of Pastor Grayson. They include the sharing of hot meals, holiday food giveaways, and vital prison, shelter, and re-entry ministries. I also applaud his commitment to promoting education in Ypsilanti through tutoring, financial assistance pro-

grams, and educational children activities. Pastor Grayson and his lovely wife Mary have raised their three children in the same place where he came of age and found his call for the ministry. His compassion, tireless efforts, and loving care for the Ypsilanti community is extraordinary and I am not alone in celebrating the amazing positive impact the church and Pastor Grayson have had in my district.

**NATIONAL COMMUNITY
FOUNDATIONS WEEK**

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BLUMENAUER. Mr. Speaker, this week we recognize millions of Americans who have voluntarily joined together to meet important needs in their communities. National Community Foundations Week celebrates the generosity and shared efforts to common goals that mark the American character.

Community foundations make substantial contributions to our nation's well-being in areas such as health care and social services, education and the arts, economic development, and environmental protection. In 2010, community foundations gave an estimated \$4 billion to a variety of nonprofit activities.

Directed by volunteers, community foundations provide effective leadership in communities throughout the United States, often supplementing or assisting in the coordination of public programs and other private services. They are one of the fastest-growing forms of philanthropy in the United States.

The Oregon Community Foundation exemplifies these virtues. For instance, its "Access to Higher Education" initiative includes a one-on-one mentoring program fostering post-high school education and a scholarship program directing millions of dollars each year to help Oregonians pursue advanced education. The Oregon Community Foundation also addresses needs like literacy on the North Coast, children's dental health in South Willamette Valley and community school programs in Central Oregon.

Please join me in recognizing National Community Foundation Week, and in gratefully acknowledging the nation's charitable organizations as well as the concerned individuals who donate their time, talent, and resources.

**CONGRATULATIONS TO CANTON
HIGH SCHOOL STATE CHAMPION
BOYS' SOCCER TEAM**

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to acknowledge the Division 1 State Champion Boys' Soccer Team from Canton High School. On November 5, 2011, the Canton Chiefs eked out a 1-0 victory over Grand Haven, marking their 1st State Championship since 1994 when Head Coach George Tomasso was the Canton goalkeeper.

After having amassed a division record of 9-0-1 and winning the Kensington Lake Athletic Association's South Division, the Kensington Conference and the KLAA overall title, the Chiefs headed in to district play with overall regular season tally of 14-1-2. Canton leveled Ann Arbor Skyline 2-1 before taming the Northville Mustangs 3-0 in the district semi-final. The Chiefs caged the Novi Wildcats, winning 3-1 in double overtime to take the District 5 crown.

Moving on to regional match-ups, Canton stormed past Dearborn by a score of 3-0. The Chiefs blazed by Ann Arbor Pioneer 4-1 to claim the Region 2 crown. Canton's defense would prove impenetrable against top ranked Warren DeLasalle in the semi-final round as the Red and White grounded the Pilots 1-0, setting the stage for the championship showdown.

Facing Grand Haven in the final match of the season, a pair of sophomore midfielders gave the Canton Chiefs the only goal they would need. At 3:32 in the second half, a perfectly threaded pass led to an unstoppable low shot ripping past the Buccaneers' goalie into the middle of the net. Canton's defense stymied the Bucs, giving the Chiefs the right to hoist the Michigan High School Athletic Association Division 1 Championship trophy.

Mr. Speaker, with a season record of 24-1-2 and having allowed only three goals during their entire playoff run, the 2011 Canton Chiefs deserve to be recognized for their determination, achievement, spirit and effort. I ask colleagues to join me in congratulating the Chiefs for obtaining this spectacular title and in honoring their devotion to our community and country.

**IN COMMEMORATION OF WORLD
REMEMBRANCE DAY**

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. VAN HOLLEN. Mr. Speaker, as a co-chair of the Congressional Caucus on Global Road Safety, a caucus dedicated to supporting safe road travel worldwide, I rise to commemorate World Remembrance Day.

World Remembrance Day was established to honor the memory of those who have been injured or killed in traffic crashes around the world. The day was set aside as a sign of the world's commitment to preventing road traffic deaths, to educating drivers and pedestrians about the hazards of road travel and to improving the safety of our roads.

Road crashes are the leading cause of death globally for people between the ages of 5 and 29 years old. According to the 2009 Global Status Report on Road Safety, nearly 1,300,000 people globally die in road crashes each year. Unless action is taken, it is predicted that road traffic injuries could double by 2030, killing an estimated 2,400,000 people per year.

The hazards of road travel are a persistent problem regardless of a country's wealth. According to a report by the Governors Highway Safety Association, a body representing the

safety departments from around the U.S., the overall number of pedestrian fatalities in this country is increasing.

Statistics such as these are the rallying call of a growing number of public safety groups like the Association for Safe International Road Travel. Due to ASIRT's determined advocacy, there is now an increased emphasis being placed by American officials on providing our citizens with the tools they need to travel safely while abroad. ASIRT's encouragement influenced the Department of State's decision to post road safety information on its website and to offer safe driver training at its missions around the world.

I am proud of my association with ASIRT. Its commitment to raising awareness about the hazards of road travel is helping to make the world a safer place. On this World Remembrance Day, may we all take a moment to reflect on the importance of road safety.

IN CELEBRATION OF THE LIFE
AND THEATRICAL ACHIEVEMENTS
OF SHAUNEILLE PERRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great cultural pride to join Byron Lewis, CEO of Uniworld Group, Woodie King, Jr., Founder and Executive Artistic Director of New Federal Theatre and Voza Rivers, Co-Founder and Executive Producer of New Heritage Theatre to celebrate the life and theatrical achievements of renowned actor, author, director and educator, Shauneille Perry.

On November 13, 2011, at Harlem's landmarked Riverside Church, the Uniworld Group, New Federal Theatre and New Heritage Theatre will join hundreds of actors, playwrights, designers, technicians, and students in the field of Black Theater to say thank you to Shauneille Perry for her historic accomplishments and contributions to American Theater.

Shauneille Perry was born on July 26, 1929 in Chicago to a very prominent African American family. Her father, Graham T. Perry, was one of the first African American Assistant Attorney Generals for the State of Illinois. Her mother, the former Laura Pearl Gant, was one of the first African American court reporters for the City of Chicago. Ms. Perry is also the niece of real estate broker and political activist Carl Augustus Hansberry and Africanist scholar William Leo Hansberry. She is also the first cousin of Carl Hansberry's daughter, Lorraine Hansberry, famous playwright and author of the 1973 Tony Award Best Musical, "A Raisin in the Sun".

Shauneille attended Howard University, where she was a member of the Howard Players under the direction of Owen Dodson. In 1950, she received a B.A. in drama from Howard. Her studies followed at the Goodman Theatre Art Institute in Chicago, where she received her M.A. in directing. She is also a Fulbright Scholar at the Royal Academy of Dramatic Art in London.

In Chicago of 1957, Perry married Architect Donald Ryder. Several months later, she received

national exposure as the second place winner in the 1958 Picturama Contest, an essay competition sponsored by Ebony Magazine. She took advantage of the prize with her husband, which was a \$4,000, three-week tour of Paris. By the end of the decade, the couple relocated to New York City, where it did not take long for her to establish herself as an actor.

In the late 1950s and early 1960s, she acted in various productions on the New York stage including *The Goose*, *Dark of the Moon*, *Talent '60*, *Ondine*, *Clandestine* on the *Morning Line* and *The Octoroon*. Her work as Lilly Ruth, a pregnant girl in the short-lived off-Broadway production of *Clandestine* on the *Morning Line* received particular notice. After her many successes as a performing actor, Shauneille switched her career toward writing, directing, and raising a family.

Following in the footsteps of Vinnette Carroll, the first great African American playwright, stage director, and actor to direct on Broadway with the hit gospel revue, *Don't Bother Me, I Can't Cope*, Shauneille became one of the first African American women to direct on the New York stage. Her notable works on the Broadway and on the national and international tour stage include one of her early efforts, the *Mau Mau Room*, at the Negro Ensemble Company. It was the first major stage production of a play written by J. E. Franklin.

Shauneille Perry staged the productions of *Strivers Row*, *Looking Back*, the music of Micki Grant by Rosalie Pritchett, *Sty of the Blind Pig* by Phillip Hayes Dean for the Negro Ensemble Company, *Moon on a Rainbow Shawl* produced by Voza Rivers at Harlem's Roger Furman's New Heritage Theatre, the award-winning production of Paul Robeson, and the original off-Broadway production of J. E. Franklin's play, *Black Girl* for Woodie King, Jr.'s New Federal Theatre, which became a film directed by another award winning actor and civil rights activist Ossie Davis.

A gifted writer of several plays including "Pearl," a short story collection and children's musical *Mio*, which she staged as a workshop production at the New Federal Theatre in the fall of 1971. Shauneille's work includes *Sass and Class*, *In Dahomey*, *Music Magic*, *Daddy Goodness* with Clifton Davis; *Last Night, Night Before*, *Things of the Heart*, *Marian Anderson's Story*, and *Sounds of the City*, a 15 minute daily soap opera that aired on the Mutual Black Network in the mid-1970s for Byron Lewis' Uniworld Group, Inc. Shauneille Perry's other gifted works include the KCET teleplay of John Henry Redwood's *Old Settler* starring Phylicia Rashad and Debbie Allen, *Black Beauties* for Equity Fights Aids and the narrative for the 2005 Harlem Exhibition at the Museum of the City of New York.

An innovator and contributor of the Black Arts Movement, Shauneille Perry has been honored with four AUDELCO Awards, two CEBAS, the Lloyd Richards Award of Directing (National Black Theatre Festival), the Black Rose of Achievement (Encore Magazine), the distinguished Howard Player and Alumni Awards, and the Scholar Achievement Award from Lehman College of the City University of New York, where she was a professor of Theatre and Black Studies.

Mr. Speaker, please join me and a grateful nation in celebrating the life and theatrical

achievements of Shauneille Perry as a living legend of the American and Black Theater. Her talented works and legacy will forever remain in our ever-changing world. With her accomplishments and contributions, the Black Theatre community has had the opportunity to help advance the quality and heritage of the American Theatre.

TOM CAVALERI

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Ms. CASTOR of Florida. Mr. Speaker I rise today to honor and highlight the distinguished career of Tom Cavaleri. Mr. Cavaleri's contributions to the Tampa community are worthy of recognition by all.

Born in Tampa, Florida, Mr. Cavaleri attended Plant High School. Upon graduation from the University of South Florida, he began his first job with Hillsborough County, establishing and working with youth groups in the Sulphur Springs area to offer them productive and positive after school activities. Since then, Mr. Cavaleri's career with Hillsborough County has spanned 39 years and several departments, all the while devoting himself to helping the disadvantaged and underserved.

Throughout his career, Mr. Cavaleri has served as a social worker, a front line supervisor, a section manager, and is currently the division manager for Social Services in Hillsborough County. Through his work, he has improved the efficiency of customer service while also maintaining the compassion and human dignity so essential to an applicant during his or her time of need.

During his time as manager or director, Mr. Cavaleri has created innovative programs to improve program operations while also expanding the services available to Hillsborough County residents. This included designing and implementing a health care certification unit which centralized and streamlined enrollment processes, allowing front-line staff time to more effectively manage their clients, and leading the Health and Social Services department through a transition from crisis intervention to a case managed self-sufficiency model.

The Tampa community is proud to recognize Mr. Cavaleri for his continued dedication to improving the lives of Hillsborough County residents and, most especially the lives of those most in need. His outstanding commitment to improving the lives of others has made him an inspirational community leader and a true unsung hero. I ask that you and all Americans recognize such a remarkable citizen for his contribution and service to our community.

IN RECOGNITION OF BRIGADIER
GENERAL STEPHEN G. SANDERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BURGESS. Mr. Speaker, today I rise to recognize Brigadier General Stephen G. Sanders for his dedicated service as the Deputy Commanding General for the 36th Infantry Division of the Texas Army National Guard and welcome him home to the 26th District of Texas.

I met BG Sanders on my last two visits to Iraq. Like so many other great men and women of our armed forces, BG Sanders and his family have repeatedly sacrificed time together for extended periods to answer the call to serve his country.

Commissioned in May 1980 through the Army Reserve Officers Training Corps at Sam Houston State University, BG Sanders began his military career with Texas Army National Guard. His subsequent duties included various tactical, operational and strategic assignments, including commands of a combat engineer company, battalion and brigade. He was deployed to Bosnia-Herzegovina, Stabilization Force (SFOR) 7 and on active duty in support of Operation Iraqi Freedom III in 2004. Most recently, he was deployed to Iraq with his division headquarters where he assumed responsibilities to establish the U.S. Consulate in Basrah; assess, plan and build-out oil and gas infrastructure; and establish logistical conditions for the withdrawal of U.S. Forces from Iraq. BG Sanders has served honorably through each of his assignments and deployments and has received the Bronze Star and Meritorious Service Medal among additional commendation and service medals.

It is due to the selfless actions and sacrifices of the men and women like BG Sanders that we enjoy the quality of life and freedoms that are the envy of nations around the world. I am honored for the privilege to represent Brigadier General Stephen G. Sanders in the United States Congress. I, along with his family, friends, citizens and his safe return.

IN RECOGNITION OF THE SPANISH
AMERICAN COMMITTEE FOR A
BETTER COMMUNITY'S 45TH AN-
NIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Spanish American Committee for a Better Community, an organization that has been addressing the most pressing issues of the Hispanic/Latino community living in Cleveland since 1966. It is celebrating its 45th anniversary on November 18, 2011.

The Spanish American Committee for a Better Community is the oldest and largest Hispanic human services organization in Ohio and serves more than 5,500 people annually. Its vision is to continuously enhance programs

and services designed to foster self-sufficiency, career readiness, and wealth creation for individuals, children, and families, with a goal of creating socioeconomic stability in the community and in the entire Northeast Ohio region. It offers programming in several areas including family support, early childhood enrichment, educational training, home ownership counseling and employment training.

The success achieved by the Spanish American Committee is acknowledged by outside organizations. The United Way recognizes the Spanish American Committee as a partnering agency. The Spanish American Committee is a national affiliate member of the National Council of La Raza. Additionally, the United States of America's Department of Housing and Urban Development has certified the Spanish American Committee as a housing council site.

Mr. Speaker and colleagues, please join me in honoring the Spanish American Committee for a Better Community as they celebrate 45 years of community assistance.

INTRODUCING THE NATIONAL
COMMISSION ON EMPLOYMENT
AND ECONOMIC SECURITY ACT
OF 2011

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act of 2011.

This legislation is a necessary and vital investment for our nation's workforce and their families. It will establish a national commission to examine issues of economic and psychological insecurity within our workforce that have been caused by employment displacement. Further, it will propose solutions, including recommendations for legislative and administrative action, to Congress and the President.

Since the recession began in December 2007, more than 5.1 million jobs have been lost. In October 2011, the unemployment rate remains firm at 9 percent, and it is much higher in many states like Florida, at 10.6 percent, and it has topped 11 percent in Michigan, California, South Carolina, and the District of Columbia.

Over the past year, unemployment rates have increased in all 50 states and the District of Columbia. The scope of the economic downturn is so large that its impact is felt virtually everywhere along the economic spectrum.

While Americans lose their jobs and their incomes shrink, too often, they face the loss of their family's health insurance and, subsequent to the loss of income, even their housing. According to an American Psychological Association September 2010 report, money (76 percent), work (70 percent) and the economy (65 percent) remain the most frequently cited sources of stress for Americans. Perhaps even more disturbing, calls to the National Suicide Prevention Lifeline have increased by more than 72 percent from 2007 to 2010.

Mr. Speaker, the mental health of the American worker will be integral on the road to economic recovery. Congress must face this problem head on and help the very people who are facing unemployment, loss of health insurance, home foreclosure, stress, increased violence, and depression. It is time that we create this Commission and get our nation back on track.

I believe that we have a responsibility to ensure the greatest possible assistance to our nation's workforce, whose commitment to economic participation has been a defining feature of the cultural fabric of our country. I urge my colleagues to support this legislation.

RECOGNIZING NATIONAL ADOPTION DAY/MONTH NOVEMBER 19, 2011

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Ms. RICHARDSON. Mr. Speaker, I rise to recognize November 19, 2011 as National Adoption Day, which celebrates adoptive families who have opened their homes to children placed in foster care. Today, states, communities, public and private organizations, businesses, families, and individuals come together to increase awareness of children in need of permanent homes and families.

Mr. Speaker, currently there are over 463,000 children living in foster care. These children have been placed in homes on the account of the physical, sexual and emotional abuse they have endured with their biological caretaker. My state of California currently has the largest foster care population with the number of youths in foster care tripling since 1981. These children deserve to grow up in a loving home that is safe, happy, and most importantly one they can call their own.

Since the first major effort to bring awareness to the need of adoptive families, which was initiated by former Massachusetts Governor Michael Dukakis and later proclaimed a month in November 1995 by President William J. Clinton, nearly 50,000 children in the system have been adopted yearly. American families have opened their homes to these children and provided resources and opportunities that allowed them to have a chance of claiming the American Dream.

Unfortunately out of the 463,000 children living in foster care, about 107,000 are available for adoption. 65% of children who are not placed in a permanent home emancipate themselves from the system often left unemployed, without a place to live and resorting to homeless shelters. Less than 3 percent go on to college and emancipated females end up four times more likely to receive public assistance compared to the overall population of the United States.

Measures by the government have been implemented to increase the adoption rate and make the process of adoption easier for families who seek to adopt. The Affordable Care Act increases and improves the Adoption Tax Credit. It allows the process of adoption to be accessible and affordable for families who

want to nurture, care, uplift and open their home to a child. States can also receive incentives for increasing adoptions of children adopted from foster care. A project by the Department of Health and Human Services, AdoptUsKids, offers support to States and even tribes and territories to recruit adoptive parents. The project also provides assistance and help to families considering adoption or those who have begun the process.

Mr. Speaker, it is vital that we continue to create more programs, events and activities that will enlighten citizens of the United States on stories of children successfully placed in permanent homes, debunk myths about the process and acknowledge the thousands of children who could potentially become a part of these statistics. Through these efforts we can increase the rate of adoption, decrease the rate of homelessness among the youths in this group and help develop future leaders and innovative thinkers of tomorrow.

To the families who have opened their hearts and homes to these children we celebrate you and your efforts to change the lives of these children. As the rest of us enjoy and share the company of our children and extended family members, let us not forget those children who will not have the same opportunity to do the same. Let us not forget the children who will not be able to celebrate the holiday season in a warm, loving, and happy home they can call their own. Let us remember these children and work towards positively affecting these children's lives and securing their success in the future.

THE NEED TO PROTECT PROGRAMS FOR SENIORS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. ROSS of Arkansas. Mr. Speaker, earlier this summer, Congress passed a bipartisan, compromise agreement—known as the Budget Control Act of 2011—to raise the debt ceiling in two stages by 2013. The new law cuts spending by more than it increases the debt limit and it does not raise any taxes.

Specifically, the Budget Control Act will reduce the deficit by more than \$2 trillion over the next 10 years. To do so, it directly specifies \$917 billion in deficit cuts now and requires at least an additional \$1.2 trillion in savings by December 23, 2011. Tasked with finding these deficit cuts is the 12-member, bipartisan and bicameral Joint Committee on Deficit Reduction, also known as the "Super Committee."

According to the new law, the Super Committee must recommend a plan to Congress by November 23, 2011, that cuts the deficit by at least \$1.2 trillion in ten years. Then, Congress has until December 23, 2011, to pass the plan on a straight up-or-down vote, meaning no amendments and no filibusters allowed. If Congress fails to pass the plan or comes up short, then across-the-board spending cuts would automatically take effect, split evenly among defense and non-defense spending.

As we are approaching the November 23 deadline, I continue to believe that we need to

make serious changes to our budget that will provide necessary savings to help stabilize our long-term financial security. However, any changes that take place over the long run must not be at the expense of our seniors. We absolutely cannot reduce the deficit by cutting seniors' benefits or jeopardizing the stability of programs that they rely on. This is not what I want and this is not what the American people want.

Over 20 million Americans aged 60 and older are economically insecure—living at or below 250 percent of the federal poverty level (FPL). The FPL does not account for the rising cost of living seniors experience as they age, which can include illness, loss of a spouse, or care for a disabled spouse, adult dependent child, or grandchildren.

Many seniors rely on fixed incomes, receiving on average \$1,081 in Social Security benefits, \$401.70 in Supplemental Security Income, and/or \$297 in public assistance each month. Women fare worse than men, with 56% economically disadvantaged compared to 30% of men. Weekly earnings vary by age and gender. Men aged 55 and older have the highest average weekly earnings at \$965, while women earn \$744.

In August 2011, 1.7 million Americans aged 55 and older were actively seeking work. The unemployment rate for mature workers in this age group is 6.6 percent. The average duration of looking for employment is 44.6 weeks.

These are only a few statistics highlighting the economic difficulties many of our nation's elders face.

I believe that reducing the federal budget deficit is important to our nation's economic future and will require difficult choices and shared sacrifice. However, spending cuts cannot be made at the expense of economically disadvantaged seniors. Due to the recent economic downturn, more seniors than ever need assistance and support to make ends meet.

The Super Committee and Congress must be mindful of this as any possible changes are made to senior related programs and benefits.

MILFORD HIGH SCHOOL STATE CHAMPION CROSS COUNTRY TEAM

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. MCCOTTER. Mr. Speaker, today I rise to acknowledge Michigan's Division 1 State Champion Cross Country team from Milford High School. On November 5, 2011 the Milford Mavericks outran the Hartland Eagles to claim the title, placing three runners among the state's top five finalists.

After a season that saw great success in both dual meets and invitationals, Milford won the West Division of the Lakes Conference in the Kensington Lakes Activities Association with a record of 5–0. The Eagles placed 2nd in the talent laden Lakes Conference meet behind Hartland. Moving on to the undeniably toughest MHSAA Regional, the Eagles' 55 point total topped conference rivals Hartland and Lakeland with 83 and 94, respectively.

Head Coach Brian Salyer's harriers were determined to take the state title as the start-

er's pistol sounded at Michigan International Speedway. The Kensington Lake Activities Association Lakes Conference placed an incredible four teams in the top five state finalists. Milford avenged the stinging conference loss to Hartland by legging out a 1st place finish of 128 over 2nd place Hartland's 172. Waterford Mott took 3rd with 177 and Lakeland finished 5th with 188.

Mr. Speaker, the 2011 Milford Mustangs deserve to be recognized for their determination, achievement and spirit, and I am very proud of their fortitude and effort. I ask my colleagues to join me in congratulating the Mavericks for obtaining this spectacular title and in honoring their devotion to our community and country.

ON THE OCCASION OF DANIEL BENTON'S RETIREMENT FROM THE BERKLEY CITY COUNCIL AFTER FIFTEEN YEARS OF SERVICE

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize Mr. Daniel Benton for his fifteen years of leadership in the Berkley, Michigan community as a City Councilman.

A resident of Berkley since 1979, Dan has been an active member of the community, working to improve the lives of its residents. With his wife, Carol, he raised their three sons, all of whom attended Berkley Public Schools. Outside of his own family, Dan's values are evident in his support of local Park and Recreation programs like Hoops Basketball and Dad's Club Baseball, which promote athletic programs that help local youth make healthy life choices. And, as a dentist, Dan also operates his own practice within Berkley, providing area residents with important healthcare services.

One area of particular focus for Dan's activism has been the Berkley Public Library, which he has supported in many different capacities over the years. He served the library both as an elected board member and then later as a member of the Friends of the Berkley Library. Dan was also on the Library Building Committee which oversaw the expansion of the library and the acquisition of new materials. Thanks to his work and those of his colleagues, the newly renovated library opened in 1998 and has continued to be a valuable resource for the community.

Beyond his advocacy and support of the Berkley Public Library, Dan is involved in many other local organizations and projects geared toward strengthening the community. As a concerned citizen, prior to his election to the City Council, Dan served on the Planning Commission, working to secure continued future prosperity for Berkley residents. In furtherance of that goal, Dan also helped establish the Woodward 5, a local association of surrounding communities and school districts along the Woodward Corridor dedicated to promoting the region to prospective businesses and residents. As a Berkley resident passionate about the health of his city, Dan

has also organized annual sweep operations, which bring Berkley residents together to clean up the city's downtown area.

Mr. Speaker, I ask my colleagues to join me today in recognizing Dan's positive impact on the Berkley community and wish him well in his retirement from the Berkley City Council. As a true advocate for building a strong community, I know Dan's work on behalf of his city and its residents will be felt far into the future. I wish Dan many years of happiness and trust he will continue to advocate for the brightest future for Berkley and its residents.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 856 I was unavoidably detained. Had I been present, I would have voted "yea".

RECOGNIZING NATIONAL EDUCATION WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RANGEL. Mr. Speaker, I rise to recognize National Education Week, which was established 90 years ago, and is taking place from November 14–19, 2011.

I ask all of my constituents to please join the National Education Association (NEA) and myself in celebrating National Education Week. It is a wonderful opportunity for us to honor the hard work of our students, dedication of our teachers, educators, and all those in our community who help our students to succeed.

Providing high quality education to every student in our Manhattan Congressional District and across America has always been one of my life's top priorities. This past summer I introduced the Rebuilding America's Schools Act, which would increase aid for school construction and renovation across the country.

My passion for improving our children's education is also why I continue to fight alongside President Barack Obama to pass the DREAM Act, which would provide 360,000 high school graduates who are undocumented with a legal means to work and attend college, and could provide incentives for another 715,000 children of illegal immigrants between the ages of 5 and 17 to finish high school and pursue higher education.

I strongly believe that we must give every possible amount of support to our students, teachers and educators so that future generations of Americans will have the ability to succeed in a global economy and face the challenges of tomorrow.

I would like to recognize all the public and charter schools in our District, and the numerous unions and organizations dedicated to educating our community such as the United Federation of Teachers, the New York State United Teachers, the Support Workers' Union, Harlem YMCA, Harlem Children's Zone, Har-

lem Center for Education, Children's Aid Society of East Harlem Center, and all the employees of the New York City Department of Education.

I would also like to encourage all the students in our District to keep working hard and reach for the stars because you are our future.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, November 4, 2011, I was unable to be present for part of a series of recorded votes. Had I been present, I would have voted: "no" on rollcall vote No. 830 (on Agreeing to the Resolution H. Res. 455, providing for consideration of the bill H.R. 2838), "yes" on rollcall vote No. 831 (on the Motion to Suspend the Rules and Pass H.R. 3321), "yes" on rollcall vote No. 832 (on Agreeing to the Cummings Amendment to H.R. 2838), "yes" on rollcall vote No. 833 (on Agreeing to the Thompson Amendment to H.R. 2838), "yes" on rollcall vote No. 834 (on Agreeing to the Napolitano Amendment to H.R. 2838), "yes" on rollcall vote No. 835 (on Agreeing to the Bishop Amendment to H.R. 2838), and "yes" on rollcall vote No. 836 (on Agreeing to the Slaughter Amendment to H.R. 2838).

SENATE—Tuesday, November 22, 2011

The Senate met at 11:02 and 48 seconds a.m., and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 22, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10:30 A.M.
ON FRIDAY, NOVEMBER 25, 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10:30 a.m. on Friday, November 25, 2011.

Thereupon, the Senate, at 11:03 and 28 seconds a.m., adjourned until Friday, November 25, 2011, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, November 22, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 22, 2011.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Mark Farr, Faith and Politics Institute, Washington, DC, offered the following prayer:

Good Lord, on the anniversary of the death of President John F. Kennedy, we remember our Presidents and all those who serve, however high or lowly their office; also those from this House who more recently have paid a price for their service.

Keep all who attend this House safe, knowing that, in a Nation whose ideals require their leaders not be distanced from the people, this can mean personal peril.

Give them strength to know that their gift is never without cost; and in a season of Thanksgiving, holy and eternal God, we give You thanks that so many still serve the common good and that, through them, the beautiful ideals of our Republic still stand.

In Your name we pray, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC November 21, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 21, 2011, at 4:15 p.m., and said to contain a message from the President whereby he submits to the Congress an Executive Order, he has issued with respect to Iran.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

AUTHORIZING THE IMPOSITION OF CERTAIN SANCTIONS WITH RESPECT TO THE PROVISION OF GOODS, SERVICES, TECHNOLOGY, OR SUPPORT FOR IRAN'S ENERGY AND PETROCHEMICAL SECTORS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-74)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19,

1997, consolidated and clarified the previous orders.

In the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 et seq.) (CISADA), which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. The Congress also found in CISADA that economic sanctions imposed pursuant to the provisions of CISADA, the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), and IEEPA, and other authorities available to the United States to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA (22 U.S.C. 8514(a)), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in ISA, as amended by, inter alia, CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed pursuant to ISA by the Secretary of State.

This order expands upon actions taken pursuant to ISA, as amended by, inter alia, CISADA. The ISA requires that, absent a waiver, the President impose at least three of nine possible forms of sanctions on persons determined to have made certain investments in Iran's energy sector. The CISADA expanded ISA to, inter alia, require the same treatment of persons determined to have provided refined petroleum to Iran above specified monetary thresholds or have provided certain goods, services, technology, information, or support to Iran related to the importation or development of refined petroleum. This order authorizes the Secretary of State to impose similar sanctions on persons determined to have provided certain goods, services,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

technology, or support that contributes to either Iran's development of petroleum resources or to Iran's production of petrochemicals, two sectors that continue to fund Iran's illicit nuclear activities and that could serve as conduits for Iran to obtain proliferation sensitive technology. Because CISADA has impeded Iran's ability to develop its domestic refining capacity, Iran has tried to compensate by using its petrochemical facilities to refine petroleum. These new authorities will allow the United States to target directly Iran's attempts to subvert U.S. sanctions.

This order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose sanctions on a person upon determining that the person:

knowingly, on or after the effective date of the order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of \$1,000,000 or more or that, during a 12-month period, has an aggregate fair market value of \$5,000,000 or more, and that could directly and significantly contribute to the maintenance or enhancement of Iran's ability to develop petroleum resources located in Iran;

knowingly, on or after the effective date of this order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of \$250,000 or more or that, during a 12-month period, has an aggregate fair market value of \$1,000,000 or more, and that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products;

is a successor entity to a person that engaged in a provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order;

owns or controls a person that engaged in provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order and had actual knowledge or should have known that the person engaged in the activities; or

is owned or controlled by, or under common ownership or control with, a person that engaged in the provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order, and knowingly participated in the provision of

such goods, services, technology, or support.

The following sanctions may be selected for imposition on a person that the Secretary of State determines to meet any of the above criteria:

the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

with respect to a sanctioned person that is a financial institution, the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds;

agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

the Secretary of the Treasury shall prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

the Secretary of the Treasury shall prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

the Secretary of the Treasury shall prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

the Secretary of the Treasury shall block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person,

including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

the Secretary of the Treasury shall restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of section 3 of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, November 20, 2011.

COMMUNICATION FROM THE HONORABLE CORY GARDNER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CORY GARDNER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena to testify and to produce documents, issued by the District Court of Larimer County, Colorado.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House. Furthermore, on November 10, 2011, the District Court of Larimer County, Colorado quashed this subpoena. Therefore, my testimony and production of documents are no longer required.

Sincerely,

CORY GARDNER,
Member of Congress.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 1 p.m. on Friday next.

There was no objection.

Accordingly (at 10 o'clock and 15 minutes a.m.), under its previous order, the House adjourned until Friday, November 25, 2011, at 1 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third and fourth quarters of 2011, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, EXPENDED BETWEEN NOV. 6 AND NOV. 9, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
John V. Sullivan	11/7	11/9	Italy	Euro237.80	328.00	.....	1,867.90	.....	.....	Euro237.80	2,195.90
Committee total											2,195.90

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN V. SULLIVAN, Nov. 15, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. equivalent or U.S. currency ²	Foreign currency	U.S. equivalent or U.S. currency ²	Foreign currency	U.S. equivalent or U.S. currency ²	Foreign currency	U.S. equivalent or U.S. currency ²
Hon. Steve King	9/23	9/27	Greece		477.65	.....		.....			477.65
	9/27	9/27	Turkey		316.46	.....		.....			316.46
	9/28	9/29	Cyprus		219.00	.....		.....			219.00
Committee total											1,013.11

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SAM GRAVES, Chairman, Nov. 20, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3944. A letter from the Under Secretary, Department of Defense, transmitting the Department's certification that the survivability testing of the Ship to Shore Connector (SSC) would be unreasonably expensive, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

3945. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Mitchell H. Stevenson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3946. A letter from the Chair, Community Preventive Services Task Force, transmitting the first Annual Report to Congress, pursuant to Public Law 111-148, section 4003(b)(1); to the Committee on Energy and Commerce.

3947. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2011 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

3948. A letter from the Chair, Preventive Care Task Force, transmitting the first Annual Report to Congress on High Priority Evidence Gaps for Clinical Preventive Services, pursuant to Public Law 111-148, section 4003(a); to the Committee on Energy and Commerce.

3949. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33, section 11201(B) (111 Stat. 734); to the Committee on the Judiciary.

3950. A letter from the Chair, United States Sentencing Commission, transmitting a Special

Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System (as directed by section 4713 of Public Law 111-84); to the Committee on the Judiciary.

3951. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3327-EM in the State of North Carolina, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3952. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3328-EM in the State of New York, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY [Docket FAA No.: FAA-2011-0439; Airspace Docket No. 11-ANM-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Palmyra, PA [Docket No.: FAA-2011-0707; Airspace Docket No. 11-AEA-17] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rutherfordton, NC [Docket

No.: FAA-2010-1330; Airspace Docket No. 10-ASO-41] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Shelby, NC [Docket No.: FAA-2011-0280; Airspace Docket No. 11-ASO-16] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Allakaket, AK [Docket No.: FAA-2011-0756; Airspace Docket No. 11-AAL-09] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Air Traffic Service Routes; Northeast United States [Docket No.: FAA-2011-0376; Airspace Docket No. 10-AEA-11] (RIN: 2120-AA66) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lebanon, PA [Docket No.: FAA-2011-0558; Airspace Docket No. 11-AEA-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3960. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace and Revocation of Class E Airspace; Manassas, VA [Docket No.: FAA-2011-0579; Airspace Docket No. 11-AEA-14] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3961. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Amendment of Class E Airspace; Burlington, VT [Docket No.: FAA-2011-0243; Airspace Docket No. 11-ANE-12] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3962. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Wrightstown, NJ [Docket No.: FAA-2011-0623; Airspace Docket No. 11-AEA-15] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3963. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Chinle, AZ [Docket No.: FAA-2011-0517; Airspace Docket No. 11-AWP-7] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3964. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Description of VOR Federal Airway V-299; CA [Docket No.: FAA-2011-1015; Airspace Docket No. 10-AWP-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3965. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30805; Amdt. No. 496] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3966. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30807; Amdt. No. 3447] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3967. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30806 Amdt. No. 3446] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1550. A bill to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes; with an amendment (Rept. 112-293). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3010. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; with an amendment (Rept. 112-294). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1254. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; with an amendment (Rept. 112-295, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1254. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; with an amendment (Rept. 112-295, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REED (for himself, Mr. PAULSEN, and Mr. THOMPSON of California):

H.R. 3506. A bill to strengthen and protect Medicare hospice programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WILSON of Florida:

H.R. 3507. A bill to halt removal of aliens to Haiti until a report is made to the Congress on the status of post-earthquake humanitarian, reconstruction, and development efforts in Haiti; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. MCINTYRE):

H.R. 3508. A bill to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. REED:

H.R. 3506.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and 3 of the U.S. Constitution.

By Ms. WILSON of Florida:

H.R. 3507.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution.

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. FLAKE:

H.R. 3508.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, grants Congress the power to regulate commerce with foreign nations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 890: Mr. RYAN of Ohio, Mr. CLAY, and Mr. BRADY of Pennsylvania.

H.R. 931: Mr. LAMBORN.

H.R. 1148: Mr. LONG, Mr. REYES, Mr. SCOTT of Virginia, Mr. JOHNSON of Ohio, Ms. SEWELL, Mr. DONNELLY of Indiana, and Mr. HECK.

H.R. 1639: Mr. McCAUL, Mr. SCOTT of South Carolina, Mr. CRITZ, Mr. BACA, and Mr. CRAVAAK.

H.R. 1905: Mr. BOSWELL and Mr. REYES.

H.R. 2105: Mr. CALVERT and Mrs. MYRICK.

H.R. 2492: Mr. BRALEY of Iowa, Mr. CHABOT, Ms. LEE of California, and Mr. ROTHMAN of New Jersey.

H.R. 2815: Mr. COFFMAN of Colorado and Mr. ROTHMAN of New Jersey.

H.R. 2874: Mr. ALEXANDER.

H.R. 2886: Mr. PIERLUISI.

H.R. 2962: Mr. SCHOCK, Mr. TONKO, and Ms. LINDA T. SANCHEZ of California.

H.R. 3159: Ms. BASS of California.

H.R. 3167: Mr. GERLACH and Mr. CROWLEY.

H.R. 3236: Mr. BRALEY of Iowa.

H.R. 3409: Mr. FLORES, Mr. HARPER, Mr. YOUNG of Alaska, Mr. TBERI, Mr. ROKITA, and Mr. MCKINLEY.

H.R. 3422: Mr. HANNA.

H.R. 3440: Mr. LONG, Mr. REHBERG, and Mr. BURTON of Indiana.

H.R. 3461: Mr. DOLD, Mr. JONES, Mr. MCCOTTER, Mrs. BIGBERT, Mr. ROYCE, Mr. GRIMM, and Mr. GARDNER.

H.R. 3477: Mr. DOGGETT.

H. Res. 413: Mr. GRIMM, Mr. RANGEL, and Mr. KING of New York.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of Southern States Energy Board, Georgia, relative to urging Congress to adopt legislation prohibiting the EPA, by any means necessary, from regulating greenhouse gas emissions; to the Committee on Energy and Commerce.

29. Also, a petition of Southern States Energy Board, Georgia, relative to urging the Member States of the Southern States Energy Board and the EPA to issue PSD permits for new coal-fueled electric generating units; to the Committee on Energy and Commerce.

30. Also, a petition of Southern States Energy Board, Georgia, relative to submitting to Congress a piece of proposed legislation; to the Committee on Ways and Means.

31. Also, a petition of Southern States Energy Board, Georgia, relative to submitting a piece of proposed legislation; to the Committee on Ways and Means.

32. Also, a petition of Southern States Energy Board, Georgia, relative to submitting a piece of proposed legislation; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

A CONVERSATION BETWEEN CONGRESS AND THE AFRICAN DIPLOMATIC CORPS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 22, 2011

Mr. SMITH of New Jersey. Mr. Speaker, last week, several Congressional colleagues and I convened the first House-Senate Conversation between Congress and the African Diplomatic Corps on African issues. This historic event was opened by me, House Subcommittee on Africa, Global Health and Human Rights Ranking Member DONALD PAYNE, Senate Africa Subcommittee Chairman CHRISTOPHER COONS and Senate Africa Subcommittee Ranking Member JOHNNY ISAKSON. We were joined during the event by Representative KAREN BASS and Representative BOBBY RUSH.

Democratic Republic of the Congo Ambassador Faida Mitifu presented a comprehensive overview of the African diplomatic corps on the African Growth and Opportunity Act, AGOA, and trade, agriculture and food security and energy and infrastructure. She also joined us in presiding over this session.

Too often, we in Congress have only brief encounters with the African diplomats in Washington, and a fuller, ongoing interaction would be of help to both Members of Congress and diplomats in building U.S.-Africa relations that are mutually beneficial.

In our Subcommittee hearings, we conduct oversight on issues of concern involving U.S. policy—often regarding individual countries. For troubled countries such as Sudan, Somalia, Cote d'Ivoire and Zimbabwe, such U.S. policy oversight is critical. However, the issues we are covering today require interactions that are more detailed and more sustained. Trade, agriculture and energy are important matters that call for the kind of discussions that go beyond an office visit or even today's dialogue.

It is the hope of our members and the diplomatic corps that we can use this initial event as the beginning of ongoing discussions on how to make AGOA more broadly beneficial for the nearly 6,400 covered items, for example. We need to better understand how to overcome the obstacles to successful U.S.-Africa agricultural trade. One comment was repeated by several diplomats: further delay in passing legislation to extend AGOA's third-party fabric provision will send damaging mixed signals to investors.

Africa's population of approximately 1 billion people has a growing consumer base that is capable of being a larger player in global trade. One out of every three Africans is now considered to be in the middle class. This rising middle class will enable both economic and political development in Africa. For the United States and other developed nations, these developments benefit us as well by pro-

viding an enhanced market for our products and allowing African countries a larger tax base that will lessen the need for foreign aid. More robust African economies are beneficial to the entire global economy.

We also have to work more effectively to help African nations produce more energy for themselves and developed world consumers such as the United States. As Ambassador Mitifu pointed out in her opening statement, current trends indicate that less than half of Africa's population will have access to electricity by 2050. She and her colleagues called on our government to support such projects as the Grand Inga Dam project in the Democratic Republic of the Congo, which would contribute 39,000 megawatts for a continent-wide electricity grid.

A major theme among the comments and questions by the diplomats who participated in this event was concern about security and a desire to partner with the United States in combating terrorism, trafficking in persons, the international drug trade, piracy and other criminal activity that affects the continent.

As we all know, the United States faces a reduced ability to fund programs at previous levels. Consequently, we are working to ensure that the funds we do have are used as efficiently and effectively as possible. In order to maximize these goals, we must have a better idea of the actual needs of African societies. In everything we do together, there must be collaboration and the goal of mutual benefit. A win-win situation is sustainable, but programs aimed at only one beneficiary are not.

Deciding for Africans what their needs may be is not an appropriate strategy. We need African governments to be stakeholders in whatever programs we fund, and that will not be likely if they are not consulted in advance. Better program targeting requires partnership, and we hope this session is part of the creation of an enhanced partnership between us.

U.S. POLICY TOWARD ZIMBABWE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 22, 2011

Mr. SMITH of New Jersey. Mr. Speaker, on November 2, our Subcommittee held a hearing to examine the current U.S. government policy toward the Republic of Zimbabwe and to consider how our policy toward this southern African nation may develop in the years ahead. Zimbabwe is considering a new constitution that will lead to the elections in 2012 that had been postponed from this year.

There has been mutual hostility between the United States government and the Zimbabwe government of Robert Mugabe since that country became independent in 1980, although Assistant Secretary of State Johnnie

Carson said in his testimony that the relationship worsened with the extra-legal seizures of white-owned land in the 1990s. Mugabe and his supporters blame America for not supporting its liberation struggle, while the United States has criticized Mugabe's government consistently for human rights abuses, especially against its political opponents. With U.S. Ambassador to Zimbabwe Charles Ray encouraging U.S. businesses to invest in Zimbabwe last month, it would seem that U.S. policy is in the midst of a transformation.

Following independence from Great Britain in 1980, Prime Minister Robert Mugabe's policy of political reconciliation was generally successful during the next two years, as the former political and military competitors within ruling Zimbabwe African National Union-Patriotic Front and the rival Patriotic Front-Zimbabwe African Peoples Union began to work together. Splits soon developed, however, and PF-ZAPU's leader, Joshua Nkomo, was removed from government.

When PF-ZAPU was accused of initiating a rebellion due to the removal of Nkomo from the cabinet, government military forces began a pacification campaign primarily in his base in the Matabeleland area, which resulted in as many as 20,000 civilian deaths.

In part through its control of the media, the huge parastatal sector of the economy and the security forces, the Mugabe government managed to keep organized political opposition to a minimum through most of the 1990s. Beginning in 1999, however, Zimbabwe experienced a period of considerable political and economic upheaval. Opposition to President Mugabe and the ZANU-PF government had grown, in part due to the worsening economic governance issues. At one point, one U.S. dollar was worth more than 2.6 billion Zimbabwe dollars. Following the seizure of white-owned commercial farms beginning in the 1990s, food output capacity fell 45 percent, manufacturing output dropped by 29 percent and unemployment rose to 80 percent.

The opposition was led by the Movement for Democratic Change (MDC), which was established in September 1999. The MDC led the campaign to handily defeat a referendum that would have permitted President Mugabe to seek two additional terms in office. Parliamentary elections held in June 2000 were marred by localized violence and claims of electoral irregularities and government intimidation of opposition supporters. Still, the MDC succeeded in capturing 57 of 120 seats in the National Assembly.

The last four national elections—the presidential election in 2002, parliamentary elections in 2005, harmonized presidential and parliamentary elections in March 2008, and the presidential run-off in June 2008—were judged to be not free and fair by observers. In the March 2008 elections, two factions of the opposition MDC, known as MDC-T to denote Morgan Tsvangirai's faction and MDC-M for

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the group led by Arthur Mutambara, gained a combined parliamentary majority. Mugabe was declared the winner of the June 2008 run-off election after opposing candidate Tsvangirai withdrew due to ZANU-PF-directed violence that made a free and fair election impossible. Mark Schneider, Senior Vice President for the International Crisis Group, told the Subcommittee that as many as a third of MDC Parliamentarians have been arrested since the 2008 election.

Negotiations subsequently took place, and in September 2008 the three parties signed the Global Political Agreement (GPA), a power-sharing agreement under which Mugabe would retain the presidency and Tsvangirai would become prime minister. In February 2009 Tsvangirai was sworn in as prime minister, and new cabinet ministers and deputy ministers from the two lviDC factions and the ruling party also were sworn in. According to Dewa Mavhinga, Regional Information and Advocacy Coordinator for the Crisis in Zimbabwe Coalition, stated that key state institutions remain unreformed despite the change in the composition of the government.

There is serious contention within the ruling party for the right to succeed President Mugabe once he leaves office, and added to the division within the opposition, politics in Zimbabwe is in flux to say the least. Paul Fagan, Regional Director for Africa for the International Republican Institute, testified that the "imminent constitutional referendum and national elections have the potential to graduate the crisis in Zimbabwe from a steady but manageable simmer to boiling over."

It is in this environment that the United States faces the challenge of examining our current policy and determining how it might best be adjusted. I appreciated hearing from our witnesses on how the U.S. policy toward Zimbabwe may change to help that nation reach the desired goals of democracy and good governance. Sharon Cromer, Senior Deputy Assistant Administrator for the U.S. Agency for International Development's Africa Bureau, told us that her agency is finalizing a democracy and governance assessment that "highlights impediments and opportunities for us to promote democratic institutions in Zimbabwe." We eagerly await the release of that assessment for its impact on U.S. policy in Zimbabwe.

COMMEMORATING THE CIVIL AIR PATROL'S 70TH ANNIVERSARY

HON. MICHAEL T. MCCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 22, 2011

Mr. MCCAUL. Mr. Speaker, I rise today to commemorate the 70th anniversary of the Civil Air Patrol. Born on December 1, 1941 in the days before the horrific attack on Pearl Harbor, the Civil Air Patrol is comprised of patriotic Americans whose flying skills and bravery have come to the rescue of this great nation again and again.

In World War II, as German U-boats sank American ships along our coasts and threatened our war effort, thousands of volunteers

from the Civil Air Patrol risked their lives to safeguard our shores and deter the enemy's efforts. These "sub chasers" spotted 143 German submarines, attacking 57 and sinking 2.

This volunteer force was so successful that after the war President Harry Truman signed a law making the Civil Air Patrol a benevolent, non-profit organization. Congress followed suit and in 1948 permanently established the organization as the auxiliary of the U.S. Air Force. Its three primary missions, as established by law, are emergency services, cadet programs, and aerospace education.

Today the Civil Air Patrol educates young people about aviation and aerospace and encourages them to engage in civic and military leadership. It continues to save lives by participating in 90 percent of the Air Force's inland search and rescue missions. And when it comes to natural disasters, volunteers of the Civil Air Patrol can be counted on to assist more than 1,600 communities across America. They also work with the American Red Cross on humanitarian missions, coming to the rescue when other means of transportation are not available.

In the last year, Civil Air Patrol volunteers participated in 1,016 search and rescue missions and helped save 113 lives. This volunteer organization leads the way for similar groups around the world and sets an example for other countries who wish to have the same success. We can be proud that America's Civil Air Patrol is the gold standard for search and rescue, aerospace education, and emergency services operations.

So today we not only congratulate the Civil Air Patrol on 70 years of outstanding service, but we also thank them for coming to the aid of this great nation time and time again. Their bravery and civic leadership serve as a beacon of pride to the grateful Americans they serve.

THE TRAFFICKING IN PERSONS REPORT 2011: TRUTH, TRENDS, AND TIER RANKINGS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 22, 2011

Mr. SMITH of New Jersey. Mr. Speaker, on October 27 of this year, I held a hearing to examine the State Department's 2011 Trafficking in Persons Report. This annual report to Congress was first mandated by legislation that I sponsored, the Trafficking Victims Protection Act of 2000, known as the TVPA.

In 1998, when I first introduced the TVPA, the legislation was met with a wall of skepticism and opposition. People both inside of government and out thought the issue of human trafficking was merely a solution in search of a problem. For most people at that time, the term trafficking applied almost exclusively to illicit drugs or weapons. Reports of vulnerable persons—especially women and children—being reduced to commodities for sale were often met with surprise, incredulity or indifference.

One major objection to the bill, especially from the Clinton administration, was the nam-

ing and ranking of countries based on compliance with the establishment of common-sense minimum standards—clearly articulated prevention, protection, and prosecution benchmarks—enforced by sanctions and penalties against egregious violators.

Fortunately, reality won out over ignorance. Although it took two years to overcome opponents and muster the votes for passage, the TVPA was finally signed into law with strong bipartisan support. This support from both sides of the aisles has continued through subsequent reauthorizations, and has been essential to the ongoing successes by the United States Government in combating modern day slavery both at home and abroad.

However, the battle is far from over. According to the State Department's Office to Monitor and Combat Human Trafficking—created by the TPVA—more than 12 million people worldwide are trafficking victims. Other estimates put the number of victims as high as 27 million. Today we know that human trafficking is the third most lucrative criminal activity in the world. According to the International Labor Organization, ILO, human traffickers make profits in excess of \$31 billion a year.

At the hearing, we were fortunate to receive testimony from three State Department witnesses to examine both the substance and the diplomatic activity that is behind the Trafficking in Persons Report. The Report, which is written by the Trafficking in Persons Office currently headed by Ambassador Luis CdeBaca, summarizes the rankings and performance of each country and provides detailed recommendations as to how each country can improve its efforts. But more than a source of comprehensive, concise knowledge about the fight against human trafficking around the world, the TIP Report has been an incredibly effective diplomatic tool.

The Report has been a catalyst for improvement—often dramatic improvements—in the efforts of governments to address human trafficking within their borders and regions. With a combination of encouragement, persuasion, and sustained pressure via sanctions imposed by the United States, countries around the world have created or amended over 120 laws to combat human trafficking, and, in the past three years alone, an estimated 113,000 victims have been identified and assisted worldwide.

Individuals within each country can use the Report to assess their government's commitment and to lobby their government to take specific measures. The G/TIP Office also coordinates technical assistance and aid for many of the countries wishing to improve their anti-trafficking response.

The result has been a worldwide anti-trafficking surge, largely dependent on the credibility, accuracy, and faithful implementation of the Report, including the Tier framework.

We turned our attention to ensuring that the Report retains these essential attributes and to assess whether it is fulfilling its purpose.

In 2003, Congress added a special watch list to the Tier rankings to allow countries an opportunity to address serious shortcomings in their anti-trafficking efforts before being placed in Tier III and subject to sanctions. When it became apparent that this Tier II Watch List was becoming a permanent parking spot for

some countries, Congress added a requirement to the 2008 reauthorization that the President either downgrade or upgrade any country that had been on the Tier II Watch List for two consecutive years. Obviously, the direction in which the country is moved is to be based on whether requisite measures were taken to meet the minimum standards.

The President can waive the requirement to move a country off of the Tier II Watch List for up to two years if the country has a plan to bring itself into compliance with the minimum standards and designates sufficient resources to carry it out. But this waiver should only be applied in the most extreme cases as countries have had since 2009 to undertake this effort.

Consequently, it is with concern that I note the President has determined 12 countries need yet another year on the Tier II Watch List.

Some of these countries—China and Russia—have been on the Watch List for 7 and 8 years, respectively. Uzbekistan has been on the list for four years. I look forward to discussing with our witnesses today exactly why the Administration is convinced these countries need yet another year to get their acts together.

The Report shows that, of the 23 countries on Tier III, the full sanctions envisioned by the TVPA will be applied to only three countries—Eritrea, Madagascar, and North Korea. Partial sanctions will be imposed on seven countries, and thirteen countries will have no trafficking sanctions imposed whatsoever.

Some may argue that being on Tier III is punishment enough, but Congress envisioned tangible repercussion for countries on Tier III. Those who work on the front lines of human trafficking know all too well that a law is useless unless faithfully implemented.

THE 2011 INTERNATIONAL RELIGIOUS FREEDOM REPORT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 22, 2011

Mr. SMITH of New Jersey. Mr. Speaker, last week I held the first oversight hearing on the IRF Report since I chaired a hearing on the 2006 Report in December of that year. It is one of a series being held by this subcommittee that is examining this critically important issue. In June of this year, we held a hearing on prioritizing international religious freedom in U.S. foreign policy in the context of amending the International Religious Freedom Act of 1998, known as IRFA. We have also examined freedom of conscience and religion in the context of China's and North Korea's overall abysmal human rights records.

A study conducted by Dr. Brian Grim of the Pew Forum on Religion and Public Life, who

testified before this Subcommittee in June, found that almost 70 percent of the world's population lives in countries with high or very high restrictions on religion. Although this study was conducted between 2006 and 2009, it was apparent back in the late 1990s that the fundamental human right of religious freedom was under severe attack around the world.

Congress gave expression to our commitment to international religious freedom with the passage in 1998 of IRFA, which concretely established the promotion and protection of religious liberties as a foreign policy goal. I was shocked at the time when IRFA was strongly opposed on the record by the Clinton Administration. John Shattuck, the former Assistant Secretary for Democracy, Human Rights and Labor, claimed during his testimony in this very room that it would establish a hierarchy of human rights, under U.S. law.

I chaired the hearings on the legislation, and I as well as others pointed out that, for example, when we fought against apartheid and enacted laws to mitigate the abomination of racism in South Africa, we certainly did not detract from other human rights policies, it was always value added. Similarly, when we took up the cause of Soviet Jewry, and the Jackson-Vanik amendment was employed with such effectiveness, even though we risked superpower confrontation in order to effectuate the release of Jews who were being harassed and persecuted in the former Soviet Union, it did not detract. It was not a "hierarchy of human rights"; it was all value added.

In like manner, the International Religious Freedom Act was an important addition to the overall effort to defend and promote human rights, by focusing the spotlight on one of the most fundamental human rights. We persisted, and eventually the bill, authored by my good friend and colleague FRANK WOLF, was signed into law.

A critical component of the law is the requirement that the State Department review foreign countries each year and submit a report on the status of religious freedom to Congress. Those countries found to be engaged in or tolerating particularly severe violations of religious freedom during the preceding 12 months are to be designated as "Countries of Particular Concern", CPCs.

In September, the Department of State issued its report for the last 6 months of 2010. The reason for the abbreviated report is to introduce a new reporting cycle that will be based on the calendar year instead of the previous July to June reporting period.

The State Department also notified Congress in September that eight countries had been redesignated as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan. These are the same eight countries that previously had been designated by the Bush Administration on January 16, 2009.

Pursuant to the IRF Act, the Secretary must impose new presidential actions, issue waiv-

ers, or authorize an additional 90-day extension for such actions against these eight countries by December 12. I and other Members of Congress are strongly urging the Administration not to double-hat sanctions against these countries as has been done previously, but to impose measures that have some teeth and that are likely to produce the desired effect. Any thoughts from our witnesses about what actions should be taken would be both timely and most appreciated.

The U.S. Commission on International Religious Freedom recommended several additional countries be added to that list. They include Egypt, Iraq, Nigeria, Pakistan, Turkmenistan, and Vietnam. I also will be interested in hearing from our witnesses as to whether they agree with the Commission that any or all of these countries should be CPCs.

Last week, I chaired a hearing of the Helsinki Commission on the horrendous plight of Coptic Christians in Egypt. In July, the Foreign Affairs Committee accepted two religious freedom amendments that I proposed to the Foreign Relations Authorization Act, H.R. 2583. One calls on the Administration to include the protection of the Coptic Christian communities as a priority in our diplomatic engagements with the Government of Egypt, and the other prohibits increased non-humanitarian assistance to Vietnam until its government makes substantial progress toward respecting the right to freedom of religion, among other requirements.

I was also deeply disturbed by the assassination of Pakistan's Federal Minister of Minorities Affairs Shahbaz Bhatti on March 2 of this year. I met personally with Minister Bhatti when he visited Washington, D.C. and was extremely appreciative of his courage and commitment to promote the rights of religious minorities and harmony among all faith communities in his country. His killing was a tragic loss for all Pakistanis, and the ongoing failure of the Pakistani Government to identify his assassins and bring them to justice is a blatant and ongoing severe violation of respect for religious freedom.

In closing, I would like to note that the State Department's Ambassador-at-Large for International Religious Freedom, Dr. Suzan Johnson Cook, was invited to testify at our hearing and present the report written by her office. Unfortunately, the State Department refused to allow her to appear without another State Department official on her panel. Given the important responsibilities assigned to the Ambassador-at-Large pursuant to the IRF Act, including advancing the right to religious freedom abroad through diplomatic representations on behalf of the United States, our Subcommittee looks forward to the opportunity to hear from Ambassador Johnson Cook when she is allowed to testify on her own.

I thank the distinguished witnesses who have joined us last week.

SENATE—Friday, November 25, 2011

The Senate met at 10:30 and 4 seconds a.m., and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 25, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

ADJOURNMENT UNTIL 1 P.M. ON
MONDAY, NOVEMBER 28, 2011

Under the previous order, the Senate stands adjourned until 1 p.m. on Monday, November 28, 2011.

Thereupon, the Senate, at 10:30 and 31 seconds a.m., adjourned until Monday, November 28, 2011, at 1 p.m.

HOUSE OF REPRESENTATIVES—Friday, November 25, 2011

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

November 25, 2011.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Gene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

During this Thanksgiving season, thank You, Lord.

Thank You for the sacrifice of our troops who symbolize a desire for freedom You most want for all Your people.

Thank You for an abundance of food, and especially for being able to share it with those less fortunate than us.

Thank You for the breakthroughs in science and technology helping millions of people live more wholesome lives.

Thank You for the charitable gifts of generous people and the light and hope they generate here and abroad.

Thank You for the unsung heroes who clandestinely sacrifice their entire lives for others without expecting anything in return.

Thank You for the rich traditions of other cultures and the fresh energy these new ways of life inject into our country.

And thank You for the blessings we may overlook that are filled with beauty, goodness, and an inner unity of spirit, reminding us You are at our side and are our most cherished blessing of all.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 22, 2011 at 10:53 a.m.:

That the Senate passed S. 1541.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by Speaker pro tempore UPTON on Saturday, November 19, 2011:

H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes;

H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

COMMUNICATION FROM CHIEF ACQUISITIONS OFFICER, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Lawrence B. Toperoff, Chief Acquisitions Officer, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, November 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, The Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena issued by the Superior Court of the District of Columbia for testimony in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

LAWRENCE B. TOPEROFF,
Chief Acquisitions Officer.

COMMUNICATION FROM CONTRACT SPECIALIST, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Toinetta Bridgeforth, Contract Specialist, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, November 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena issued by the Superior Court of the District of Columbia for testimony in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

TOINETTA BRIDGEFORTH,
Contract Specialist.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. UPTON:

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Tuesday next.

There was no objection.

Accordingly (at 1 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Tuesday, November 29, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3968. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF [Release No.: IA-3308; File No. S7-05-11] (RIN: 3235-AK92) received Novem-

ber 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3969. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Position Limits for Futures and Swaps (RIN: 3038-AD17) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3970. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's Fiscal Year 2011 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

3971. A letter from the Secretary, Department of Labor, transmitting the Department's Fiscal Year 2011 Agency Financial Report; to the Committee on Oversight and Government Reform.

3972. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report; Telework: Weighing the Information, Determining an Appropriate Approach; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 965: Mr. CONYERS, Ms. MCCOLLUM, and Mr. PETERS.

H.R. 1410: Ms. CHU and Mr. COBLE.

H.R. 1578: Ms. CHU.

H.R. 1681: Ms. HAHN.

H.R. 1842: Mr. PRICE of North Carolina.

H.R. 2085: Mr. FILNER.

H.R. 2471: Mr. PETRI.

H.R. 2492: Mr. WELCH and Mr. JOHNSON of Georgia.

H.R. 2524: Ms. BERKLEY.

H.R. 2815: Mr. RANGEL and Mr. MCCAUL.

H.R. 2830: Mr. SCHIFF, Mr. RIVERA, Ms. BUERKLE, Ms. ROYBAL-ALLARD, Mr. TERRY, Mr. OLVER, and Mrs. CAPPS.

H.R. 3324: Ms. ROYBAL-ALLARD.

H.R. 3423: Mrs. MCCARTHY of New York, Ms. HERRERA BEUTLER, Mr. TIBERI, Mr. ACKERMAN, and Mr. POSEY.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF DR.
TERESA P. HUGHES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 25, 2011

Ms. LEE of California. Mr. Speaker, I rise today with my colleagues Congressman BERMAN, Congresswoman BASS of California, Congresswoman WATERS, Congresswoman HAHN, and Congresswoman RICHARDSON, to honor the extraordinary life of Dr. Teresa Hughes, the trailblazing Democratic state senator and assemblywoman who spent 25 years in the California Legislature championing education policy and reform. As the second African American woman ever elected to the Legislature, Dr. Hughes broke barriers for women and people of color during a long career marked by astute leadership and tireless advocacy. Dr. Hughes and her husband of 30 years, Dr. Frank Staggers, Sr., have been stalwart members of the Bay Area and Los Angeles communities for many years. With her passing on November 13, 2011, we are reminded of the joy Dr. Hughes inspired and the powerful legacy of her life's work.

Born in New York City on October 3, 1931, Dr. Hughes grew up in Harlem and earned a bachelor's degree in physiology and public health from Hunter College. After earning her master's in education administration from New York University, she completed a doctorate in

education administration at Claremont Graduate School. A former New York social worker, teacher and school administrator, Dr. Hughes moved to Los Angeles in 1969 to finish her doctorate. She worked as an assistant professor of education at California State Los Angeles, and briefly as an assistant to then State Senator Mervyn Dymally.

In 1975, she was elected to California's 47th Assembly District, representing the greater Los Angeles area. Just one of three women in the 120-member Legislature at the time, and one of only seven African Americans, Dr. Hughes spent the next 17 years fighting for education and social justice initiatives. She authored an Assembly bill dedicating \$800 million in bond money for school construction and the creation of a California School of the Arts. In 1982, she authored a bill that established the Cooperative Agencies Resources for Education, CARE, program, of which now there are 113 programs throughout the state serving low-income individuals and families. And in 1983, while chairing the Assembly Education Committee, she co-authored an education bill that set state graduation standards, raised teacher salaries and requirements, and lengthened the school day and year. She also wrote a bill that established the California Museum of Afro-American History and Culture within the Museum of Science and Industry in Los Angeles.

When, in 1985, the Joint Rules Committee formally recognized the new bipartisan Caucus of Women Legislators, comprising just 15

women state lawmakers in office, Dr. Hughes was selected to chair the caucus as the most senior woman legislator. And, after Dr. Hughes was elected to the 25th Senate District in 1992, she established the Senate Select Committee on College Admission and Outreach and wrote a school violence prevention bill that led to the Task Force on School Safety. Before she was termed out in 2000, the ever-pioneering Dr. Hughes became the first woman and first African American to serve on the Senate Rules Committee.

A member of many associations throughout her distinguished career, Dr. Hughes founded Aware Women of California, was a member of the Los Angeles County High School for the Arts Board of Trustees, was Legislative Consultant for the State Commission for Teacher Preparation and Licensing and, until just recently, was a member of the Nehemiah Corporation of America Board of Directors. Her namesake was dedicated to the Teresa Hughes Elementary School in 1988.

Today, California's 9th, 28th, 33rd, 35th, 36th and 37th Congressional Districts salute and honor a friend and an outstanding human being, Dr. Teresa P. Hughes. The State of California is truly indebted to her many civic contributions over the years. Our thoughts are with Dr. Staggers, Sr., their family, and Teresa's extended group of loved ones as we celebrate her incredible life. May she rest in peace.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Monday, November 28, 2011

The Senate met at 1 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Mighty God, as we convene the Senate today, after a time of thanksgiving, please give every Member of this body a desire to bring great honor to You. As significant issues are discussed in this Chamber, let there be cordiality and civility, wisdom and courage, humility and faith.

Lord, make our Nation a shining example of positive compromise and constructive cooperation. Bring to each one serving on Capitol Hill the wisdom to see what can be done for the good of our Nation and world when Your ways become our ways.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 28, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, I see the two managers of the Defense bill are on the floor today. The Republican leader is going to be here in a few minutes to give a speech. I am going to give one, but it should not take long. Then we can get to the bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The majority leader.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 1867, the Defense authorization bill. At 5 p.m., the Senate will be in executive session to consider the nomination of Christopher Droney to be a U.S. circuit judge for the Second Circuit. At 5:30 p.m., there will be a vote on that nomination.

PAYROLL TAX CUT EXTENSION

Mr. REID. Mr. President, I trust that the Acting President pro tempore and all of our staff, everyone in this great Capitol complex, had a safe and happy holiday. I hope everyone is well rested because we have a difficult work period ahead of us. We have much to do over the next few weeks with the Hanukkah and Christmas holiday quickly looming ahead.

This week we need to finish the work on the Defense authorization bill and even more. This month we will also handle a number of nominations and extend unemployment insurance for Americans still struggling to find work during these difficult times, and we have more appropriations work to do.

The continuing resolution to fund the government expires on December 16. We must not neglect the responsibility to continue our work to put Americans back to work. So we will take up additional pieces of President Obama's American Jobs Act.

This week we will introduce legislation that would give the economy a boost by putting money back in the pockets of middle-class workers and small businesses by extending and ex-

panding the popular payroll tax cut. More than 120 million families took home an extra \$120 billion this year thanks to this payroll tax cut we championed. The average family held on to more than \$935 of their hard-earned dollars this year. We need to assure those families they can rely on that tax cut next year as well. This legislation does more than just protect the tax cuts Americans already count on; it deepens and expands that tax relief as well.

Next year, 120 million American families will keep an average of \$1,500 because of this legislation. That means they will have more money to spend on essentials such as gas and food and buy things that will help spur economic growth in their communities.

Businesses will also benefit from this tax cut. Ninety-eight percent of American businesses will see their payroll taxes cut in half on their first \$5 million of wages that they pay.

In Nevada, 50,000 businesses will benefit from this tax cut and many businesses will save tens or even hundreds of thousands of dollars. So this legislation will help families and businesses while spurring hiring and giving the economy a boost. It will be fully paid for with the small 3.25-percent surtax on income over \$1 million. So a person who makes \$1 million a year won't pay an extra penny. Someone who makes \$1.1 million—that is an extra \$100,000—will pay \$3,250 more than they would have originally.

At a time when many working families are still struggling, we cannot afford not to extend and expand this important payroll tax cut. So I was disappointed to hear from some of my Republican colleagues, specifically the junior Senator from Arizona, who have already come out in opposition to this tax cut. I think it is fair to say that all Republicans have not, but my friend from Arizona did. This is wrong.

Those who loudly claim to care about keeping taxes low, too often it seems they only care about keeping taxes low for the richest of the rich. The same Republicans who today oppose a payroll tax cut for hundreds of millions of businesses and families last week jettisoned the hopes of a large-scale deficit reduction deal in the supercommittee because they insisted on massive, permanent tax giveaways for the rich. Cutting taxes for the middle-class families and businesses should be an area where Republicans and Democrats can find common ground, as we have in the past.

The opposition by Republicans is because this tax cut has President

Obama's fingerprints on it. It was his idea. Republicans will not support it even though they know it is good policy for American families and businesses. Let's hope that is not the case for all of my friends.

Let's examine the effects of their purely political opposition to a commonsense tax cut. If Republicans block passage of this legislation, they will take money out of the pockets of American families. That is clear. For a family making \$50,000 a year, this proposal we talked about would not only preserve an existing \$935 tax break, it would put an additional \$565 a year in the family coffers. If the Republicans get their way, that family will actually see its tax increase by \$1,000.

If Republicans block this legislation, 120 million American families and 98 percent of American businesses will not get the tax cut next year. Instead, 120 million families and millions of businesses will be hit with a tax increase. Those numbers are startling. They are shocking. But the potential impact on the larger economy is downright scary.

Economist Mark Zandi of Moody's said the economy will likely plunge back into a full-blown recession—erasing the economic progress we have made—if we don't extend that cut.

It is clear neither our fragile middle class nor our fragile economic recovery can afford the kind of setback a failure to extend and expand these would bring. Republicans say we cannot afford to raise these taxes. If they choose to oppose this payroll tax cut, we will know what they meant to say was: We cannot afford to raise taxes on the rich. In fact, more clearly, we cannot afford to raise taxes on the middle class.

Mr. President, please announce the business of the day.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

McConnell (for Kirk) amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran.

Leahy amendment No. 1072, to enhance the national defense through empowerment of

the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall of Colorado amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Bechig amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Bechig amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf-Richardson, AK.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shahen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and post-traumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200

programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown of Massachusetts/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown of Massachusetts) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service.

McCain (for Brown of Massachusetts) amendment No. 1089, to require certain disclosures from postsecondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the

Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall of New Mexico amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall of New Mexico amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall of New Mexico/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, OR.

Wyden amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the United States force posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short takeoff vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the United States European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military

technicians (dual status) in the study on the termination of military technicians as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Levin (for Menendez) amendment No. 1292, to require the President to impose sanctions with respect to the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown of Ohio) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown of Ohio) amendment No. 1260, to strike 846, relating to a waiver of "Buy American" requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States.

Levin (for Brown of Ohio) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown of Ohio) amendment No. 1262, to clarify the meaning of "produced" for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States.

Levin (for Brown of Ohio) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson of Florida) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans dependency and indemnity compensation.

Levin (for Nelson of Florida) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG-51

class destroyers at Naval Station Mayport, FL.

Levin (for Nelson of Florida) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson of Florida) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE Program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close debate on S. 1867, the National Defense Authorization Act for Fiscal year 2012.

Harry Reid, Carl Levin, Kent Conrad, Richard Blumenthal, Claire McCaskill, Kay R. Hagan, Joe Manchin, Kirsten E. Gillibrand, Mary L. Landrieu, Ben Nelson, Joseph I. Lieberman, Bill Nelson, Jim Webb, Jack Reed, Christopher A. Coons, Mark Begich, Jeanne Shaheen.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Republican leader be recognized to offer his statement as if during leader time, that

there be no parliamentary efforts on his behalf at this time, and that when he finishes his leader statement, I have the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

WORKING TOGETHER

Mr. MCCONNELL. Mr. President, first I wish to welcome everybody back. I hope everyone had a nice Thanksgiving.

Shortly before we all left last week, we got some disappointing news when the Joint Select Committee on Deficit Reduction announced it was unable to reach the kind of bipartisan agreement many of us had been hoping for. As I said then, this was a major disappointment to those of us who had hoped the joint committee would ultimately agree to the kinds of serious entitlement reforms and job-creating tax reforms that all of us know would have been a big help in getting our fiscal house in order and in jolting this economy back to life. Such an agreement would have also sent a clear message to the American people and to the world that despite our many differences, lawmakers here are capable of coming together and making the kinds of very tough decisions about our Nation's economic future that continue to elude lawmakers in Europe.

I know for a fact that Republicans wanted this committee to deliver, and the good news is that we will still see \$1.2 trillion in deficit reduction. But, frankly, it is hard to escape the conclusion that some in the White House and even some Democrats here in the Senate were rooting for failure and doing what they could to ensure that failure occurred. I mean, what else are we supposed to think when the Democrats' top political strategist here in the Senate goes on national television and predicts failure 2 weeks ahead of the deadline and then comes right out and says—yesterday—that he thinks the outcome he predicted is good politically for the President? This stuff isn't rocket science, but it is a big mistake. It might seem like a good political strategy to some, but it is bad for the country.

That is why I am continuing my call today for the Democrats who control the Senate to work with us on jobs legislation that can actually pass here in the Senate and that can get us beyond the permanent campaign by actually getting something done by working together. For the past several weeks, I have implored the Democratic majority here in the Senate to work with us on a number of job-creating bills that have already attracted strong bipartisan support over in the House. It seems to me that if the two parties

share control of power in Washington, we should spend our time and our energies identifying job-creating measures the two parties do agree on and make them law.

It is no secret that many people at the White House and a number of Democrats here in the Senate would still rather spend their time designing legislation to fail in the hopes of trying to frame up next year's election. But with all due respect to the political strategists over at the White House, I think most Americans would rather we took an entirely different approach. That is why I think we should put aside the massive stimulus bills along with the permanent tax hikes Democrats are calling for in order to pay for them. In fact, I think it is safe to say that any attempt to pass another temporary stimulus funded by a permanent tax hike on the very people we are counting on to create the private sector jobs we need in this country is purely political and not intended to do a thing to help the economy since we already know it is likely to fail with bipartisan opposition.

Let's focus instead on the kinds of targeted bipartisan bills the President quietly agreed to last month: the 3-percent withholding bill, championed by Senator SCOTT BROWN, and the veterans hiring bill. As I have pointed out again and again, the House has been busy all year passing bipartisan jobs bills just like these that we can rally around in a sign of unity and common concern for the millions of Americans who are looking for jobs. There is no reason we shouldn't focus on passing these bills rather than using the Senate floor as the stage for symbolic show votes that we know won't lead to anything except more tension and political acrimony. We should do what we were sent here to do, and that means more bill signings and fewer bus tours.

At the moment, the Senate business is the Defense authorization bill, and there is a lot of work that needs to be done. We have a lot of amendments pending on this important legislation. Members on both sides would like to see these amendments taken up and voted on. So let's stay on this legislation and focus on doing it right. Let's show we can actually legislate around here. Once we are finished, I am hoping we will be able to find a bipartisan path to resolve the other issues before us before the end of the year.

Americans are growing tired of the same old political shouting matches and political brinkmanship that has marked this Democratic-led Senate over the past few years. They are tired of careening from one crisis to another, holding their breath in the hopes that the two parties will put their differences aside and work something out at the eleventh hour, only to be disappointed when Democrats decide they would prefer to have a political issue to

run on rather than solutions to vote on.

At last count, House Republicans had passed 22 jobs bills which were designed not only to incentivize the private sector to create jobs but which were also designed to attract strong bipartisan support. In other words, they have been designing legislation to actually pass. They have been legislating with an eye toward making a difference instead of simply making a point. What I am saying is let's follow their lead. Let's come together and pass more bipartisan jobs bills and show the American people we are not going to settle for the easy way out. The economic crisis we face is much too serious for more of the same.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask unanimous consent that the Senate be in a period of debate only on the DOD authorization bill until 5 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I see that Senator WEBB is on the floor. I know he is going to be making some remarks in a few moments. I would urge other colleagues of ours to do the same. We are in a period now where debate is in order on any of the amendments, whether they are pending or not pending or whether they have been filed and not been made pending. This is an opportunity which is going to end, hopefully, on Wednesday morning when we vote cloture.

We must get this bill passed. It is critically important to our men and women in uniform. They deserve to have a defense authorization bill passed. So I would urge colleagues who have amendments they have filed to come to the floor this afternoon to debate their amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Virginia.

Mr. WEBB. Mr. President, I rise as the chairman of the Subcommittee on Personnel of the Armed Services Committee to speak on our bill. I would like to begin my comments on this national defense authorization by saying what a privilege and an honor it has been to work with Chairman LEVIN and Senator MCCAIN.

I say this as someone who spent 4 years as a committee counsel in another era and then another 5 years in the Pentagon, 4 of them as Assistant Secretary of Defense, and Secretary of the Navy working with the Congress, and finally as a Member of the Senate. I believe Chairman LEVIN is the epitome of what a chairman, a full committee chairman of the Senate should be.

I have known Senator MCCAIN for many years. As one would expect, we have not agreed on some political

issues. But I have also enormous regard for Senator MCCAIN as well. I would like to also thank members of the Personnel Subcommittee, especially the ranking member, Senator GRAHAM, for the work they have done in preparing this legislation. I would also like to thank our staff: Gary Leeling, John Clark, and Brie Fahrer for all of the hard work they have done in order to bring this bill forward.

Members of the Personnel Subcommittee, as well as our colleagues on the full committee, have worked together in a collaborative way to improve the quality of life of our men and women in uniform and of their families. Senator GRAHAM and I share the goal of doing everything we can to address the needs of our active duty, National Guard, and Reserve members, DOD civilian personnel, and their family members. They have answered every call and met every mission asked of them with selfless service.

The Personnel Subcommittee provisions in this bill are a result of a bipartisan team effort. The bill includes many provisions important to the quality of life for our service members and their families. I would like to highlight just a few:

The bill authorizes \$174.6 billion for military personnel and health care, \$5.1 billion more than what Congress authorized last year, and \$480 million under the President's budget request;

the bill authorizes an across-the-board military pay raise of 1.6 percent, which matches the annual increase in the Economic Cost Index. I understand that all of America is suffering in these economic times, and the Federal workforce is currently under a pay freeze. However, this pay raise for our service members reflects their unique conditions of service and special sacrifices on behalf of the Nation during the prolonged combat operations of the past 10 years;

the bill reauthorizes more than 30 types of bonuses and special pays aimed at encouraging recruiting and retention of the highest caliber individual;

the bill authorizes fiscal year 2012 active-duty end strength of 562,000 for the Army; 325,700 for the Navy; 202,100 for the Marine Corps; and 332,800 for the Air Force;

the bill authorizes a total of \$30 million for supplemental impact aid, including \$25 million for heavily impacted schools, and \$5 million for schools with military children with severe disabilities;

the bill authorizes service secretaries to mobilize Reserve component units and personnel for preplanned and budgeted missions to enhance the use of the operational Reserve;

the bill requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop a comprehensive policy on the retention

of and access to evidence and records relating to sexual assaults involving service members;

the bill prohibits the denial of reenlistment of a service member who has been determined by a Physical Evaluation Board, PEB, to be fit for duty but who is subsequently determined to be unsuitable for continued military service for conditions considered by the PEB;

the bill also includes important provisions that will help the Department achieve cost savings and realize efficiencies in its military personnel and health care accounts, including:

reducing the overall active-duty end strength by almost 10,000, and authorizing force management tools to facilitate further force reductions planned over the next several years;

consolidating and reforming the existing statutory framework related to travel and transportation allowances for services members, their families, and other authorized travelers to achieve efficiencies and savings in the travel area;

requiring hostile fire pay and imminent danger pay be prorated based on the number of days spent in a qualifying area; and

requiring that beneficiaries newly enrolled in the Uniformed Services Family Health Plan transition to TRICARE for Life when they become eligible for Medicare, the same as all other military retirees.

Finally, I wish to highlight what I consider to be the moral contract we have with the men and women of the military who volunteer to wear the cloth of our Nation in military service.

While the department properly insists on providing the highest quality health care, an imperative reflected in the provisions of this bill, we are also mindful of sharply rising health costs. As the Secretary of Defense testified earlier this year, there has been a nearly three-fold increase, 276.3 percent, in Defense health care costs over the last decade, from \$19 billion in 2001 to \$52.5 billion in the President's budget request this year.

A number of factors have driven this increase, including several important enhancements to the TRICARE program and other initiatives specifically focused on meeting the medical and health-care needs of a force that has been subjected to the unrelenting strain of 10 years of combat operations.

It is important to note, however, that such cost increases are not unique to the Department of Defense. Similar cost growth has also occurred in civilian health care programs during the same period. According to the Centers for Medicare and Medicaid Services, total U.S. health expenditures from 2000 to 2009 have increased by 181 percent, from \$1.37 trillion in 2000 to \$2.48 trillion in 2009.

My colleagues on the subcommittee and full committee considered this

issue very carefully during our markup of this bill. I believe we have struck a reasonable and appropriate balance. This bill does not prohibit the pharmacy copayment changes, for example, or TRICARE Prime enrollment fees proposed by the administration, but it does limit annual increases in the Prime enrollment fee to the cost of living increase in retired pay, beginning in fiscal year 2013.

Looking ahead, I believe the Department of Defense can reduce its health care costs in a number of ways, including more efficient operations. Those options should be explored carefully before contemplating major changes to today's program for the sake of so-called budget efficiencies if we are to maintain our moral contract with our service members.

I know that many of my colleagues plan to offer a number of amendments to this bill, and I look forward to working with them to make this bill even better.

Congress has passed a defense authorization bill for 49 consecutive years. I urge my colleagues to make it 50 and pass this important legislation as quickly as possible.

I point out that we have done the best job we can do in terms of bringing a bill to the floor that will take care of the needs of the men and women who serve in our military and the national security needs of our Nation. I know we are going to go into a period pretty soon where we are going to be going through the defense budget as well as the other areas of the expenditures of this country.

I just hope people will keep in mind, as we start making comparisons with military service versus civilian service, that military service is unique in this country in more ways than sometimes we recognize. I remember when I first came to the Senate hearing the report of the Dole-Shalala Commission on Military Compensation. There was a great deal of comparison with respect to how they develop compensation analysis in the civilian sector.

Something we have to remember when we look at the areas of the U.S. military, particularly on the manpower personnel side, is a person cannot pick their job. Many people come in because they want to spend a portion of their lives serving their country. They cannot decide, if they do not like who they are working for, that they want to leave. They cannot quit their job. They cannot decide they do not want to be transferred if they are being sent to a place they do not want to go. By the way, they might get shot at, blown up, or killed.

This is a unique environment. We tend to forget this when budget cuts come or when the hostilities fade away, that we have an obligation to be the lifetime stewards of the people who have stepped forward and put them-

selves on the line on behalf of our country.

There are provisions in this authorization bill that relate particularly to our basing system in Asia. I have spent a good part of my life working on these issues. I would like to say right at the outset that I strongly advocate a strategy-driven review of all of our bases around the world. I think we need to do a zero sum analysis based on our strategy as to which bases we should keep in operation and which ones perhaps we should not. But there is a unique situation that exists at the moment in terms of the vital interests we have as the key balancing force in Asia, and we have been working on this.

We have developed—the chairman, Senator McCain, and myself have worked very hard to develop language in this legislation that would call for an independent review of the basing proposals that have been on the table in Korea and Okinawa and Guam. Particularly, with the situation on Okinawa, this has become an issue that is larger than simply American military bases in Japan. The inability of our two governments to have come up with a workable solution to the basing system on Okinawa has created one of the most difficult domestic political situations inside Japan today. This has been going on for 15 years. There have been 15 years of uncertainty. We need to move forward in a timely manner. It cannot be kicked down the road any longer.

We have a formula inside this authorization bill which will allow independent eyes to come in and do an analysis of where these bases need to go, sort of a step away from the turf protection one often sees among the military services inside the Pentagon. There is also going to be considered, possibly as early as later today, an amendment that will allow the Chief of the National Guard Bureau to become a full member of the Joint Chiefs of Staff.

I oppose this amendment. I am going to take some time to explain this. I realize this is a moving train. I think we have 70 cosponsors on this amendment. But I have offered a second-degree amendment which would basically say let's take a timeout. Let's get another look. Let's look at the potential implications of putting the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff.

I say this as someone who has, as all of us, a tremendous regard for what the National Guard has been doing not only over the past 10 years but through the course of our entire history. One tends to forget, because of the lack of the use of the National Guard during the Vietnam war, that our history has been marked by instances of the National Guard stepping forward to serve during war. They were the preponderance of our military forces in World

War I and World War II once mobilization was declared. They sent 100,000 people into Korea.

Again, I say this as someone who spent 3 years as the principal adviser to the Secretary of Defense and Guard and Reserve programs when Cap Weinberger was Secretary of Defense. I was the First Assistant Secretary of Defense for Reserve Affairs.

The National Guard is a unique composite. To put the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff, in my view and in the view of all of the Joint Chiefs and the Secretary of Defense, would be confusing. In the words of Secretary Panetta, it "would not improve upon this advisory function or advance the statutory purpose, rather it would introduce inconsistencies among the JCS members and potentially negatively affect the formulation of an integrated joint force by fostering the impression that the National Guard is a separate service."

All of the Joint Chiefs agree on this position. In fact, the hearing we had on this issue was the only hearing in modern memory where all of the Joint Chiefs showed up to state their views.

I ask unanimous consent that letters from the Joint Chiefs, from the Secretary of Defense, and from two of the three Service Secretaries be printed in the RECORD stating that opposition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, November 15, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your request for the Department's views on S. 1025, the "National Guard Empowerment and State-National Defense Integration Act of 2011." I share the view of the many supporters of this bill that our citizen soldiers and airmen play a critical role both at home and abroad. Although I support further strengthening our National Guard, I do not agree with the approach taken by this bill to accomplish that laudable goal.

Section 2 of the bill grants the Chief of the National Guard Bureau membership on the Joint Chiefs of Staff. I oppose this change. The Chief of the National Guard Bureau currently serves as a valuable advisor to me on the National Guard's non-federalized homeland defense mission and to the Secretaries and Chiefs of Staff of the Army and Air Force on all National Guard activities. Making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS) would not improve upon this advisory function or advance the statutory purpose of the JCS. Rather, it would introduce inconsistencies among the JCS members and potentially negatively affect the formation of an integrated Joint Force by fostering the impression that the National Guard is a separate service.

There are some aspects of the bill that the Department does support. In an effort to further improve the National Guard Bureau's effectiveness, for example, the Department

would support establishing a Vice Chief of the National Guard Bureau, to serve in the grade of lieutenant general.

The Department has prepared a detailed letter outlining additional concerns with the legislation which is being sent to you separately.

Sincerely,

LEON E. PANETTA.

DEPARTMENT OF THE ARMY,

Washington DC, November 7, 2011.

Hon. JIM WEBB,

Chairman, Subcommittee on Personnel, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear MR. CHAIRMAN: Thank you for your November 2, 2011 letter requesting our views on the "National Guard Empowerment and State—National Defense Integration Act of 2011." We oppose including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

Our Army is the strength of the Nation because of its unity, versatility, and depth as the Total Army. It is absolutely vital that we maintain One Army in today's uncertain and complex strategic environment. We learned this lesson in the aftermath of the Vietnam War, and together with the All-Volunteer Force, the Total Army continues to serve our Nation extremely well during challenging times. With this context, coupled with 35 years of lessons, we have several reasons for opposing the CNGB as a member of the JCS.

First, representing only two (Army National Guard and Air Force National Guard) of seven Reserve Components at the Joint Chiefs of Staff level creates circumstances that will contribute to confusion and imbalance for the United States Army Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Navy Reserve and the United States Coast Guard Reserve (which are all adequately represented by their Military Departments), and challenges interoperability. Seating the Chief of the National Guard Bureau at the Joint Chiefs of Staff could also result in over-representation of Army and Air Force concerns.

We realize you are very familiar with the 2006-2007 debate before the Commission on the National Guard and Reserve on making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff. We firmly believe the Commission's findings still hold true today: this change "... would run counter to intra- and inter-service integration and would reverse progress toward jointness and interoperability. . . ."

Second, we feel that the proposed legislation will complicate the central and enduring principle of civilian control of our nation's military. It is important that the Secretary of the Army and the Chief of Staff of the Army have clear authorities and responsibilities to ensure effective and efficient employment of the force. Adding the Chief of the National Guard Bureau as a full voting member of the Joint Chiefs of Staff will confuse the lines of authority currently in place.

Third, this legislation could effectively be creating a de facto separate domestic military Service by elevating the Chief of the National Guard Bureau to a level equal to the Chiefs of Staff of the other Services. This could lead to potentially divided views on global force management, funding, modernization, RDT&E, training, doctrine and operational concepts. Currently, any competing priorities are effectively resolved within the Army with a clear chain of com-

mand, ensuring holistic and efficient management of our forces.

The integration of the Regular Army, Army National Guard, and Army Reserve has proven—during the past decade of conflict and natural disasters—to be unbeatable on the battlefield and irreplaceable in relief efforts at home and abroad. Now, more than in any time in our history, we are truly One Army. We could not have experienced our incredible operational successes without unity of command within our Army formations and complete unity of effort with our joint, civil, interagency and multinational partners.

Finally, as we move forward, our Army needs to remain unified. Maintaining our National Guard and Reserve as critical Army components is essential while facing times of global uncertainty. The Reserve Component forces will continue to play a critical role in our national security strategy and the advice of the Chief of the National Guard Bureau and Chief of the Army Reserve will always be—as they always have been—extremely valuable and essential within the context of a Total Army in a balanced Joint Portfolio. The Army leadership remains committed to the strength of our Army, which is and will remain the strength of our Nation.

We appreciate your time and thoughtful consideration of this matter.

Sincerely,

RAYMOND T. ODIERNO,
General, United States Army, Chief of Staff.

JOHN M. MCHUGH,
Secretary of the Army.

DEPARTMENT OF THE NAVY,
CHIEF OF NAVAL OPERATIONS,
Washington, DC, November 3, 2011.

Hon. JAMES WEBB,

Chairman, Subcommittee on Personnel, Committee on Armed Forces, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on the matter of including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff (JCS); we recommend against this initiative. JCS membership would violate the principle of unity of command, run counter to integrating the Joint force as laid out in the Goldwater-Nichols Department of Defense Reorganization Act of 1986, and would potentially confuse best military advice, as well as, create an inequity in advocacy.

Making the CNGB a member of the JCS would complicate unity of command for both the Army and the Air Force. The Chiefs of Staff of the United States Army and the United States Air Force should be held singularly accountable to the Executive and Legislative Branches of Government for the readiness and combat effectiveness of their respective service, and for the welfare of the men, women, and families in their respective services. Making the CNGB a member of the JCS would create unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. After ten years of war, the Guard and Reserve are more fully integrated with our active component than ever before. Making the CNGB a member of the JCS is unnecessary. This recommendation is consistent with the Commission on the National Guard and Reserves Second Report to Congress that the CNGB should not be a member of the JCS.

Unlike the service chiefs, the CNGB does not represent a branch of service nor is the CNGB responsible for organizing, manning,

training and equipping the National Guard to the extent of the service chiefs. On matters relating to federalized forces of the National Guard of the United States and its subcomponents; the Army National Guard of the United States and the Air National Guard of the United States, the Chief of Staff of the Army and the Chief of Staff of the Air Force are the appropriate advocates to render best military advice as members of the JCS.

Moreover, making the CNGB a member of the JCS is inconsistent with the status of the Army and Air National Guard as reserve components of the Army and Air Force. Additionally, JCS membership would create an inequity between the National Guard and its Army, Marine Corps, Navy and Air Force Reserve counterparts.

We concur with the Chairman of the Joint Chiefs of Staff that the CNGB's advisory roles under 10 USC 1050(c) are essential and sufficient. The CNGB serves as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense. In these matters, it is appropriate for the CNGB to participate in JCS deliberations. Additionally, we fully support CNGB participation in JCS deliberations that deal with issues that affect the National Guard and to provide key insight on National Guard concerns.

In sum, elevating the CNGB to the JCS risks sending the message that the National Guard is a separate service, which runs contrary to its status as an integral part of the United States Army and United States Air Force.

Your longstanding support of the men and women of the Naval service is greatly appreciated.

Sincerely,

J. W. GREENERT,
Chief of Naval Operations.

JAMES F. AMOS,
Commandant of the Marine Corps.

UNITED STATES AIR FORCE,
THE SECRETARY OF THE AIR FORCE,
Washington, DC, November 2, 2011.

Hon. JIM WEBB,

Chairman, Personnel Subcommittee, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR WEBB: Thank you for the opportunity to share our views concerning the legislative proposal to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS).

Over many decades, the U.S. Air Force has made great strides integrating the active and reserve components, creating the world's most lethal air force. We admire, value and rely upon the contributions our reserve components make daily as a part of our total force. We can assure you that the Air National Guard has a seat at the table and its voice is heard.

The roles, functions, and reporting relationships for the National Guard Bureau (NGB) are among the most complex in the Department of Defense (DoD). As you know, the NGB is a joint activity of DoD and the Chief of the NGB is a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-federalized National Guard forces. The Chief of the NGB is under the authority, direction, and control of the Secretary of Defense, but the Secretary normally exercises authority, direction and control through the Secretaries of the Army and

the Air Force for matters pertaining to their responsibilities. The Office of the Director, Air National Guard (ANG) is an element of the NGB and supports the Chief of the NGB in his advisory role.

The Chief of the NGB is the principal advisor to the Secretaries and Chiefs of Staff of the Army and Air Force for matters pertaining to their Title 10 responsibilities, and he implements the Title 10 organize, train and equip direction of the Secretaries and Chiefs of Staff of the Army and the Air Force as they pertain to the National Guard. The ANG of the United States is a reserve component of the United States Air Force and, together with the Air Force Reserve and the Active Duty components of the Air Force, is a fully integrated element of the total forces that the Secretary and Chief of Staff provide to the Combatant Commanders. As the senior leadership of the Air Force, we are responsible for ensuring ANG requirements for capabilities and functions are fully considered in DoD's Planning, Programming, Budgeting and Execution System and policy making processes. With that, the Director, ANG and his representatives participate without limitation in the corporate Air Force decision making process.

One of the continuing challenges we face lies in the dual nature of Title 10 and Title 32 relationships. Specifically, for our Total Force development and employment to remain effective and efficient in all aspects of Air Force operations, unified Title 10 leadership is paramount. As recognized in the congressionally mandated Charter for the National Guard Bureau, the Secretaries of the Army and the Air Force exercise authority, direction, and control over the NGB on matters pertaining to the respective Secretary's responsibilities in law or DoD policy, except as otherwise directed by the Secretary of Defense. This is essential for them to meet their responsibilities to the nation, and to integrate all components of their respective Services. The legislation passed by the House and proposed by the Senate to make the Chief of the NGB a member of the JCS would add further complexity to Title 10 relationships, confusing the lines of authority and representation already in place for Chiefs of Staff of the Army and Air Force to meet their JCS responsibilities.

For these reasons, we strongly encourage you not to proceed with designating the Chief of the NGB as a member of the JCS. We believe that the current advisory role established under 10 USC 10502 continues to be both important and sufficient for advocacy of the National Guard's non-federal needs and missions. The Chief of the NGB will continue to have a strong voice and is an essential partner for the Secretary of Defense, Service Secretaries, and the Joint Chiefs of Staff, but he should not be put in a Title 10 position independent of Service leadership.

In summary, the Title 10 roles and requirements of the Air National Guard are appropriately addressed in law, in the Charter of the National Guard Bureau, and within the U.S. Air Force. Consistent with the unity of effort embodied in our Total Force approach, military advice in all matters concerning the U.S. Air Force should come from the Chief of Staff. In its Title 10 context, the National Guard Bureau (including its Army and Air elements), is not a separate service and should not be included as such within the statutory membership of the Joint Chiefs of Staff.

We support the proposal to establish a Vice Chief of the National Guard Bureau.

Thank you for your valued and continued strong support of the U.S. Air Force. Similar

letters have been sent to Senator Levin and Senator McCain.

Sincerely,

MICHAEL B. DONLEY,
*Secretary of the Air
Force.*

NORTON A. SCHWARTZ,
*General, USAF, Chief
of Staff.*

Mr. WEBB. The administration also opposes this amendment. Senator GRAHAM mentioned during the committee hearing that candidate Obama, at a National Guard Association convention, expressed his support for this idea. But President Obama has yet to offer his support for this idea. In fact, the Secretary of Defense, as I mentioned, has stated his strong opposition. If the President is inclined to support this idea, perhaps he should clarify that for us.

The Chief of the National Guard Bureau already has extraordinary access at the table. There have been some questions about bringing the National Guard to the table. He has extraordinary access at the table. He, in fact, is the only chief of any department in the Pentagon who does not have to report to a Service Secretary. He reports to the Secretary of Defense right now.

The other Reserve components report through Service Secretaries—the Army Reserve, as opposed to the Army Guard; the Air Force Reserve, the Navy Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, through the Coast Guard process.

They are all represented at the table in the Joint Chiefs without having to be members of the Joint Chiefs.

I remind my colleagues that what we are proposing here is statutorily doable if this body wishes to do it. But it is going to be bureaucratically awkward in the Pentagon if it were to occur. You are going to put into position on the Joint Chiefs of Staff an individual who is not a service chief.

During the committee hearing, Senator GRAHAM and others mentioned an article I had written in 1972 in the Marine Corps Gazette calling for the Commandant of the Marine Corps to become a full member of the Joint Chiefs of Staff. I am actually quite flattered that someone would recall an article I wrote 39 years ago when I was a 25-year-old Marine Corps captain. But the point of the article actually is the reverse of what we are talking about today. The point of that article was that the Marine Corps is a separate service—a completely separate service. The Marine Corps wears a separate uniform than the Navy. The Marine Corps was being represented on the Joint Chiefs of Staff in the same way as, say, naval aviation. This is not true with the National Guard. The Air National Guard wears the uniform of the U.S. Air Force. When they are mobilized, they are a part of the Air Force. The Army National Guard wears the uniform of the U.S. Army. When they are

brought into Federal service, they are wearing the same uniform.

We made a lot of this when I was Assistant Secretary for Reserve Affairs—talking about one Army, one Air Force. You cannot tell the difference when their units are called up and they are put together.

So what are we doing when we say there should be a position on the Joint Chiefs of Staff for an individual who is not a service chief? What does that say, for instance—let's think about this—about Special Operations Command? The Special Operations Command—a lot of people are writing about it right now because of the activities they have been doing over the past 10 years and the fact that they have pretty well quintupled the people on the ground. The Special Operations Command is not a separate service. People are saying and writing that they act as a separate service, but they are made up of members of the other services. They are put together by the CINC, and they are fed by the service chiefs based on policies developed at the Joint Chiefs of Staff.

In 1986, going into 1987, when I was Assistant Secretary of Defense, there was a constitutional confrontation that occurred when a lot of Governors in the United States were being pressured by political groups that did not support the policy of the Reagan administration in Central America. What they started doing was lobbying the Governors of the different States in their role as commander of the militia—the National Guard—saying that the Governors should not be sending National Guard troops, or their militia, into Central America. At one point, Secretary Weinberger turned around to me and said that we have 40 percent of the National Guard in the United States potentially nondeployable to Central America because the Governors in States such as California and Ohio said they weren't going to send their National Guard troops to Central America. We had a long and divisive argument over this. It took place for almost a year.

Finally, we worked with Sonny Montgomery, who was “Mr. National Guard” in the House of Representatives, for whom I had worked years before. We got a piece of legislation that said the Governors cannot do that; that the Governor, even though he or she is commander of the militia, cannot stop deployments when the Pentagon decides they should deploy. This went all the way to the Supreme Court. The National Guard lost. We clarified, in that Supreme Court decision, the supremacy of the Army clause of the Constitution over the militia clause of the Constitution—basically, that the needs of the Army, the needs of the U.S. military, active-duty military, when calling up these units, superseded the desires of a Governor.

I would say that that principle still would be in effect today and still should be recognized in the way the National Guard is fed into our active-duty Army units and Air Force units when they are being deployed. And they are well represented on the Joint Chiefs of Staff. Every member of the Joint Chiefs of Staff emphasized this, and every one of them discussed the confusion and the potential inequality among other reserve components if this amendment were to succeed.

I have enormous respect for Senator LEAHY. I consider him to be a great friend. I know he is not particularly happy with the statement I am making right now. I hope people will take a hard look at the amendment I am offering, which says let's take a timeout and look specifically at the effects that this positioning of a chief of guard as a member of the Joint Chiefs would have on the principles of civilian control, accountability, and of someone who is not subject to the oversight of a confirmed secretary of the military department, and a number of other issues.

With that, on the remainder of the bill I express my strong support and my respect and admiration for Chairman LEVIN, Senator MCCAIN, and the other members of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. COBURN. Mr. President, I listened to part of what Senator REID had to say as we opened the Senate today. I was struck by the fact that so many people are unemployed and our economy is still barely growing, that there probably is not any firm objection to trying to alleviate some of the pain by continuing a process where we lessen the tax burden through a decline in the Social Security tax. I don't think that is going to be the issue with many Senators.

The question is, do we do that by raising taxes on other people or by getting rid of waste. I had an interesting phone call today with somebody I trust and have been talking to for 3 years, who actually predicted everything that has happened so far. He predicted what is going to happen in Europe, and he predicted the fact that ultimately there will be default in Europe on government bonds. There is no way they grow themselves out of it or no way we loan them enough money to buy them enough time to get out of it. The only way is to trim their spending, which they should have started 2½ or 3 years ago.

The same lesson applies to us. I think some things that are factual ought to

be brought up. We had, over this past week, the inability of the committee to come to an agreement on \$1.2 trillion. Therefore, there is going to be a sequestration. The interesting thing, on the way to the farm, is that when you have the sequestration carried out, there will actually be no decrease in spending in the Federal Government. This is the important thing I want the American people to hear. They think we are cutting spending. Defense will rise 16 percent with sequestration; non-defense discretionary will rise 6 percent; Medicare will still rise 71 percent; and net interest will rise 160 percent with the sequestration. So it is dishonest—to put it mildly—to say that we are cutting anything in Washington. And there begs the problem.

The problem is that the political elite in this country are failing to make the adjustments we have to make or we are going to end up like Greece, Portugal, Spain, Italy, and ultimately France. We have to do that. The sooner we do it the less pain we are going to have. The first thing we ought to do is be honest with the American people. Nobody has done anything in Washington yet to cut any spending, because it is still going to rise in discretionary, defense, Medicare, Medicaid, Social Security, and interest. It is still going to rise. So we have to go back to the fundamental problem.

What President Obama is proposing costs about \$240 billion for next year. I think he would get great support from many of us if he said I want to do this to help people out there, and I want to do it by getting rid of some of the waste, fraud, abuse, and duplication we have. I would be the first to help him. But that is not what is going to be proposed. Instead of playing the political game, why don't we solve the problem?

We had a GAO report that came out in March that showed massive duplication throughout the Federal Government—massive. My estimate is close to \$200 billion a year. That is not theirs, that is mine. But at a minimum, \$100 billion a year could be saved by consolidating programs and eliminating duplication. We have not done anything or made any attempt to do that. Senator WARNER and I offered an amendment to eliminate \$5 billion of it. The bill it was riding on was withdrawn. We haven't had an opportunity in all the bills that came before to offer an amendment to eliminate duplication. Before we ask anybody to pay more taxes to offset the taxes we are going to decrease for the businesses under \$50 million, and for the decline in the payment of Social Security tax of 3.1 percent for business and 2 percent for the individual, we ought to get our house in order first. We are doing exactly what the European countries refuse to do.

Now we hear over the weekend that we are about to participate, through

the IMF, in socializing the debt of Europe, of which we are required, through the IMF, to absorb 26 percent of the cost. We are not going to let that happen, because what we are going to do is exactly the same thing we are doing in the cities—delaying the onset of the time to make the hard choices.

Here is the growth curve on this chart. In the red is sequestration. The blue line is without sequestration. Spending is still going up. We are going to be at a \$5.4 trillion annual budget in 2021, 9 years from now. No spending has been cut. We need to quit lying to the American people about what we are doing. A 9-percent approval rating is well earned as long as we are dishonest with the American people about what we are actually doing. They understand the problem. We are broke.

If you don't think that is the case, look at this chart. Medicare is broke, no question about it. Medicaid is broke. The census is broke. Fannie and Freddie are broke. Now FHA has 0.2 percent of the capital they need when they have a minimum statutory requirement of 3 percent. FHA is broke. Social Security is broke. There is \$2.6 trillion in the trust fund. We put \$105 billion from the Treasury in to offset what we did last year. Now we are going to pay for it twice because there was no decrease in the IOU. For that \$105 billion, our children and grandchildren will pay back \$210 billion. With the new program, they are going to pay back \$280 billion. The U.S. Post Office is dead broke. We won't even pass a bill that allows it to be fixed. We just delay the time of its demise. Cash for Clunkers was broke. The highway trust fund was broke. We are passing bills for the highway trust fund, which is \$13 billion short. We don't know where the money will come from because the trust fund is broke. Government-run health care—we don't know, but it is likely to be broke before it starts.

How do we solve the problem?

Mr. MCCAIN. Will the Senator yield on the issue of the post office?

Mr. COBURN. Yes.

Mr. MCCAIN. Isn't it kind of a symptom of the disease we suffer from here where we would not even agree to legislation that cuts mail delivery from 6 days to 5 days, which is the recommendation of the Postmaster General?

Mr. COBURN. Yes, and the recommendation of the President of the United States. What about duplication? Is there not someplace we can find the \$240 billion that President Obama wants to put into the economy for helping those of the middle and lower income levels make it through this tough time? Sure there is.

We have 100-plus surface transportation programs that can be consolidated into about 20 programs. We have 82 Federal teacher quality programs.

Not one has the metric on it, and we don't know if they work. Economic development programs—we have 88. Transportation assistance programs, outside surface transportation—we have 80 of those. We have 56 financial literacy programs. We have 47 job-training programs, at \$18 billion a year. All but three of those overlap one another, and not one has a metric to say it works. Homelessness prevention and assistance—there are 20 separate programs. There is nothing wrong with that goal, but why do we need 20? Food for the hungry—we have 18 different programs. Couldn't we do that through one Federal program? Why do we need to have 18? Disaster response and preparedness in FEMA has 17 different programs.

We have taken a “stupid” pill, and now we sit bankrupt. We are physically bankrupt—fiscally and physically bankrupt at this moment, except we just haven't recognized it, and what is happening in Europe is going to happen to us in less than a year. The price we pay for our bond interest is going to go up. The price differential between a German and Italian bond in the last 10 days has risen 270 basis points—a spread of 270. Germany couldn't even sell all its bonds Friday.

What is happening? It is a lack of confidence. So we have to restore confidence, and the way we do that is by actually paying for the good we need to do by putting forth commonsense solutions for elimination of programs that are duplicative.

I will finish with just a couple other points, just some ideas.

If you started now, you could put the 2020 census online and save \$2 billion. If we increased the paperless transactions at the Treasury Department, we could save \$1 billion. These are per year, by the way—per year. We need to gradually increase fees for GSE securities. President Obama has started that, but it needs to be accelerated. Move the core functions of the Election Assistance Commission to the FEC. That is \$161 million. We could consolidate that. We could do some commonsense things. We could combine the SEC and the CFTC and save \$2.8 billion. We could move the SBA disaster loans to FEMA. You have to go through FEMA anyway before you ever qualify for one, so why not let them do it? Why do we have two separate programs? Why do you have to go through two doors? It would be like getting your license where you bought the car, but then you had to go somewhere else to get it, and then you had to go somewhere else. We could eliminate that. The National Drug Intelligence Center—it doesn't do anything. It is an earmark we have spent \$488 million on in the last 10 years. It does nothing of concrete value to anybody in the intelligence network, but it is an earmark gone crazy.

So what do we do? Well, we put together a shopping list that could be

used. You don't have to agree with any of this, but over the next 10 years, if you just agreed with one-third of it, you could find the third and save \$3.3 trillion. That is \$85 billion more—if we just did one-tenth of it this year—than what the President would like to do with this jobs stimulus program.

None of this is hard. There certainly can be some debate over what we fund and don't fund in defense, but most of it is common sense. Will people squeal? Yes. Everybody is going to have to squeal if we are to get out of the problem we have in this country.

I will conclude with this: I think we ought to continue, until our economy is back on keel, with a Social Security tax cut, but I think the only way we should do that is by eliminating some of the \$350 billion a year of waste, of duplication, and of fraud in the Federal Government. And if we can't do that, we shouldn't be here. None of us should be here.

The fact that the politics of the next election is crippling this country says we deserve the 9-percent rating the American people are giving us. All we have to do is change that. What we have to do is grow a backbone, stand, and say no to people. We have to say it to everyone. We have to do this. It is for our future and for our kids' future. And these are the things that are least painful.

Here is what happens if we don't. The very people we say we don't want to harm by eliminating the multitude of duplication in all these programs, eliminating all this waste, all these feel-good things that part of the time accomplish good things, are the very people who are going to suffer significantly more because of our inaction.

It is time for us to act. It is time for us to do what is necessary to put our country back in the right direction and on a healthy diet of fiscal prudence, smart tax policy, and get out of the rut we are in. That requires leadership—and not just by the President but by all of us.

It means you have to take some hits. When I put “Back in Black” out, I got some terribly nasty letters from all sorts of people. I understand. They are getting something, and some of that is put at risk, so therefore you can't represent them. But everybody is going to have to give, and if everybody doesn't give, we won't have a country left. That is what is coming—default. We are broke now; we just are not in the reality of it. But what is coming is default of American bonds if we do not act now. It can't wait 2 years. It can't wait for the next Presidential election. We have to do it now.

With that, I yield the floor.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, here is where we are: With the current UC that we are operating under, debate is in order this afternoon, and we are urging that our colleagues who have amendments pending to come and debate those amendments. This is an opportunity for them to do so, and this opportunity is not going to last for very long because we have to get this bill passed.

So I would urge—and I know my good friend from Arizona would join me—colleagues who have amendments, whether they are pending or not, we are not going to be able to have any additional amendments added to the pending list by unanimous consent because we already have something like 100 pending amendments. It is just more than we are going to be able to handle to add any more, and it may be more than we could handle to deal with the ones that are already pending.

But I urge colleagues—otherwise, tomorrow we are going to be hearing from colleagues: Gee whiz, we want to offer our amendment or we want to debate that amendment, and there won't be time before that cloture vote on Wednesday—we are not going to have more than this week for this bill. We have been informed by the majority leader he wants to finish this bill by Thursday.

So I strongly urge our colleagues to come and use this opportunity to debate their amendments. It will increase the chances that we will be able to get to their amendments for a vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Isn't it true, I would ask the chairman, that we went on this bill last Thursday and that we spent a good part of Thursday on this legislation? Then on Friday, you and I and a few others came in on Friday and had further debate and discussion of amendments; and then we came in, I believe, around 1:00 today and enjoined, in fact pleaded, with our colleagues to come and discuss their amendments they have pending? I understand there are over 100 amendments pending. So it does ring a bit hollow if some of our colleagues may say they didn't have time to debate the amendments that are pending.

So I would say to my colleagues, I believe—and have stated endlessly—this piece of legislation, which has to do with the Nation's security, which has been passed by the Congress of the United States for over 50 years now, for

over a half century, without interruption, that we are doing a disservice to the men and women in the military if we don't debate these amendments, if we don't discuss the important issues of national security that are embodied in this legislation.

So I would ask my friend, the distinguished chairman, after these thousands of hours of work, and now on our fourth day of consideration of this bill, that maybe it might be appropriate for us to take measures to expedite the process. Again, I urge our colleagues who have pending amendments to come down and debate and discuss them so that we can line up votes because there are so many pending amendments it is going to require a significant number of votes as well.

Mr. LEVIN. I surely concur with my colleague that we have been here now—I think this is the fourth day. The days last week which the Senator referred to are different than my own memory. I think they were earlier in the week than the Senator referred to. But, nonetheless, the point is the same. I believe we were here either Tuesday or Wednesday, but there were 2 days before we left for Thanksgiving that we were here. The Senator's point is well taken.

The floor was open to debate. People offered amendments. They had an opportunity to make them pending. Now we have a huge number of those amendments pending, and now it is time to start disposing of amendments. Unless our colleagues come to the floor to do that, we are not going to be able to get through this bill, and the leader will not continue debate or allow us to continue to debate this bill beyond Thursday. We know that is the case because we know how much pending legislation there is that the majority leader needs to get through.

So I can only, again, join the Senator from Arizona in a joint plea that our colleagues who have amendments come and debate those amendments. Hopefully, we can get to votes on those amendments even yet today after the vote on the judge at 5:30 or so.

Mr. MCCAIN. So my colleagues should not object to short time agreements for debate, final debate before we vote on some of these amendments.

Mr. LEVIN. I hope, when the time comes, colleagues who come to the floor understand that unless they agree to short time agreements, there is no way we will be able to get this bill done even if their amendments pass. It will not do anyone any good to have long debate on amendments when people finally come to debate those amendments, even if the amendments pass, because there will not be an opportunity to get the bill itself passed. That is very true.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Delaware, Mr. COONS—the Presiding Officer—be added as a cosponsor of Senate amendment No. 1155 to the pending bill, S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President, for cosponsoring the amendment.

Earlier today the chairman and the ranking minority member of the Senate Armed Services Committee came to the Senate floor and asked for Members to come forth with their amendments as well as the underlying bill. But I want to begin by commending Senator LEVIN and Senator MCCAIN for their superior work on this very important piece of legislation.

For this reason I rise in support of the fiscal year 2012 National Defense Authorization Act. This bill represents a bipartisan commitment to ensuring that our brave men and women in uniform have the support they require to execute our Nation's military strategy and to defend freedom around the globe. The legislation will improve the operation of the Department of Defense, it will strengthen congressional oversight of the Department, and it makes fiscally responsible but very difficult choices in order to meet this year's budget caps. As a member of the Senate Armed Services Committee, I urge all of my colleagues to support this important bill.

I am particularly pleased that this bill fully authorizes the Navy's budget request for shipbuilding. While shipbuilding accounts for fewer than \$1 out of every \$10 of the Navy's budget, it is a critical component to the strength of our national defense.

The Chief of Naval Operations has testified that a fleet of 400 ships would actually be required to meet the unconstrained demands of the combatant commanders. Due to budget constraints, however, the Navy aims for a fleet that equals 313 ships in the future, but today the Navy has only 285 ships. The DDG-1000 program, the DDG-51 restart, the Virginia Class submarine, and other ships in the shipbuilding budget will help to close the troubling gap between the requirements of the combatant commanders and the number of ships the Navy actually has.

I am particularly proud that the skilled workers of Bath Iron Works in my State are playing such a critical role in building the ships our Navy requires. Bath's excellent performance of

delivering ships on time and on budget or under budget to the Navy continues. This year BIW delivered the USS Spruance to the Navy where the destroyer will serve in the Pacific fleet. In addition, BIW has completed more than 60 percent of the construction of the very first DDG-1000. This is a destroyer for which the Navy laid the keel for the ship 2 weeks ago.

So, Mr. President, consider the fact that 60 percent of the construction had been completed before the keel laying ceremony; this is a feat which is all that much more impressive when we consider that the rework rate for ship construction—and this ship is the first in its class of ships—has been less than 1 percent. That is an extraordinary record and a tribute to the high-quality work performed by the men and women of Bath Iron Works.

Last week the President made clear that the United States will not shrink from its role in Southeast Asia and the Pacific, two regions where forward presence and persistence depend on the ships of the U.S. Navy. At a time when the Chinese fleet is larger than our own and is expanding, now is certainly the time to reinvigorate rather than weaken our shipbuilding industrial base to build ships that are capable of operating in anti-access and area-denial environments.

In recent weeks Secretary of Defense Panetta has warned about the negative effect of sequestration on the fragile shipbuilding industrial base and his concern that under this procedure, which would involve automatic cuts that disproportionately fall on the Department of Defense, the Navy could shrink to the smallest force since 1915. Unfortunately, the Navy fleet is already the smallest that it has been since 1916 despite the escalating threats that we face.

So I want to thank Chairman LEVIN, Ranking Minority Member MCCAIN, and the chairman and ranking member of the Seapower Subcommittee as well for recognizing the importance of fully authorizing the President's request for shipbuilding.

This legislation also includes important acquisition reforms to ensure that taxpayers receive the best value for every dollar authorized in this bill. One provision requires the military services to determine if they can save money by performing service-life extension programs for nontactical vehicles and equipment rather than purchasing new gear.

The committee report also seeks to save taxpayer dollars by directing the Air Force to evaluate the annual fuel costs that would be incurred at each candidate base before the Air Force decides where to assign new aircraft, such as the KC-46A tanker.

In addition to providing better value to the taxpayer, the government procurement process should be fair, open,

and entirely free from politics. I would hope that is the goal on which every Member of the Senate could agree. Last spring, however, the administration was considering a draft Executive order requiring Federal agencies and departments to collect information about campaign contributions and political expenditures of bidders before awarding any Federal contract. I would suggest to my colleagues that is the antithesis of sound procurement practices.

For the administration to even consider a change that would inject politics into the procurement process goes in entirely the wrong direction. Such a move would create the perception that political support or opposition is somehow a consideration in selecting the winners and losers among businesses vying for Federal contracts.

To ensure that contracts are kept out of the procurement process, an amendment that I offered with Senators PORTMAN and BROWN was adopted by the committee with the wholehearted support of the chairman and ranking member, and I would note that it was adopted without opposition. Our amendment specifically prohibits the Department of Defense from collecting information about political contributions made by companies seeking to conduct business with the Federal Government.

Think what a terrible position that would put contracting officers in. Right now they are just collecting information about the ability of a contractor—or a would-be contractor—to perform on the contract, information about the price they are bidding, and information about past performance. What kind of signal would it send to contracting officers if all of a sudden they are required to collect information about political contributions and expenditures? That would muddy the procurement process. It would imply that somehow political contributions are supposed to be considered in the contract award process when exactly the opposite must be the case.

Another area of particular concern to me is ensuring that our service men and women receive the health care they deserve, particularly as it relates to mental and behavioral health. While the rate of Active-Duty suicides did drop last year, it is very sad to know that almost twice as many Guard members and reservists committed suicide in 2010 compared to 2009. This is a tragedy that the chiefs of the military services, the Secretary of Defense, and the members of our committee are taking very seriously. We don't know enough about the factors why, but we do know that we need to provide better access to counseling and other services to our service men and women, to our reservists, to our Guard members, and to our veterans.

Unfortunately, the Department of Defense has had limited ability to

allow its own civilian and contracted mental health professionals in one State to provide care to a patient in a different State. That is the result of complicated State licensing laws with which I am very familiar, having overseen the licensing of mental health professionals for 5 years in my career.

The result is that many in our military, particularly Guard members and Reserve members who live in rural areas where there is a shortage anyway of mental health professionals, must travel long distances to access care.

So the result is that, in many cases, they simply don't access care at all and don't receive the care, the counseling, or the assistance they need and deserve.

This bill includes the provision included at the request of Senator BEGICH, Senator BROWN, and myself to expand access to mental health care providers for those individuals who have served. This provision—our amendment—will allow mental health care professionals who have been qualified by the Department of Defense to serve members of the Armed Forces and our veterans using “telehealth”—a capability the Army in particular has sought and believes would be very useful so services can be provided via videoconference, for example, to members who may be far away from the actual mental health professional.

The bill also includes provisions to increase protections for servicemembers who are victims of sexual assault. One in six women will be a victim of a sexual assault in her lifetime. Yet in the military, that terrible statistic is even higher—much higher, I regret to say. As many as one in three women leaving military service report they have experienced some form of sexual trauma.

The provisions that were included in the bill at the request of all the women of the Senate Armed Services Committee as well as Senators BROWN and BEGICH were based upon legislation Senator KERRY and I introduced to implement some of the overdue recommendations of the 2009 Defense Task Force on Sexual Assault in the Military Services.

Of the 91 recommendations made by this task force, only 26 have been fully implemented by the Pentagon as of May—only 26 of the 91 recommendations. There are a couple of these recommendations that are particularly important and have been included in the bill. These recommendations include providing victims with access to legal counsel and ensuring that each military unit has an adequate number of trained—and I emphasize the word “trained”—victim advocates and sexual assault response coordinators.

The bill also requires the Department of Defense and the VA to implement a comprehensive process to preserve medical records and evidence related to

sexual assaults. This has been a real problem. This process will protect victims' access to VA benefits and will help support the prosecution of their offenders. Finally, in this area, the bill modifies the Uniform Code of Military Justice as requested by the Judge Advocate Generals to improve the likelihood of prosecution of sexual offenders in the military.

While this bill does much to provide for our servicemembers and improve the processes of the Department of Defense, I believe we can further strengthen this bill, and I have offered three amendments with that goal in mind. First, I have introduced amendment No. 1180 with Senators SHAHEEN and CASEY to address the serious threat posed to the American people by the missing portable anti-aircraft missiles from Libya. Our amendment requires an urgent intelligence assessment of the threat these missiles pose to the American people and our allies and it requires the President to develop and implement a comprehensive strategy to mitigate this threat.

Former Libyan Dictator Colonel Qadhafi acquired more than 18,000 of these portable anti-aircraft missiles—one of the largest stockpiles in the world. Make no mistake, no one has an accurate accounting of where all these missiles have gone or where they are now. While the administration has sent teams to inspect and disable these missiles, where they know they exist, there is no comprehensive strategy in place despite very disturbing reports of Libyan militias refusing to disarm themselves and of terrorist groups seeking these weapons.

Recently, Senator MCCAIN and I had the opportunity at the World Economic Forum in Jordan to meet with the then-Acting Prime Minister of the Libyan Transitional National Council, and we asked him specifically about the issue of the Libyan militias all over the country. He was very forthright in saying he had been unable to bring them under a uniform control—a real issue. Unfortunately, he decided he needed to resign, in part due to that issue. The United States simply must make an accounting for these dangerous weapons that can be aimed to take down a commercial aircraft. This must be a priority in Libya and throughout the region. I appreciate the support Chairman LEVIN and Senator MCCAIN have expressed for this amendment as well as the helpful suggestions from Senator KERRY, Senator LUGAR, and the Senate Select Intelligence Committee.

I have also offered an amendment No. 1155 to allow physical and occupational therapists to enroll in the Armed Forces Health Professionals Scholarship Program. This program provides tuition assistance to critical health care professionals in exchange for service as a commissioned medical officer.

Unfortunately, while the need for physical therapists has grown during the last 10 years of war, neither the Department of Defense nor the military services have conducted a separate analysis of the current or future DOD workforce requirements for occupational and physical therapists, even though such an analysis was required by last year's Defense authorization bill.

My amendment would allow the military services to extend the same kind of educational benefits to physical and occupational therapists that are already afforded to physicians, dentists, physician assistants, and even veterinarians.

Physical and occupational therapists at the military's major medical centers serve approximately 600 wounded warriors every day on their road to recovery. More than 32,000 servicemembers have been wounded in Iraq and Afghanistan, including many who have suffered very serious injuries and have had to have amputations, for example. Those injuries require significant physical therapy.

The idea for this amendment came directly from a visit I had with a wounded marine from Maine at Bethesda earlier this month. He was severely wounded by an IED in Afghanistan. He lost part of one leg and his other leg has a lot of shrapnel wounds. Both of his arms were wounded, and he has a traumatic brain injury as well. In short, he has very serious wounds that are going to require a very lengthy recovery period. But he has recently been moved into wonderful accommodations—his own apartment at Bethesda. His spirits are amazingly strong and upbeat.

But when I asked him if he had any concerns, he said while he praised the care he was receiving, there was a severe shortage of physical therapists and other trained clinical personnel to help him in what is going to be a very long recovery. He is expected to be at Bethesda for another 9 months. It troubles me that he believes there are not a sufficient number of physical therapists to help him and the other wounded warriors who are hospitalized at Bethesda.

While the Department of Defense reports that overall it does not face a shortage in these professions, both the Air Force and the Navy report shortages in physical therapists, physical therapy technicians, and occupational therapists. One out of every four physical therapist positions in the Active-Duty Navy is currently unfilled. So including these medical professions in this existing educational program would help meet this need.

I wish to point out, we are not authorizing additional or new funding. However, this is an important insurance policy against a shortfall of these medical professionals that will help the

Navy and the Air Force fill vacancies. After all, it is these talented and committed professionals who are helping our wounded warriors return to living full and independent lives.

Finally, I have offered amendment No. 1158, a bipartisan amendment with Senators BEGICH, MANCHIN, and CHAMBLISS, regarding the prohibition on the transfer of U.S.-held detainees to a country that has a confirmed case of a released individual who has returned to the fight. This is so needed.

I note this provision was permanent in the detainee amendment that was offered by our chairman and ranking member that was adopted overwhelmingly by the Senate Armed Services Committee during our June markup. Nevertheless, this provision was reduced to a temporary 1-year restriction in the current version of the bill in response to concerns from the administration.

I wish to point out that my amendment would only make permanent the prohibition on the transfer of American-held detainees to a country that has a confirmed case of recidivism. It does not change any of the other transfer provisions in section 1033 of the bill.

Let me make clear that I support the hard work Chairman LEVIN and Senator MCCAIN have done to craft a permanent detainee policy that has a great deal of support on a bipartisan basis. While there may be genuine disagreement regarding other aspects of the detainee policy provided for in this bill, the amendment I put forth permanently establishing the commonsense policy that we will not return detainees to countries where they are returning to the battlefield should not be an issue that divides this body. In spite of the spirited and lengthy debate in committee on detainee policy, this particular provision in my amendment was not the subject of controversy.

Let me give a little more background on why it is necessary. In September, Director of National Intelligence James Clapper testified that the recidivism rate of transferred Guantanamo detainees continues to increase. Twenty-seven percent of transferred detainees—released from Guantanamo to another country is what I am talking about—up from 25 percent last year, are believed to have rejoined the fight, rejoined the cause of terrorism.

Of the 599 detainees who have been released from Guantanamo, there are 161 individuals confirmed or suspected of re-engaging in terrorist or insurgent activities. Half of those cases have been confirmed by the intelligence community, which is an increase of 5 percent of confirmed cases from March 2009 to October 2010. I believe it is likely, as further intelligence is developed, that the rest will be confirmed—those suspected cases are likely to be confirmed as well.

Former detainees who were previously mid-level enemy combatants

are not simply returning to be another fighter armed with a rifle, although that, too, is clearly unacceptable. According to Michael Vickers, the Under Secretary of Defense for Intelligence, former detainees are advancing in the leadership ranks of al-Qaida and its affiliates.

For example, Said al-Shihri was released from Guantanamo in 2007 to Saudi Arabia. He participated in a so-called rehabilitation program but then traveled to Yemen. Within 2 years of his transfer, he was involved in planning an attack on the U.S. Embassy in Yemen in September of 2009. He also became a deputy in al-Qaida in the Arabian Peninsula, the terrorist group responsible for the attempted Christmas Day bombing in 2009 and the attempted package bombs last year. In fact, AQAP is considered by most intelligence analysts as the entity posing the most danger to our homeland.

There are other cases as well. There is a case where one of the detainees who was released to Afghanistan in 2007 told American officials, prior to his transfer:

I [just] want to go back home and join my family and work in my land and help my family.

Instead, after Abdullah Ghulam Rasoul was released by the Afghan Government in 2008, he went back to fighting. Press reports indicate this former detainee was promoted as a top deputy in the Taliban and put in charge of operations against U.S. and Afghan forces in southern Afghanistan in 2009. In fact, *Newsweek* reported that roadside bomb teams under his direction have caused more than half of NATO's 160 deaths in Afghanistan in the first 5 months of this year.

Muhammad al-Awfi was also released from Guantanamo to Saudi Arabia in 2007. After leaving a rehabilitation program in 2008, he too fled to Yemen. Not long after, he appeared in a video announcing the formation of AQAP. There are other examples as well—example after example after example—of detainees who have been released from Guantanamo and who have returned to the fight.

We need a permanent provision to deal with the recidivism threat. As hopeful as I am that the national defense authorization bill will be passed each and every year—and there is a great record of the Armed Services Committee in that regard—there is no guarantee that legislation will be passed by the Congress and signed into law by the President. In fact, we are already 3 months into this fiscal year, and we are weeks from having a Defense authorization bill signed into law, despite the heroic efforts of the leaders of the Armed Services Committee.

Ten years after these wars began, it is clear when we transfer detainees to some countries they may well rejoin

the fight against our country and our allies. It is time for Congress to establish a permanent policy in the Defense authorization bill that we will not transfer detainees to countries where there have been confirmed cases of released detainees returning to the fight. I urge my colleagues on both sides of the aisle to do exactly that by supporting this bipartisan amendment.

Finally, the people of Maine have a proud history of contributing to the defense of our country. Members of the Maine National Guard have served in Afghanistan and Iraq, as well as Active-Duty soldiers, marines, airmen, and sailors from our State. The Air Guard unit in Bangor continues to perform critical refueling missions for aircraft headed overseas, as it has done since 9/11/2001. Many of the sailors who are deployed serve on 1 of the 101 ships currently underway that were built at Bath Iron Works or on submarines repaired, overhauled, and refueled at the Portsmouth Naval Shipyard in Kittery, ME.

From the Maine Military Authority and the Defense Finance and Accounting Service Center in Limestone to the Pratt & Whitney plant in North Berwick, ME, from cutting-edge composite and renewable energy research at the University of Maine to the innovative high-tech firms throughout our State, Mainers have faithfully supported our national defense with ingenuity, innovation, and superior craftsmanship.

The investments authorized in this bill support these efforts in Maine and other States throughout the country, and they will continue to ensure that our extraordinary military remains the best trained and the best equipped in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Maine leaves the floor, I wish to thank her for the extraordinary contribution she makes to our committee as well as to the Senate. She and I have worked long together, and we work extremely well together. We have seen a lot of things that were able to get passed because of people working together—a lot of measures that can happen because people are willing to set aside partisanship—and she has been one of the leaders in getting things done in this body and in the committee. I wish to thank her and tell her how grateful a chairman I am for her contribution.

We are working hard on the amendments she has offered. They are being worked on—last week and this week—and we will have something to report to her, I hope, in the next few hours.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I wish to thank the committee chairman for his extremely generous remarks. It has

been a great pleasure to serve with him on the Armed Services Committee, and I very much appreciate his outstanding leadership.

Senator LEVIN and I actually go way back to when I was a staffer on the Governmental Affairs Committee. I was a staff director of a subcommittee on which he was the ranking member and chairman. It went back and forth with Senator Cohen. It has been a great honor and pleasure to serve as his colleague during these past 15 years. So I appreciate his comments.

I thank the Chair.

Mr. LEVIN. Mr. President, if I may add one thing; that is, she has also been my chairman, as well as the ranking member, on the Homeland Security Committee. So we have an awful lot of history together. I am glad she did not mention how many years it is we have been working together because that dates us a little bit. But we do go back a long way and have tremendous confidence in each other, as I do in her.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, am I correct that we are on the Defense authorization bill?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, one of the amendments that have been pending is the Leahy-Graham National Guard empowerment amendment, which is amendment No. 1072. I was just discussing with the distinguished leaders of the Armed Services Committee, Senators LEVIN and McCAIN, the possibility of a time to bring that amendment up for a vote. While we are in quorum calls anyway, let me talk a little bit about what the amendment is.

Over the past decade, as we all know, the National Guard has undergone a profound change—actually, a historic change. Once, it was a hollow force, considered only a strategic reserve for nightmare contingencies, but the National Guard has become an operational reserve that deploys in regular rotation with the Active-Duty Force. As a matter of policy and reality, Army and Air National Guard troops from States around the country shoulder their load overseas, but they also carry a disproportionate share of the domestic response in disaster relief missions at home, including responding to terrorist events. Institutional support for the National Guard still lags behind its operational role.

When I have been on battlefields, whether Iraq, Afghanistan, or elsewhere, and I have talked to the commanders there, they do not know the difference between, when looking at soldiers about to deploy, which one is Guard and which one is regular force because they are deploying together and expected to do the same job. But, unfortunately, today's National Guard is a superb 21st-century force trapped inside the 20th-century Pentagon bureaucracy.

Without raising the profile of the Chief of the National Guard Bureau in the supreme military advisory body of the Department of Defense, the Joint Chiefs of Staff, the United States will miss an opportunity to capitalize on positive changes that began in response to post-9/11 operations tempo. So our amendment makes that change, as well as several others that will enhance the Guard's effectiveness.

I may sound parochial, but I think of immediately after 9/11. We had armed F-16s flying guard over New York City around the clock, day after day. They were from the Vermont Air National Guard, and they maintained their readiness 7 days a week, 24 hours a day, protecting us because we did not know what else might come. Well, I think just about every Senator here could talk about similar types of work the Guard from his or her State has done.

Now, in this period of flatlining or even declining Pentagon budgets, the Department of Defense has to increase the role of the National Guard as an element of the overall force mix. Without the Chief of the National Guard Bureau on the Joint Chiefs of Staff, among the other changes made by this amendment, the unique experience of nearly half a million members of the National Guard will continue to be largely unknown, and their voices, their interests, and their concerns have gone mostly unheard. So the change is not only necessary, it is actually a decade overdue.

This amendment is not just out of the blue. It has 70 cosponsors. More than two-thirds of the Senate support it. It is an overwhelmingly bipartisan majority of Senators. It goes across the political spectrum, and it goes across the States of this Nation. It demonstrates that the provisions contained in this amendment, all of which empower the National Guard, should be included in this year's National Defense Authorization Act.

As I have said, I have been overseas. I know the distinguished Presiding Officer has. Most of us here have. We have watched our troops operate, and you cannot tell which troops are in the Guard and which are Active Duty. Certainly when they are out facing the enemy and putting their lives on the line, there is not a sign that says: Shoot at this one because they are Active but not this one because they are

in the Guard. They are all facing the same dangers.

They stand and work side by side. We have to reflect our reality inside the Pentagon as well as outside of it on the battlefield.

I urge all of my colleagues, cosponsors and nonsponsors alike, to join me in making sure the Guard finally has a voice commensurate with its operational role.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Mr. President, I rise today to speak briefly about the fiscal year 2012 National Defense Authorization Act.

As a member of the Committee on Armed Services and as the ranking member of the Subcommittee on Airland, I can say that it is one of the most, if not the most, bipartisan committees in the Senate. As I have said many times before, we are Americans first, and it is fitting that the Senate still works that way when it comes to providing the tools and resources for our men and women serving in uniform. We recently proved it when we passed the tax credit for unemployed veterans, something I was proud to sponsor, and was also proud to be at the White House for the signing ceremony a little over 1 week ago.

I am proud of this bill as well, which represents a year's worth of hard work and devotion by Senators LEVIN and MCCAIN, and all the committee members and their staffs, for their dedication to putting out a topnotch bill. I want to also thank Senator LIEBERMAN, chairman of the Airland Subcommittee, for his committed leadership and effort on behalf of our military and military families. I have been honored to work with him and his staff throughout the year.

I believe we have developed thoughtful and informed provisions in our subcommittee mark which will authorize funding for our military's most crucial capabilities and resources. Our decisions were informed by a series of hearings that addressed several critical issues facing our air and ground forces, including force structure, modernization of ground forces, tactical aviation, and specifically the F-35 Joint Strike Fighter Program. In the end, I believe we achieved our goal of executing the Secretary of Defense's vision to enhance our Nation's capability to fight the wars we are in today and to address scenarios we are most likely to face in the future. We are hedging against other risks and contingencies also.

I am also very proud that this bill includes an important provision based on legislation I introduced with Senator KELLY AYOTTE last February, which is the No Contracting With the Enemy Act.

I had an opportunity to go in a codel to Pakistan-Afghanistan and met with a lot of the leaders over there, then-General Petraeus and others, and had an opportunity to go back as a soldier recently still serving. Speaking with General Allen and a lot of contracting generals, this by far is the most important piece of legislation we can file when it comes to dealing with funding. After speaking with General Petraeus, General Allen, and all the generals in charge of contracting, I was shocked that we are actually unable to sever contracts once we determine, through the new way of paying of cash versus electronic transfers, that we are actually in some instances contracting with the enemy which in turn is using those funds against our soldiers. We have heard many stories of those funds falling into Taliban hands and other insurgents' hands and used against us. And that, quite frankly, is unacceptable. Can you imagine that our own troops would be forced to continue giving money to the enemy because they are unable to terminate a contract? That makes absolutely no sense. So I was very thankful that the committee chairs and ranking members recognized that this is a critical part of the warfighting effort. As you can imagine, others I noted have found it to be unacceptable as well. So I want to thank Senator AYOTTE for her leadership. Obviously we can fight this disgusting practice and give our troops the power to void any contracts when it is discovered that the contract benefits enemies of the United States. As General Petraeus stated last year: If money is ammunition, we need to make sure it gets into the right hands. And I couldn't agree with that statement more.

The committee had to make some tough decisions in light of the very real fiscal realities we are facing today. It is no secret that our military is already shouldering a burden unlike in years past, not only at home but also abroad. In today's fiscal environment in which it is very tough to get any dollars, our men and women in uniform stood up and stand up and have identified efficiencies and savings, and they should be commended, and so I want to do that right now. I want to say that any consideration of future cuts that place our Nation's military's readiness in jeopardy should receive very serious scrutiny.

Lastly, I want to say that when the time comes, I look forward to supporting and debating the amendment offered by the Senators from South Carolina and Vermont, GRAHAM and LEAHY, along with almost 70 other Sen-

ators who support this amendment. This would give the Chief of the National Guard Bureau a seat at the table of the Joint Chiefs of Staff. This could not be more overdue. I think we can all agree that over the past decade the National Guard has experienced momentous change in the way it fights, in the way it trains, and in the way it equips itself, serving alongside their brothers and sisters in arms, and they deserve the same respect with the Joint Chiefs. As a result, the Guard today is much different than the Guard I grew up with when I joined back in 1979. No longer is the Guard considered a strategic reserve used to address limited and unforeseen emergencies. Rather, today's Guard serves alongside its active-duty counterparts in Iraq, Afghanistan, Haiti, and many other strategic locations throughout the world. It serves as the tip of the spear for homeland defense response and disaster relief. They are fighting in many areas overseas, and they are coming home with devastating injuries just like everybody else. Their families are going through the trauma just like everybody else. They fought and died in the war on terror, and they represent thousands of American communities across this great country. I look forward to supporting this amendment when it comes forth.

That said, now that the bill is before the full Senate, I hope we will have an opportunity to conduct meaningful debate, not shutting off debate, not doing cloture before it is time, but allowing us to work as we did recently when we passed the 3-percent withholding, a bill I sponsored, and also the HIRE a Hero Veterans Act, which I also sponsored. Those passed overwhelmingly without any dissenting votes.

I, like my colleagues, have offered several amendments which I feel are relevant to protecting and providing the tools and resources for our men and women who are serving. I look forward to working with the chairman and ranking member to have them considered appropriately.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1072

Mr. GRAHAM. Mr. President, I rise today in support of the Leahy-Graham amendment which hopefully we will vote on here soon.

The amendment is pretty simple. It says the Congress has decided, in its wisdom, to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

In 1947, we reorganized our Defense Department and created the modern Department of Defense and the Joint Chiefs, with a chairman, which would provide military advice to the Commander in Chief, the President of the United States. The Chairman is the person responsible for advising the

President, but the Joint Chiefs are made up of the Army, Navy, Air Force, and Marine Corps. With this legislation, the Chief of the National Guard Bureau will become a member—nothing more, nothing less. It doesn't provide any power to the Chief of the National Guard Bureau in terms of commanding troops. It doesn't interfere in the relationship between the active forces, the Guard, or the Reserves. It simply states that now is the time for the National Guard, the citizen soldier, to have a voice on the Joint Chiefs.

The reason I believe it is important is after 9/11, everything about the National Guard and our country's needs has changed. The National Guard is the front-line soldier/airman when it comes to natural disasters. When our homeland is hit by natural disaster, they can be called up federally or at the State level they provide assistance to our citizens. We have seen the effects of natural disasters. There can be a lot of loss of life and property. That is a unique duty. In the last hurricane that came through in the Northeast, the Chief of the National Guard Bureau said that no one from the White House called him, other than a mid-level operative, and he never interacted with the Joint Chiefs at all about the needs and capability of the Guard.

General Dempsey, the new Chairman of the Joint Chiefs, has invited General McKinley, the Chief of the National Guard Bureau, to be an ad hoc member. That is great. But I asked him, if he somehow fell out of favor, could you kick him out of the room, and the answer is, Yes.

I think Congress needs to make a decision about the role of the citizen soldier. If you believe, as I do, that they are indispensable on fighting the war on terror, they have some leading missions when it comes to homeland security post-9/11, their voice needs to be heard. The active-duty forces need to have the Chief of the National Guard Bureau in that room advising them about the capability and readiness of the National Guard, their dual-status capabilities, what they can do at the State level and the Federal level.

I guess I can boil it down to this. To me, it was a national shame and disgrace to deploy National Guard troops after 9/11 without adequate body armor or equipment, and this will make it very hard for that to happen again because the Chief of the National Guard Bureau will be in the room with his counterparts talking about the needs of this force. Hopefully, the coordination and collaboration through this new change will allow the force to be ready, deployable, and we will never go back to that time period in our history where the Guard and Reserve were called up without adequate equipment, body armor, ready to go to war. This is a change that I think makes sense post-9/11. It doesn't interfere with the

day-to-day operations of the military. It doesn't confer any power on the National Guard they don't already have. It is just one more voice at the table at a time when I think that voice needs to be heard. The world has changed. Our Nation's defense needs have changed post-9/11.

We have 67 cosponsors, and I am very proud of the fact that this is one of the most bipartisan pieces of legislation I have ever been involved with. Senator LEAHY has been a great partner, my co-chairman of the Guard caucus, and I look forward to having the vote.

Senators MCCAIN and LEVIN have done a great job managing this bill. If you have amendments, please work with these two gentlemen. We don't want this Congress to go down in history as being the first Congress in 51 years that could not pass a Defense authorization bill. We have enough things going against us already as a Congress. We don't want to add that to the list. So Senator LEAHY and myself are willing to do this by voice vote, whatever the body wishes.

Senator REED, my good friend from Rhode Island, has a second-degree amendment that basically takes our legislation and defeats the purpose of it. Senator WEBB has a second-degree amendment that would substitute a membership and the Chairman of the Joint Chiefs with a reporting requirement that, quite frankly, misses the mark. Both are fine men.

Senator WEBB argued years ago that the Marine Corps needs to be a member of the Joint Chiefs, and everybody thought the Navy would have two votes and they fought passionately against it, and it has worked out pretty well. So all the problems with making the Marine Corps a member of the Joint Chiefs haven't panned out. Goldwater-Nichols was fought by everybody except the Chairman of the Joint Chiefs when it was first introduced. So change comes hard to the Pentagon.

This is a change that I think makes common sense. I would say, after 9/11, our citizen soldiers deserve this recognition. This would be a great step forward in making sure they are integrated and they never go to war again unless they are prepared to go. Having that voice day in and day out in the tank I think will do everybody a lot of good. So I hope we can vote on this soon. I appreciate Senators MCCAIN and LEVIN's leadership on this bill. I think we have a good bill for our men and women in uniform, and I look forward to bringing this to the floor for a vote.

To my colleagues who want to amend the bill, I appreciate the differences that we have but I think the time has come for the National Guard to be a member of the Joint Chiefs of Staff, with a full voice and ability to be heard as they have never been heard before. The reason they need to be heard unlike any other time is that we depend

on them unlike any other time, except maybe the first engagement. When you look at who has been around the longest, the first shot fired in creating this Nation was fired by the citizen soldier. Two hundred-something years later, let's make sure that they are integrated into our defense infrastructure at the highest levels, because their voice needs to be heard.

I yield the floor, and I suggest the absence of a quorum.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER DRONEY TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided and controlled in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today we in the Senate will confirm Judge Christopher Droney to be U.S. Circuit Judge, Second Circuit. This will be the fifth nominee of President Obama to be confirmed to this circuit, the Second Circuit. In just 3 years, President Obama has matched the number of President Bush's nominees confirmed to the Second Circuit over his entire 8 years in office.

With this vote, the Senate will have confirmed 57 article III judicial nominees during this Congress. This is a great accomplishment considering only six sessions of Congress in the last 30 years have confirmed more judicial nominees. In total, over 71 percent of President Obama's judicial nominees have been confirmed.

The seat to which Judge Droney is nominated has been deemed to be a judicial emergency. This will be the 31st judicial emergency nominee to be confirmed this year. This seat became vacant in July 2009 when Judge Calabresi took senior status. The President first nominated Judge Chatigny to this vacancy. Judge Chatigny is a sitting U.S. district judge in Connecticut. However, after reviewing his record the Senate determined that Judge Chatigny should not be elevated, and his nomination was returned to the White House at the end of the 111th Congress. The

President did not renominate Judge Chatigny and instead sent us the nomination of the person we are considering today, Judge Droney.

I raise this bit of history to remind the Senate and those who watch our proceedings of the importance of the role of advice and consent by the Senate, necessary for someone to become a judge. We in the Senate and historically are not here to simply rubberstamp the President's nominees. Even as we give the President's nominees a thorough review, we are doing so in a very reasonable timeframe. During President Bush's administration, circuit nominees were forced to wait on average 247 days for a hearing. President Obama's circuit court nominees have had their hearings on average in just 66 days. The same can be said of President Bush's district court nominees, who waited 120 days compared to only 79 days for President Obama's district court nominees.

In addition, we have reported nominees in a more timely manner. Circuit court nominees have been reported on average in just 113 days compared to 369 days for President Bush's nominees. President Obama's district court nominees have been reported in just 128 days compared to 148 days for President Bush's nominees.

Furthermore, for those who still contend that President Bush's nominees are being treated unfairly, let me point out that we have reported a higher percentage of judicial nominees to the full Senate compared to this point in President Bush's Presidency. Seventy-six percent of President Obama's judicial nominees have been reported to date. At this point in President Bush's Presidency only 71 percent were reported.

Having set the record straight on the work and progress of this committee, I will tell my colleagues why they should vote for Judge Droney to be a circuit judge for the Second Circuit.

Upon graduation from the University of Connecticut School of Law, and that was in 1979, Judge Droney joined the Hartford firm of Day, Berry & Howard and was responsible for civil matters such as personal injury defense, product liability, antitrust and corporate disputes. In 1981, Judge Droney joined the law department of Aetna Life & Casualty for a brief period, working on investment matters.

Following his time at Aetna, he joined the private law firm of Budkley & Santos, which specialized in complex civil and criminal trial work. In 1984, Judge Droney joined the Hartford law firm of Reid and Reige. He became a stockholder and officer in 1987 and was a member of the firm's trial department for 9 years.

As U.S. attorney for the District of Connecticut from 1993 to 1997, Judge Droney personally tried two cases, including the prosecution of the leadership of the Ku Klux Klan in Con-

necticut, and argued three appeals in the U.S. Court of Appeals for the Second Circuit.

President Clinton nominated Judge Droney to be U.S. district judge for the District of Connecticut June 5, 1997. The Senate voted 100 to 0 to confirm his nomination on September 11, 1997. As a U.S. district judge, he has presided over approximately 3,600 cases and over approximately 60 trials. All in all, Judge Droney's legal career includes 14 years in private practice litigation, 4 years as U.S. attorney, and 14 years as a Federal judge.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Droney with a unanimous "well qualified" rating. I ask my colleagues to support the nomination.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the comments of the Senator from Iowa. I appreciate his help in getting the Droney nomination moving forward. I do appreciate his help moving these forward.

Today, I am especially pleased that the Senate will have the opportunity to vote on the nomination of Judge Christopher Droney of Connecticut to fill a longstanding vacancy on the Second Circuit, which handles appeals from Federal courts in Vermont, Connecticut and New York. Senator BLUMENTHAL deserves special praise for his efforts to move this nomination through the Committee process. Both Senator BLUMENTHAL and Senator LIEBERMAN support this nomination.

I thank the majority leader for securing a vote on this nomination. I have been urging a vote on this consensus nominee for weeks; his nomination has been stalled and has been repeatedly skipped over for no good reason. Despite the long standing judicial emergency, Senate Republicans have refused until now to consent to take up Judge Droney's nomination, delaying the Senate from considering it for more than 4 months.

Judge Droney will fill a judicial emergency vacancy on the Second Circuit, a vacancy that has existed for well over 2 years. The Republican members of the Judiciary Committee opposed President Obama's first nominee to fill this vacancy and effectively ended the nomination of Judge Bob Chatigny when they voted against him on a party-line basis last year and insisted that his nomination be returned to the President without Senate confirmation. I regret that because I know Judge Chatigny to be an outstanding Federal district court judge and am sure he would have been an outstanding circuit judge, as well. That opposition was not only unfair to Judge Chatigny, but it served to perpetuate this vacancy for an additional year.

Judge Droney's nomination was considered at a hearing of the Judiciary Committee in June and then reported unanimously by the Committee to the Senate in July. It has been needlessly stalled since then, despite the fact that all Republican, as well as all Democratic, members of the Committee support this nomination. Now that the Republican leadership is finally allowing consideration of this nomination after a needless, additional 4-month delay, I am certain the Senate will act to confirm Judge Droney.

Judge Droney is an experienced jurist with nearly 15 years of experience as a Federal judge in the District of Connecticut, a court to which he was confirmed by the Senate in 1997. He has handled thousands of cases, and has frequently sat by designation on the circuit court to which he is nominated. Prior to joining the Federal bench, Judge Droney was the U.S. Attorney for the District of Connecticut, where he helped the office achieve over 150 gang-related convictions and received national recognition for his efforts to support community crime-prevention programs. He spent 14 years as a litigator in private practice, and was mayor of West Hartford, Connecticut. Judge Droney received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, unanimously "well qualified." As I have already noted, he is supported by both his home State Senators.

While we will vote tonight on Judge Droney's nomination, I am disappointed that the Senate Republican leadership would not agree to a vote on the other 22 judicial nominees waiting for final Senate action. All of the judicial nominees on the Senate calendar are qualified and have the support of their home State Senators. They include other judicial emergency vacancies. One of those and one on which I have been urging immediate action would be filled by a vote on the nomination of Morgan Christen of Alaska. She is nominated to fill one of the many vacancies on the Ninth Circuit. Her nomination, too, was reported unanimously and has the support of her home state Senators—one a Republican, the other a Democrat. The almost 2 months that action on her nomination has been delayed is inexcusable and damaging.

We continue to hear from chief judges about the overburdened courts in their districts and circuits. Most recently, we heard from Chief Judge Audrey Collins of the Central District of California and Chief Judge Anne Conway of the Middle District of Florida. In a recent letter to Senate leaders, Bill Robinson, the president of the American Bar Association, warned of the detrimental effect of excessive vacancies and high caseloads. Justice Scalia, Justice Kennedy, Chief Justice

Roberts, the Attorney General and the White House counsel have also warned of the serious problems created by persistent judicial vacancies. This is an issue affecting millions of hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

Despite the high number of vacancies that has persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. That is simply not true. It is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003.

As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was allowed to proceed to confirm only 60 of his Federal circuit and district court nominees. This lack of progress led to the longest period of historically high vacancies in the last 35 years.

The 58 circuit and district court nominations we have confirmed thus far this year is still behind the 68 we confirmed in the third year of President George W. Bush's first term. What makes the claim of progress even more misleading is that of the nominations confirmed this year, 17 could have and should have been confirmed when they were reported by the Judiciary Committee last year. Instead, it took us until June of this year to consider and finally confirm those nominees. Even including these nominees on this year's total, the Senate's progress this year barely cracks the top 10 years for confirmed nominees in the last 35 years.

The truth is that the actions of the Senate Republican leadership in stalling judicial nominations during President Obama's first 2 years led to confirmation of fewer judges, leading to high vacancy numbers across the country. The Republican leadership allowed the Senate to confirm only 47 circuit and district court nominations last year and set the modern record for fewest nominations confirmed with only 13 the year before—a total of 60 nominees confirmed in President Obama's first two years in office—leading to judicial vacancies that stood at 97 at the start of this year. In stark contrast, at the start of President Bush's third year, 2003, judicial vacancies stood at only 60 because the Senate had confirmed 72 of his circuit and district court nominations the year before, and 28 in his first year in office, a total of 100 in the 17 months prior to 2003 with a Democratic majority.

The 100 circuit and district court nominations we confirmed in President

Bush's first 2 years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 the Senate was allowed to confirm in President Obama's first 2 years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real progress, in 2003 we proceeded to confirm more judicial nominations than there were vacancies at the start of that year, and reduced vacancies even further.

By the end of President Bush's first term, the Senate had confirmed 205 district and circuit nominees. So far, the Senate has confirmed only 118 of President Obama's district and circuit nominees. To make real progress this year, the Senate needs to consider the other 22 judicial nominations pending on the Senate calendar and the 4 additional judicial nominees who can be reported by the Judiciary Committee in December after participating in our hearings in November. Senate action on those 26 nominees before adjournment would go a long way to help resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

With less than 4 weeks left before Senate adjourns for the year, we need to consider at least 7 judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership.

We should not end another year with the Senate Republican leadership refusing to give final consideration to qualified judicial nominees and insisting that those nominations be returned to the President to begin the process all over again. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

VIOLENCE AGAINST WOMEN

Mr. President, I am pleased that on Wednesday, Senator CRAPO and I will introduce the bipartisan Violence Against Women Reauthorization Act of 2011. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking. I am honored to help lead the effort to see it reauthorized.

Since its passage in 1994 no other piece of legislation has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes. They have improved the response of law enforcement and the justice system. They have provided essential services for victims struggling to rebuild their lives. It is a law

that has saved countless lives and it is an example of what we can accomplish when we work together.

Years ago, when I was a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA when too often people dismissed these serious crimes with a joke and there were few if any services for victims. I looked around desperately trying to find somewhere to help the victims. There were no services. I had to call people to volunteer. My wife and I oftentimes paid for the expenses of taking care of victims.

It was the same everywhere around the country. We have come a long way since then, but there is much more that we can do. I would love to say there is no more domestic violence, and we do not need this, but we know there are thousands upon thousands of cases that have to be resolved.

Over the last few years the Judiciary Committee has held several hearings on VAWA in anticipation of this reauthorization. We have heard from people from all over the country. They have told us the same things I hear from service providers, experts and law enforcement officials in Vermont: While we have made great strides in reducing domestic violence and sexual assault, these difficult problems remain. There is more work to be done.

The victim services funded by VAWA play a particularly critical role in these difficult economic times. The economic pressures of a lost job or home can add stress to an already abusive relationship and can make it harder for victims to rebuild their lives.

At the same time, State budget cuts are resulting in fewer available services. Just this summer, Topeka, KS, took the drastic, almost unbelievable step of decriminalizing domestic violence because the city did not have the funds needed to prosecute these cases. In other words, no matter how badly someone is beaten or abused or violated, they say: Sorry we cannot prosecute this case. We cannot afford to.

We have to do better than that. How do we tell a battered, bruised and beaten victim: Sorry, change the locks on your door or try not to stay at home because they usually come back and do it again; but there is nothing we can do to help you? I cannot believe this country has come to that.

Budgets are tight, but it is unacceptable to turn our backs on these victims. For many, the programs funded by the Violence Against Women Act are nothing short of a lifeline. I mean just that, a lifeline, because it has saved lives.

The reauthorization that Senator CRAPO and I will introduce on Wednesday will reflect the ongoing commitment of Congress to end domestic and sexual violence. It seeks to expand the law's focus on sexual assault to assure

access to services for all victims of domestic and sexual violence and to address the crisis of domestic and sexual violence in tribal communities, among other important steps.

It also responds to these difficult economic times by consolidating programs, reducing authorization levels, and adding accountability measures to ensure that Federal funds are used efficiently and effectively.

The Violence Against Women Act has been successful because it has consistently had strong bipartisan support for nearly two decades. I am honored to work with Senator CRAPO to build on that foundation. I hope Senators from both parties will vote to quickly pass this critical reauthorization to provide safety and security for victims across America.

All anyone has to do is read the transcripts of some of the hearings we have had on this issue. Where people like the distinguished Presiding Officer and myself and others who served in law enforcement or served as prosecutors—we know it goes way beyond just statistics. These are people who have been violated, who turn to their country, to their government for help, for safety. Don't let the Senate say: No. We are going to close the door in your face.

I see the distinguished senior Senator from Connecticut, and I will yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend and colleague, the distinguished chair of the Judiciary Committee, for his kindness.

Mr. President, as the Speaker sometimes says in the House, it is really a high honor and great personal privilege—with the emphasis on “personal”—to come to the floor of the Senate to give my strong support to the nomination of Judge Christopher Droney of West Hartford, CT, to serve as U.S. Circuit Judge on the U.S. Court of Appeals for the Second Circuit. I say it is a high honor because I have profound confidence based on Judge Droney's service as a private attorney, a U.S. attorney, and now for quite a while as a member of the district court in Connecticut. I have great confidence that he will make an excellent addition to this very important court, the U.S. court for the Second Circuit.

I say it is a great personal privilege to be able to speak on behalf of his nomination because, as the occupant of the chair, my colleague from Connecticut, knows well, I have known Chris Droney for a long time now. He and his brother John have been very good friends of mine, great supporters, great sources of counsel, great friends. Both are graduates of the College of Holy Cross. The older brother John, who has less of a judicial temperament than the younger brother Chris—fortunately, we are approving Chris here for

the court, not John. But John tells me, having been to Holy Cross, it is still politically acceptable to note that the graduates of Holy Cross consider themselves Crusaders. Both John and Chris Droney have been crusaders for what is right in the best sense of the word. I value their personal friendship. We have gone through a lot together, not just in politics, but I have seen their families grow.

I have gotten to know their families. I know what they are made of. We have gone through the natural lifecycle tragedies of losing parents, et cetera, together.

Chris Droney is a person of real depth and real ability and will make an excellent judge. So I stress the personal part because it adds a dimension that you and I both, Mr. President, have had the opportunity to have, which is, beyond the resume of Chris Droney, which I am going to mention in a moment, there is a person here, and he is a person who exemplifies what we mean when we talk about a judicial temperament, who we know has a great intellect, tremendous legal acumen, who we know is hard-working, and who we know brings common sense to everything he has done.

I mentioned John Droney just because they go together as brothers, and there is nothing that matters more to John—the older and obviously less attractive of the two—than the pride he has in his brother's achievements, though John himself, of course, has been a very successful and distinguished member of the bar in Connecticut. So let me focus on the younger brother, who is the subject of our consideration today.

I mentioned that Judge Droney attended the College of Holy Cross in Massachusetts, from which he graduated magna cum laude in 1976. He went on to attend the University of Connecticut Law School, where he was the notes and comments editor on the Law Review, and earned his J.D.—doctor of jurisprudence—in 1979.

After graduating from law school, he worked in private practice as a litigation associate handling a range of matters, mostly civil at that point. In 1983, he became a partner at the well-respected law firm of Reid and Riege in Hartford, where he represented clients in a wide range of civil matters, including commercial disputes, personal injury actions, property claims, and intellectual property matters. Judge Droney personally tried cases in the Connecticut Superior Court, the U.S. district court in Connecticut, and argued appeals in the Connecticut Appellate and Supreme Courts and in the U.S. Court of Appeals for the Second Circuit, the court for which he is being considered today.

During this period, Judge Droney, like his brother, was involved in public life in Connecticut and served, in his

case, on the town council of West Hartford as deputy mayor from 1983 to 1985 and as mayor from 1985 to 1989.

In 1993, President Clinton nominated Chris Droney to be the U.S. attorney for the District of Connecticut, where he served with great distinction and affect until 1997. As U.S. attorney, he initiated new cooperative law enforcement efforts against gangs, health care fraud, and financial fraud, in addition to personally trying some major cases in Connecticut and across New England and successfully arguing cases before the Second Circuit Court of Appeals—again, the court he is being considered for today in a vote that will occur shortly.

Judge Droney was selected by then-Attorney General Janet Reno to serve on the Attorney General's Advisory Committee of U.S. Attorneys in which he was one of 17 U.S. attorneys selected to assist the Department of Justice on a range of pressing matters.

In 1997, after 4 years as U.S. attorney, Chris Droney was nominated to the district court in Connecticut by President Clinton and I might say for the second time was confirmed unanimously by this Senate. Since then, as a district court judge, he has presided over numerous Federal, civil, and criminal trials and has consistently demonstrated sound judgment and great legal acumen in his many decisions covering an array of complex and sensitive matters. Judge Droney's career speaks to a profound commitment to the rule of law and the credibility of the legal system.

I know there is a tendency to want to find out, is this judge a liberal, is he a conservative, is he a conservative? I don't think you can put a label on Judge Droney. Some might say he is a moderate. Others might say he is an Independent. I think he is known as somebody who is fair and will take every case as it comes along and decide it on the merits.

So now he has been nominated to serve on the Second Circuit Court of Appeals. I want to personally express my thanks first to President Obama for submitting his nomination for this very esteemed court and secondly to our colleagues on the Judiciary Committee, both of whom have been kind enough to be on the floor and speak on his behalf, Senator LEAHY, who is chairman of the committee, and Senator GRASSLEY, the ranking member. I was particularly grateful for Senator GRASSLEY's comments about Judge Droney's capabilities. This is a good man who believes in the law and is tremendously experienced.

Incidentally, he sat as a visiting judge on the Second Circuit Court of Appeals and has actually written, I believe, five opinions for the Second Circuit Court of Appeals already. So this is somebody who will hit the ground running with the support of the Senate this afternoon.

I will repeat what I said at the beginning. It is not only a high honor and one that I don't take lightly but also a great personal privilege to urge my colleagues to support the nomination of Judge Christopher Droney of Connecticut to be a member of the U.S. Court of Appeals for the Second Circuit.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Connecticut.

Mr. BLUMENTHAL. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I am honored to follow the senior Senator from Connecticut—rising now as the junior Senator from Connecticut—for the same purpose: to urge my colleagues to approve Christopher Droney as a judge on the Second Circuit Court of Appeals. I also would like to join in thanking the chairman and ranking member of the Judiciary Committee for bringing this nomination to the floor.

Incidentally, I wish to join in Senator LEAHY's very eloquent remarks on the Violence Against Women Act, which I too will support after it is introduced. The reauthorization is very much needed, particularly at this point in our history, and I thank him for taking the leadership on this issue as on so many.

I thank the senior Senator from Connecticut for championing this nomination, and I thank our colleague, the majority leader, HARRY REID, who is extraordinarily insightful and sensitive to the importance of judicial nominations since he is a lawyer himself—and a very skilled and able one—and has supported this nomination.

Today is a very meaningful one for me personally, almost a magical and very momentous moment to stand in this historic and hallowed place and participate in the approval of a man whom I have known for more than 30 years to a position of the utmost importance, a position of trust and responsibility as important as any in this land, and a person of supremely well-recognized qualifications and experience for this position. Indeed, his life has been almost a preparation for this chapter in his career.

I am privileged and honored to have been a colleague and friend and professional ally of his for more than 30 years. I have known him since his graduation from law school in 1979. We were in litigation together in private practice. When I was U.S. attorney for Connecticut and later attorney general, we

worked together. Indeed, when he was U.S. attorney, following my service, we were partners in law enforcement in a number of cases. I had the direct and immediate experience of seeing many of his prosecutions, his intensity of commitment not just to a successful investigation and prosecution but his commitment to doing justice, which is the highest calling of a prosecutor—indeed, of any lawyer.

When he became a judge, I had the honor of appearing before him, presenting witnesses, arguing cases, and to have firsthand experience again with the quality of his professional work.

I have to admit my office as attorney general did not win every case. We lost some. But whether we won or lost, we emerged from those experiences with an unqualified respect for the quality of his fact-finding, his scholarship and, again, his commitment to doing justice.

He has demonstrated as a district court judge the qualities I know he will bring to the court of appeals: extraordinary scholarship and intellect, an adherence to precedent, a careful analysis of the law, a thoughtfulness and responsiveness in the questions he asks, and an insight into the factual record as well as the truthfulness of witnesses. He has what I consider to be the most important qualification for any judge, which is a capacity for growth, for learning and listening. He is, above all, a good listener, a sensitive and responsive listener. He has indeed the qualities that are exemplified by the man he will be replacing—Guido Calabresi—a judge known to the senior Senator from Connecticut as well as myself; indeed, a teacher of mine when I was at Yale Law School and I believe very possibly of the senior Senator as well—a person of exquisite sensitivity and sensibility and common sense. Those are the qualities of Christopher Droney: sensibility, sensitivity and common sense, and he shares with Guido Calabresi the grace of writing and sense of history that are so important to the Court of Appeals for the Second Circuit.

The PRESIDING OFFICER. All debate time has expired.

Mr. BLUMENTHAL. I am proud to join in supporting this nomination. I wish him well, and I ask my colleagues to join in approving him when the vote is taken. Thank you.

The PRESIDING OFFICER. The question is on the nomination of Judge Christopher Droney.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. BLUMENTHAL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 209 Ex.]

YEAS—88

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inhofe	Risch
Brown (MA)	Inouye	Roberts
Brown (OH)	Isakson	Rockefeller
Burr	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wyden
Enzi	McConnell	
Feinstein	Merkley	

NOT VOTING—12

Begich	Kirk	Paul
Blunt	Landrieu	Toomey
DeMint	Menendez	Vitter
Harkin	Murkowski	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no more votes tonight. We hope the managers of the bill can process some amendments, but there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wonder, if it is agreeable to the majority leader, rather than wait on the amendment concerning the National Guard, perhaps in anticipation of that eventuality the Senator from Vermont and the Senator from South Carolina would be allowed to speak on that amendment in the case that it is accepted. If not, then their words, as usual, would not be much.

Mr. REID. That is fine. We would have debate only on this matter, with Senator LEAHY recognized for up to 10 minutes and Senator MCCAIN for up to 10 minutes.

Mr. MCCAIN. I thank the majority leader.

Mr. REID. By then we hope to have a unanimous consent agreement that would be universal in nature.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, I will not use all my time, by any means. I spoke earlier about this. I appreciate the courtesy of the distinguished senior Senator from Arizona.

Senator GRAHAM and I, as coauthors of the National Guard Caucus, introduced amendment No. 1072. I spoke earlier this afternoon about it, so I will not speak longer on it, except to say the amendment is long overdue. The men and women of our Guard deserve the same recognition as everyone else in uniform. It is high time we made sure they receive it.

Senator GRAHAM has been a close and valued partner in helping us bring about this bipartisan piece of legislation. Republicans and Democrats across the political spectrum have cosponsored it.

I will close with this. The Senator from Arizona has been in war zones probably more than I ever will in my lifetime. The Senator from South Carolina certainly has been in Iraq and Afghanistan more than most Members of this body. But I think every one of us who has been in a war zone knows this. We see soldiers going out to face bat-

tle. Nobody knows whether they are members of the Guard or the regular forces. Certainly those who would do harm to our men and women in uniform do not say we will do different harm to members of the Guard or members of the regular forces. I say this because they all put their lives on the line. They all go through training. And we could not field the forces our Department of Defense is called upon to field without our Guard and Reserve. So I do hope the Leahy-Graham amendment No. 1072 will pass.

I yield to Senator GRAHAM.

Mr. GRAHAM. Mr. President, I want to thank both Senators MCCAIN and LEVIN for organizing this debate on this amendment in a way that maybe we can get closure on this amendment tonight. Both our ranking member and the chairman have been very helpful in pushing an amendment forward where we have 71 cosponsors.

To Senator LEAHY, I want to say it has been a real privilege and joy working with you on this. We had 71 Members of the Senate sign onto the legislation, and it is simple. It says the Chief of the National Guard Bureau will now be a member of the Joint Chiefs. What does that mean in the real world? It means the citizen soldier's voice will be heard at the highest levels of our government.

After 1947, we reorganized the Defense Department. It became the modern Defense Department with the Joint Chiefs, where we have representatives from the Marine Corps, the Air Force, the Army, and the Navy, and now the citizen soldier. Why is that important? After 9/11, the Guard's role in defending this Nation changed substantially. The Guard and Reserves—but particularly the Guard, on the front lines of homeland security defense—have dual missions. They are the first to answer a natural disaster that hits America in uniform. They are the front-line troops. They have been integrated into the Army and Air Force in a fashion where they were deployed constantly to war zones.

The citizen soldier fired the first shot to create this Republic, and now is the time to recognize the role they play post 9/11. The real reason we want this is because we want a line of communication that is uninterrupted. We want to make sure the Guard and Reserve component, but through the Guard particularly, are recognized as an integral part of our national security, State and Federal.

The idea is that in the next war a Guard unit from Vermont, South Carolina, Connecticut—you name the State—would go to war without body armor to keep people safe, without the equipment they need to fight in the war is less likely to happen if we have the Chief of the National Guard Bureau in the tank with his colleagues talking about the needs of the National Guard.

This doesn't change the legal structure. It doesn't provide command authority to the National Guard Chief. It simply puts him or her in the room, giving voice to the citizen soldier at a time we need it.

I cannot thank Senator LEAHY enough, and all those at the National Guard associations throughout the country, who called their Congressmen and their Senators. This bill passed the House, and now it will be adopted, hopefully by voice vote.

I can tell you in the world in which we live, in the 21st century, having the guardsman's voice inside the Joint Chiefs is going to make us a safer Nation. It is a recognition and honor well deserved, long overdue, and I want to thank all my colleagues who have made this possible.

And to the managers of this bill—the chairman and the ranking member—I want to thank you for accommodating us.

To all my colleagues, come down here and work with Senators MCCAIN and LEVIN on your amendments. Because we don't want to be the Congress for the first time in 51 years that failed to pass the Defense authorization bill.

With that, I yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would join the Senator from South Carolina in thanking Senator LEVIN, the chair of the Armed Services Committee, and Senator MCCAIN, the ranking member, who worked closely with us. But I must say again, my good friend from South Carolina, I think even as late as a week ago, in the meeting we had with the Secretary of Defense, talked about this need.

We have tried not to show any light between one Republican and one Democrat but to do what was best here. I want to see the Senate get back to the days when Republicans and Democrats work together like that. But I thank the distinguished Senators from Michigan and Arizona for their help.

I yield the floor, and I suggest the absence of quorum.

Mr. MCCAIN. Will the Senator from South Carolina yield for a question?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Since, apparently, this amendment will be passed and signed by the President, is the Senator from South Carolina interested in being the head of the—

The PRESIDING OFFICER. Does the Senator from Vermont withdraw his request for a quorum call?

Mr. LEAHY. For debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I don't seek recognition.

Mr. GRAHAM. I think I know where the Senator was going, and the answer

will be no. The Guard has enough challenges without promoting me.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending McConnell amendment No. 1084 and the pending Menendez amendment No. 1292 be withdrawn and it be in order for the majority leader or his designee to call up the Menendez-Kirk amendment No. 1414; that notwithstanding cloture being invoked, if invoked, that at a time to be determined by the majority leader, after consultation with the Republican leader, and prior to the vote on passage of the Defense authorization bill, there be up to 1 hour of debate equally divided in the usual form on the Menendez-Kirk amendment; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the Menendez-Kirk amendment; further, that no amendments, motions, or points of order be in order to the amendment prior to the vote other than budget points of order and the applicable motions to waive.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank the majority leader for working very hard to see that we could move forward with this legislation and reach an agreement on a very significant issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1414

(Purpose: To require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran)

Mr. LEVIN. Mr. President, pursuant to that unanimous consent order that was just entered, I now would call up the Menendez-Kirk amendment No. 1414.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. MENENDEZ and Mr. KIRK, proposes an amendment numbered 1414.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEVIN. Mr. President, that amendment now I guess would return to the position that it has under the unanimous consent agreement that was just entered; is that correct?

The PRESIDING OFFICER. The amendment the Senator just called up is pending at this time. Does the Senator wish to return to the regular order?

Mr. LEVIN. What is the regular order now that we are going back to it?

The PRESIDING OFFICER. The regular order is the Senator's amendment No. 1092.

Mr. LEVIN. And that is the Levin-McCain amendment?

The PRESIDING OFFICER. Correct.

AMENDMENT NO. 1072

Mr. LEVIN. I ask unanimous consent that we proceed immediately to the Leahy-Graham amendment on the National Guard.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 1072) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, we now have an understanding with Senator UDALL that he would be recognized first tomorrow morning to call up amendment No. 1107.

I ask unanimous consent that when we come in tomorrow morning, Senator UDALL be recognized after the leaders are recognized to call up that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. It is my understanding that Senator UDALL has also agreed to a half hour equally divided—debate, equally divided?

Mr. LEVIN. That is my understanding.

We will leave that issue for the closing statement, that he be recognized. First, I agree with the Senator from Arizona that we agree there be a half hour equally divided on the amendment. But let's leave the exact wording on that for the closing.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FREDERIK MEIJER

Mr. LEVIN. Mr. President, I wish to speak to mark the passing of Frederik Meijer, one of Michigan's most distinguished leaders in business and philanthropy. Barbara and I were saddened to learn of his passing on Friday at the age of 91. It is by no means an overstatement to say that Fred Meijer changed the face of our State, and the legacy he leaves will continue to affect us in Michigan and America and beyond for decades hence.

Most Michiganians know him best through the business he built, one of the largest family owned companies in the Nation. Fred grew up working long hours in the Greenville, MI, grocery store that his father, an immigrant from Holland, opened in 1934. Over the next three decades the business grew until, in 1962, Fred and his father expanded from groceries into general merchandise. They called their new store "Thrifty Acres," and it led the way to the supercenter retail stores that are now so much a part of the American consumer's daily experience. Today, Grand Rapids-based Meijer, Inc. has more than 200 stores across the Midwest, and the company is a major part of the West Michigan economy.

But Fred Meijer was not content to be just a pioneering entrepreneur. As the company grew, so did his lifelong drive to make the world around him a better place. He was an early and eager supporter of the civil rights movement. He was deeply involved in efforts by the Urban League to promote education and equal opportunity.

One of his many lasting legacies is the Frederik Meijer Gardens & Sculpture Foundation. Established in 1993, the foundation embodies Fred's commitment to ensuring that art and beauty are available to everyone. The park and gardens that the foundation supports house his collection of sculpture, one of the finest collections anywhere in the world, and places it in surroundings of incredible natural beauty.

Beyond the foundation, over the years he made generous gifts to support recreation and conservation efforts, schools and colleges and dozens of other institutions and charitable efforts across the State. There are few residents of our State who have not been touched in some way by his generosity. I have seen firsthand that generous and independent spirit, and I

shall personally miss him, and personally feel the gap his passing has left in our State.

Barbara and I send our condolences to his wife Lena, his partner in life and business and philanthropy; their sons Hank, Doug and Mark; their seven grandchildren; and the multitude of those who will miss Fred's immense presence. He will indeed be missed. What a man. What a life. What a force for good in the world.

HONORING OUR ARMED FORCES

CORPORAL ZACHARY REIFF

Mr. GRASSLEY. Mr. President, since the Senate last convened, I have learned of the loss of a brave Iowan who was defending freedom overseas. Marine Corporal Zachary Reiff was wounded during combat operations in Helmand Province, Afghanistan and later succumbed to his wounds. This news has hit the close knit community of Preston, IA very hard. My prayers go out to all who knew Zach, particularly his parents Marcia and Matt, as well as his brother Kolby and his sister Emily. By all accounts, he was active in school, having played football, wrestled, and ran track as well as participating in school plays. As such, there was certainly no shortage of people in the community with memories to share. It is also evident that Zach is well thought of judging by the outpouring of good will following the news that he had been wounded. Zach is described as a caring person. Certainly, the beaming smile in many pictures posted on a Facebook prayer page in his honor makes even those who didn't know him wish that they had.

Friends say that Zach was proud to serve his country and liked his work. Zach Reiff is one of those special Americans who throughout our history have not hesitated to put their life on the line for the Stars and Stripes and everything it stands for. Our country is truly blessed to have patriots such as Zach Reiff. We owe him more than we can express and we have an obligation to remember him and his sacrifices in the name of liberty.

CUT ENERGY BILLS AT HOME ACT

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Cut Energy Bills at Home Act, which Senator SNOWE, Senator BINGAMAN and I have introduced. It has been a pleasure to work again with Senators SNOWE and BINGAMAN on an important piece of energy legislation. We have written this bill in a fully cooperative process, and my colleagues have been especially accommodating of changes requested by California's experts; I thank my colleagues for their efforts.

This legislation would put the construction industry back to work by creating a homeowner tax credit for

home renovations that increase the energy efficiency of the home by at least 20 percent. The tax credit would increase in size with every 5 percent in additional energy efficiency improvement achieved. Homeowners who improved the efficiency of their home by more than 50 percent will qualify for a maximum credit of \$5,000.

This legislation helps address the continued high unemployment in the construction sector while making a long-term investment in America's building infrastructure. The construction industry has the highest unemployment rate of any sector nationally, according to the Bureau of Labor Statistics.

The current residential building stock exceeds demand, making a rapid recovery in new housing starts unlikely. According to the Census Bureau, 14.3 percent of the housing units in the United States in the second quarter of 2011 were vacant, even as prices continue to drop.

Thus the construction industry needs jobs, but artificially stimulating construction of new homes would exacerbate a situation of oversupply and depress home prices further.

Our Nation's buildings also need the upgrade. Buildings account for about 40 percent of the U.S. energy appetite, as well as 40 percent of its carbon dioxide emissions, according to the Department of Energy. However, the consulting firm McKinsey and Company has found that improving building energy efficiency is one of the most cost effective ways to reduce greenhouse gas emissions.

Since 1974, California has used mandates, regulations and incentives to hold its per capita energy consumption essentially constant, while energy use per-person for the United States overall has jumped 50 percent.

This legislation provides a solution by stimulating the renovation of existing homes.

This is a jobs bill that provides incentives to reward energy efficient renovations that will create jobs in the construction sector, avoid increasing the supply of housing beyond demand, decrease energy use and reduce pollution, and expand the market for efficient technology and products.

This bill would create the first tax incentive for energy efficiency home renovation based on the energy performance of the home rather than the cost of the equipment.

This concept, which Senator SNOWE and I first proposed in 2007 as part of the Extend Act, is recommended by most energy efficiency experts.

Current policy allow homeowners to claim credits for the purchase of energy efficient insulation, windows, doors, heaters, air conditioners and water heaters. This approach is very expensive, largely due to claims filed for windows.

By restructuring the credit to apply to whole-home energy renovations that reward energy efficiency performance instead of the cost of equipment, this proposal has the potential to increase effectiveness while substantially lowering costs.

The legislation also includes provisions to ensure effectiveness and prevent abuse. The work must be done by a contractor who must sign an affidavit certifying the work was done and submit photographs of the work. The contractor must use certified, computer-based energy efficiency measurement tools. The credit would be limited to renovations of primary residences that do not increase the size of the home, and the credit would be capped at no more than 30 percent of the cost of renovation, to prevent homeowners from making large claims for relatively inexpensive renovations. As a tax credit, all claims would also be subject to IRS audits.

The bill is supported by the California Energy Commission, the Alliance to Save Energy, Efficiency First, the American Council for an Energy Efficient Economy and the Natural Resource Defense Council.

By offering incentives for energy efficient renovations, this bill helps create jobs in California's ailing construction sector while at the same time decreasing energy use and pollution.

This sort of investment, putting Americans back to work while leaving behind lasting improvements, is the type of legislation on which Congress should be spending time.

ADDITIONAL STATEMENTS

REMEMBERING HARRY PACHON

• Mrs. BOXER. Mr. President, I wish to honor Harry Pachon, one of our Nation's most dedicated scholars and civil rights leaders, who passed away on November 4, 2011.

Harry Pachon was born to immigrant parents in Miami, FL, in 1945 and spent part of his childhood in Colombia. He returned to the United States, where he completed high school in Montebello, CA, and earned a bachelor's degree and a master's degree in political science from California State University, Los Angeles, and a Ph.D. in government from Claremont Graduate University.

Mr. Pachon dedicated his life to public service and fought tirelessly to elevate the role of the Latino community in politics. After serving as the chief of staff for Los Angeles Representative Edward R. Roybal, Harry became a founding board member and executive director of the National Association of Latino Elected and Appointed Officials. Beginning in 1993, Mr. Pachon became the president of the Tomás Rivera Policy Institute in California. Under his

leadership, the institute conducted groundbreaking research on key issues facing the Latino community, including immigration, education, and political participation, and brought national attention to the needs of Latinos. In 2003, the institute moved to the University of Southern California, where Harry was a beloved and respected professor of public policy.

I invite all of my colleagues to join me in honoring Harry Pachon and extending our deepest condolences to his wife Barbara; his children, Marc, Melissa, Nicholas, and Andrew; and his four grandchildren. He will be deeply missed.●

REMEMBERING DANIEL G. MCKAY

● Mrs. MCCASKILL. Mr. President, today I wish to honor the life of Daniel G. McKay who passed away on November 10, 2011. It is with deep sorrow that I offer my condolences, to his wife Sharron for the loss of her beloved husband, to his two sons: Dan Jr. and Mark, and to his three grandchildren; Jesse, Dana and Danny.

A native of St. Louis, MO, Dan grew up in north St. Louis and attended Central High School. He began his career after high school as a truck driver and worked for over 30 years as a driver for several local companies.

Dan assumed leadership in the Teamsters and spent much of his life and career working tirelessly to secure the rights of working men and women. Within Teamsters' Local 600, Dan held several leadership positions including business representative, recording secretary and President. His passion for helping others also led Dan to become President of Teamsters Joint Council 13 in 2002, representing over 25,000 Teamster families in Missouri. Dan also held several positions in the Missouri Kansas Nebraska Conference of Teamsters. He retired from both Local 600 and Joint Council 13 in March, 2010.

It is with great humility and respect that I honor Dan today. His dedicated leadership improved the work experience for many Missourians, and under Dan's leadership the Teamsters organized and educated workers so they would know their workplace rights and could participate fully in our democratic society.

Dan touched the lives of many, and improved the quality of life in the community at large. The International Brotherhood of Teamsters has lost a friend and an advocate, and I have lost a dear friend, advisor, and confidant.

Dan was afraid of no one when it came to defending his friends or confronting his adversaries. When I explained to him one time that his political support of me was going to cause him trouble, he said, "Nothing that I can't handle. We are in this together."

Dan will certainly be remembered for his gruff but engaging personality as

well as for his many accomplishments. Dan was tough, but under that tough exterior was a huge heart filled with love for his family, for his community and for his brothers and sisters in labor.

Dan's life and commitment to others serve as an inspiration to me and to all Missourians. Our State has truly lost a leader and a hero.

I extend my deepest sympathies and sincerest condolences to Dan's family in their time of bereavement, and I invite the Senate to join me in honoring the life and accomplishments of this son of Missouri.●

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN, RECEIVED DURING ADJOURNMENT OF THE SENATE ON NOVEMBER 21, 2011—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

In the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 *et seq.*) (CISADA), which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. The Congress also found in CISADA that

economic sanctions imposed pursuant to the provisions of CISADA, the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), and IEEPA, and other authorities available to the United States to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA (22 U.S.C. 8514(a)), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in ISA, as amended by, *inter alia*, CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed pursuant to ISA by the Secretary of State.

This order expands upon actions taken pursuant to ISA, as amended by, *inter alia*, CISADA. The ISA requires that, absent a waiver, the President impose at least three of nine possible forms of sanctions on persons determined to have made certain investments in Iran's energy sector. The CISADA expanded ISA to, *inter alia*, require the same treatment of persons determined to have provided refined petroleum to Iran above specified monetary thresholds or have provided certain goods, services, technology, information, or support to Iran related to the importation or development of refined petroleum. This order authorizes the Secretary of State to impose similar sanctions on persons determined to have provided certain goods, services, technology, or support that contributes to either Iran's development of petroleum resources or to Iran's production of petrochemicals, two sectors that continue to fund Iran's illicit nuclear activities and that could serve as conduits for Iran to obtain proliferation sensitive technology. Because CISADA has impeded Iran's ability to develop its domestic refining capacity, Iran has tried to compensate by using its petrochemical facilities to refine petroleum. These new authorities will allow the United States to target directly Iran's attempts to subvert U.S. sanctions.

This order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose sanctions on a

person upon determining that the person:

—knowingly, on or after the effective date of the order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of \$1,000,000 or more or that, during a 12-month period, has an aggregate fair market value of \$5,000,000 or more, and that could directly and significantly contribute to the maintenance or enhancement of Iran's ability to develop petroleum resources located in Iran;

—knowingly, on or after the effective date of this order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of \$250,000 or more or that, during a 12-month period, has an aggregate fair market value of \$1,000,000 or more, and that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products;

—is a successor entity to a person that engaged in a provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order;

—owns or controls a person that engaged in provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order and had actual knowledge or should have known that the person engaged in the activities; or

—is owned or controlled by, or under common ownership or control with, a person that engaged in the provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order, and knowingly participated in the provision of such goods, services, technology, or support.

The following sanctions may be selected for imposition on a person that the Secretary of State determines to meet any of the above criteria:

—the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

—agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

—with respect to a sanctioned person that is a financial institution, the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary

dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds;

—agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

—the Secretary of the Treasury shall prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

—the Secretary of the Treasury shall prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

—the Secretary of the Treasury shall prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

—the Secretary of the Treasury shall block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

—the Secretary of the Treasury shall restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of section 3 of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, November 20, 2011.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Sec-

retary of the Senate, on November 19, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. UPON) had signed the following enrolled bills:

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on November 19, 2011, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1917. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4055. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas in California" (Docket No. APHIS-2011-0074) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4056. A communication from the Secretary, Division of Swap Dealer and Intermediary Oversight, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF" (RIN3235-AK92) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4057. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Guy C. Swan III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4058. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-4059. A communication from the Assistant Secretary for Export Administration,

Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes" (RIN0694-AF40) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4060. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Repeal of Regulations" (RIN2590-AA52) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4061. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Voluntary Mergers of Federal Home Loan Banks" (RIN2590-AA37) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4062. A communication from the Secretary of the Interior, transmitting a legislative proposal relative to the issuance of coins to commemorate the 100th anniversary of the establishment of the National Park Service; to the Committee on Banking, Housing, and Urban Affairs.

EC-4063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-1301)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Nuiqsut, AK" ((RIN2120-AA66)(Docket No. FAA-2011-0759)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Valley City, ND" ((RIN2120-AA66)(Docket No. FAA-2011-0605)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4066. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Enhancements to Emergency Preparedness Regulations" (RIN3150-A110) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Environment and Public Works.

EC-4067. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Tier 2 Tax Rates for 2012" received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of the General Welfare Exclusion to Benefits Provided under Indian Tribal Government Programs" (Notice 2011-94) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Section 1274A CPI Adjustments" (Rev. Rul. 2011-27) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—December 2011" (Rev. Rul. 2011-31) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4071. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Trusts for Distribution of Gaming Revenues to Indian Minors" (Rev. Proc. 2011-56) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4072. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 108(e)(8) to Indebtedness Satisfied by a Partnership Interest" ((RIN1545-BF27)(TD 9557)) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4073. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corporate Reorganizations; Allocation of Basis in 'All Cash D' Reorganizations" ((RIN1545-BJ21)(TD 9558)) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC-4074. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including technical data and defense services to support the sale of fourteen (14) additional AT-802 aircraft for use by the United Arab Emirates Armed Forces in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4075. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0167—2011-0188); to the Committee on Foreign Relations.

EC-4076. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of State's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4077. A communication from the Director of the Peace Corps, transmitting, pursu-

ant to law, the Uniform Resource Locator (URL) for the Corps' Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4078. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's fiscal year 2011 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4079. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4080. A communication from the Chairman of the National Endowment of the Arts, transmitting, pursuant to law, the Endowment's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4081. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties Inflation Adjustment" (RIN1651-AA91) received during adjournment of the Senate in the Office of the President of the Senate on November 21, 2011; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. ROBERTS):

S. 1915. A bill to amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. VITTER, Mr. WICKER, Mr. THUNE, Mr. BEGICH, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1916. A bill to exclude ecosystem component stocks of fish from certain annual catch limits and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself, Mr. MENENDEZ, Mr. BROWN of Ohio, Ms. STABENOW, Mr. REID, and Mr. SCHUMER):

S. 1917. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing

of United States as the world leader in medical device innovation.

S. 50

At the request of Mr. INOUE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 1018

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1095

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1095, a bill to include geriatrics and gerontology in the definition of "primary health services" under the National Health Service Corps program.

S. 1206

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1206, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1733

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1733, a bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

S. 1742

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1742, a bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1822

At the request of Mr. HELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1822, a bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1866

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1876

At the request of Mr. BROWN of Ohio, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1885

At the request of Mr. HELLER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1885, a bill to provide for a temporary extension of unemployment insurance, and for other purposes.

S. 1901

At the request of Mr. UDALL of Colorado, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1901, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1911

At the request of Ms. COLLINS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of

S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 301

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 301, a resolution urging the people of the United States to observe October 2011 as Italian and Italian-American Heritage Month.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1066

At the request of Ms. AYOTTE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1107

At the request of Mr. UDALL of Colorado, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 1107 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1121

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1121 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1133

At the request of Mr. BLUNT, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1133 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1137

At the request of Mr. HELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1137 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1138

At the request of Mr. HELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1138 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1139

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1139 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1140

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1140 proposed to S.

1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1145

At the request of Mr. TESTER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1145 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1154

At the request of Mr. UDALL of New Mexico, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1154 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1155

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1155 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1164

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1164 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1174

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr.

ROCKEFELLER), the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1174 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1182

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 1182 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1202 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1204

At the request of Mr. REED, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1204 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1206

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1206 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1208

At the request of Mr. HARKIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 1208 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal

year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1209

At the request of Mr. NELSON of Florida, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Virginia (Mr. WEBB), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 1209 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1217

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1217 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1225

At the request of Ms. KLOBUCHAR, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 1225 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1233

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1233 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1239

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1239 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1253

At the request of Mr. WYDEN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1253 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1279

At the request of Mr. HOEVEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1279 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1287

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1287 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1294

At the request of Mr. REED, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 1294 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1330

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1330 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. VITTER,

Mr. WICKER, Mr. THUNE, Mr. BEGICH, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1916. A bill to exclude ecosystem component stocks of fish from certain annual catch limits and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fishery Science Improvement Act of 2011”.

SEC. 2. IMPROVEMENT OF SCIENTIFIC DATA FOR ANNUAL CATCH LIMITS.

(a) SCIENTIFIC DATA REQUIRED FOR ANNUAL CATCH LIMITS.—Section 104(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 16 U.S.C. 1853 note) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following:

“(3) shall not apply to a stock for which a stock assessment has not been performed during the previous 6-year period, if the Secretary has determined pursuant to section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)) that—

“(A) the fishery is not subject to overfishing of that stock; and

“(B) the stock is not overfished;

“(4) shall not apply to an ecosystem component stock; and”.

(b) ECOSYSTEM COMPONENT STOCKS.—Section 104 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3584) is amended by adding at the end the following:

“(e) ECOSYSTEM COMPONENT STOCK.—

“(1) DEFINITION.—In this section, the term ‘ecosystem component stock’ means a stock of fish that the Secretary determines—

“(A) is a nontarget stock; and

“(B) is not subject to overfishing or overfished.

“(2) PRIOR DETERMINATIONS.—Ecosystem component species as determined by the Secretary of Commerce prior to the date of the enactment of the Fishery Science Improvement Act of 2011, shall be determined to be ecosystem component stocks as defined by paragraph (1) after such date of enactment.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1344. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1345. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1346. Mr. VITTER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1347. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1348. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1349. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1350. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1351. Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. MCCASKILL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1352. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1353. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1354. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1355. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1356. Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1357. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1358. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1359. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1360. Mr. GRASSLEY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1361. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1362. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1363. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1364. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1365. Mr. COBURN submitted an amendment intended to be proposed by him to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1366. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1367. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1368. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1372. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1373. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1374. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1375. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1376. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1377. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1378. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS,

Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1379. Mrs. BOXER (for herself and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1380. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1381. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1382. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1384. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1385. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1386. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1387. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1388. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1389. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1390. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1391. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1392. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1393. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1394. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1395. Mr. WARNER submitted an amendment intended to be proposed by him

to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1396. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1397. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1398. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1399. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1400. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1401. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1402. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1403. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1404. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1405. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1406. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1407. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1408. Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1409. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1410. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1411. Mr. BLUNT (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1412. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1413. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1414. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. KIRK)) proposed an amendment to the bill S. 1867, supra.

SA 1415. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1416. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1417. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1344. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In a September 28, 2011, press briefing White House Press Secretary Jay Carney stated that “[w]e have said unequivocally that the Haqqani network was responsible for the recent attack on the U.S. embassy in Kabul and on ISAF headquarters in Kabul. And the fact that they are able to operate in Afghanistan because they have a safe haven in Pakistan is a matter of great concern. And we have urged our counterparts in Pakistan to take action and raise with them the importance of doing so”.

(2) A report of the Congressional Research Service on relations between the United States and Pakistan states that “[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan”.

(3) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan that led to a spike in frustrations being expressed by top United States and Afghanistan officials. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. But it was a September 13 attack on the United States Embassy compound in Kabul that appears to have substantively changed the nature of relations between the United States and Pakistan. The well-planned, well-executed assault sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(4) The report further states that “U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network. Days after the raid, Admiral Mullen called on General Kayani to again press for Pakistani military action against Haqqani bases. Apparently unsatisfied with his counterpart’s response, Mullen returned to Washington, DC, and began ramping up rhetorical pressure to previously unseen levels, accusing the ISI of using the Haqqanis to conduct a “proxy war” in Afghanistan. Meanwhile, Secretary Panetta issued what was taken by

many to be an ultimatum to Pakistan when he told reporters that the United States would "take whatever steps are necessary to protect our forces" in Afghanistan from future attacks by the Haqqanis.

(5) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Admiral Mullen stated that "[t]he Haqqani network, for one, acts as a veritable arm of Pakistan's Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations".

(6) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that "with respect to the Haqqani Network, it illustrates this point. There was a major military operation that was held in Afghanistan just in the past week that rounded up and eliminated more than 100 Haqqani Network operatives. And we are taking action to target the Haqqani leadership on both sides of the border. We're increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage".

(7) At the same hearing, Secretary of State Clinton further stated that "[w]ell, Congressman, I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans".

(8) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as "a Haqqani Network commander" who has "overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts." "Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police," the designation continued. In June 2011, "Mali Khan's deputy provided support to the suicide bombers responsible for the attacks on the Intercontinental Hotel in Kabul, Afghanistan. The attack resulted in the death of 12 people". Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, has also been quoted in several media outlets as stating Khan also has links to al-Qaeda.

(9) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban's Mira shah Regional Military Shura, was designated by the Department of State as a terrorist in March 2008, and in March 2009, the Department of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadrani.

(10) The Haqqani Network meets the criteria for designation as a foreign terrorist organization in that it is a foreign organization, it engages in and retains the capability and intent to engage in terrorism, and it threatens the security of United States nationals and the national defense, foreign relations, and economic interests of the United States.

(b) DESIGNATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall designate the Haqqani Network as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the requirement in paragraph (1) if the President submits to the appropriate committees of Congress a certification in writing that—

(A) the Haqqani Network does not threaten the security of United States nationals and the national defense, foreign relations, and economic interests of the United States; and

(B) the waiver is in the national security interests of the United States.

(3) JUSTIFICATION.—The certification submitted under paragraph (2) shall include a written justification for the waiver covered by the certification.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1345. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. DISCLOSURE REQUIREMENTS FOR POSTSECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE EDUCATION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—

(1) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education, prescribe in regulations requirements that postsecondary educational institutions that participate in Department of Defense education assistance programs, as a condition of such participation, to disclose, provide, and make publicly available to students certain information about their programs prior to enrollment.

(2) COMMENCEMENT OF COMPLIANCE.—Postsecondary institutions shall commence compliance with the regulations required by this section on such date, not later than 180 days after the date of the issuance of the regulations, as the Secretary of Defense shall specify in the regulations.

(b) ELEMENTS.—The disclosure required under subsection (a) shall include, for each

Department of Defense education assistance program offered by a postsecondary institution, the following:

(1) The type of the postsecondary institution (whether public, private non-profit, private for-profit, 4-year, 2-year, or less than 2-year, as applicable).

(2) The disclosure by the postsecondary institution of the following with respect to such program:

(A) Tuition costs.

(B) Applicable fees.

(C) Estimated costs for books and supplies.

(D) Normal time to completion of the program.

(E) Average time to completion of the program.

(F) Percentage of graduates completing the program in normal time.

(G) Median Federal loan debt incurred by students who completed the program.

(H) Median private loan debt incurred by students who completed the program.

(I) Median institutional loan debt incurred by students who completed the program.

(J) The current accreditation status of the program, including the following:

(i) The most recent date of accreditation of the program.

(ii) Whether accreditation of the program is regional or national.

(iii) If the program is not currently accredited, whether such accreditation is missing, pending, or rescinded.

(K) The level of award offered through the program (whether certificate, associate's degree, bachelor's degree, advanced degree, or other).

(3) The disclosure of such other matters with respect to such program as the Secretary of Defense considers appropriate, including—

(A) transferability of credits;

(B) qualification for relevant examination, certification, or license required as a precondition for employment in the occupation for which the program is represented to prepare the student;

(C) job placement rates, if appropriate, for individuals who undertook the program;

(D) rates of default on Federal student loans for individuals who enrolled in the program; and

(E) comparative data with nearby postsecondary institutions of similar type, student body, and offered programs, if applicable.

(c) DEPARTMENT OF DEFENSE EDUCATION ASSISTANCE PROGRAMS.—For purposes of this section, Department of Defense education assistance programs are the programs as follows:

(1) The Tuition Assistance (TA) program.

(2) The Military Spouse Career Advancement Account (MyCAA) program.

(d) OTHER DEFINITIONS.—In this section:

(1) The term "normal time to completion" means the estimated time the institution determines it should take a full-time student to complete the specified program.

(2) The term "average time to completion" means the actual average time it has taken previous students (full-time and part-time) to complete the specified program.

SA 1346. Mr. VITTER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NAVY SEALS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Navy SEALs were established by President John F. Kennedy in January 1962.

(2) The Navy SEALs, as members of the United States Special Operations Command, are able to operate effectively in sea and air and on land.

(3) The Navy SEALs bravely contribute to the national security of the United States by conducting elite counterterrorism operations and capacity-building activities with partner nation security forces to counter the threat posed by al-Qaeda and affiliated groups.

(4) The Navy SEALs are a critical element of the special operations capability of the United States and have retained the highest

standard of loyalty, honor, and duty since their origin as Navy underwater demolition personnel, or “frogmen”, during World War II.

(5) The Navy SEALs show the highest professionalism in their tactical proficiency and full-spectrum capability on the battlefield.

(6) The Navy SEALs have made great sacrifices in the line of duty and repeatedly demonstrate their dedication and readiness to continue to make those sacrifices on behalf of the United States.

(7) The Navy SEALs have courageously and vigorously pursued al-Qaeda and its affiliates in Afghanistan and around the world.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) recognize the service, professionalism, honor, and sacrifices of the Navy SEALs and their families for their contributions to the national security of the United States since January 1962; and

(2) support the mission of the Navy SEALs in the continuing fight against al-Qaeda and its affiliates.

McCain Amendment to Strike All Unrequested Funds

[In thousands of dollars]

Section	Service	Title	Details	FY 2012 request	SASC mark	McCain alternative
4101	Army	Abrams Upgrade	Add 49 tanks to bridge production gap	0	240,000	[- 240,000]
4201	Army	Test Ranges & Facilities	Program Increase	262,456	312,456	[- 50,000]
4201	Air Force	Advanced Materials for Weapon Systems	Metals Affordability Initiative	0	10,000	[- 10,000]
4201	Air Force	ICBM	Program Increase	67,202	72,202	[- 5,000]
4201	Air Force	Test & Evaluation Support	Program Increase	654,475	704,475	[- 50,000]
4201	Air Force	Enterprise Query & Correlation	Enterprise Query & Correlation	0	10,000	[- 10,000]
4201	Defense-Wide	Manufacturing S&T Program	Industrial Base Innovation Fund	0	30,000	[- 30,000]
4201	Defense-Wide	Emerging Capabilities Tech Development	Cargo Airship Demonstration	0	2,000	[- 2,000]
4201	Defense-Wide	Defense Rapid Innovation Program	Program Increase	0	200,000	[- 200,000]
4201	Defense-Wide	Ballistic Missile Defense Terminal Defense Segment	THAAD Production Improvements	290,452	310,452	[- 20,000]
4201	Defense-Wide	AEGBIS BMD	SM-3 Block IB Production Improvements	960,267	990,267	[- 30,000]
4201	Defense-Wide	Israeli Cooperative Programs	David's Sling Development	0	25,000	[- 25,000]
4201	Defense-Wide	Israeli Cooperative Programs	Arrow System Improvement Program	0	20,000	[- 20,000]
4201	Defense-Wide	Israeli Cooperative Programs	Arrow-3 Interceptor Development	0	5,000	[- 5,000]
4201	Defense-Wide	DoD Corrosion Program	Program Increase	3,221	35,321	[- 32,000]
4201	Defense-Wide	AEGBIS SM-3 Block IIA Co-Development	Program Increase	424,454	444,454	[- 20,000]
4201	Defense-Wide	Development Test & Evaluation	Program Increase	15,805	20,805	[- 5,000]
4201	Defense-Wide	Defense Info Infrastructure Engineering & Integration	Cybersecurity Pilots	0	10,000	[- 10,000]
4201	Defense-Wide	Information Systems Security Program	File Sanitization Tool (FIST)	0	3,000	[- 3,000]
4201	Defense-Wide	Classified Programs	Classified Adjustment	4,227,920	4,263,700	[- 35,780]
4301	Defense-Wide	Undistributed	Impact Aid	0	25,000	[- 25,000]
4301	Defense-Wide	Undistributed	Severe Disabilities	0	5,000	[- 5,000]
4401	Inspector General	Office of the Inspector General	Program Increase	286,919	327,419	[- 40,500]
4401	Inspector General	Office of the Inspector General	Program Increase—Growth Plan	1,600	4,500	[- 2,900]
TOTAL:						[- 876,280]
4301	UNDISTRIBUTED	UNDISTRIBUTED	Proportional restoration for services and Defense-wide			876,280

SA 1348. Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ELIMINATION OF DEFENSE RAPID INNOVATION PROGRAM FUNDING; RESTORATION OF OPERATION AND MAINTENANCE FUNDING.

(a) ELIMINATION OF DEFENSE RAPID INNOVATION PROGRAM FUNDING.—Notwithstanding the amounts specified in the funding tables in section 4201—

(1) the amount authorized to be appropriated for fiscal year 2012 for the Defense Rapid Innovation Program is \$0;

(2) the total amount authorized to be appropriated for fiscal year 2012 for Advanced Technology Development, Defense-Wide is \$3,121,342,000;

(3) the total amount authorized to be appropriated for fiscal year 2012 for Research, Development, Test, And Evaluation, Defense-Wide is \$19,613,751,000; and

(4) the total amount authorized to be appropriated for Research, Development, Test, and Evaluation is \$71,640,593,000.

(b) RESTORATION OF OPERATION AND MAINTENANCE FUNDING.—Notwithstanding the amount specified in the funding tables in section 4301—

(1) the total amount authorized to be appropriated for Operation and Maintenance, Defense-Wide for “Undistributed” is \$-674,800,000;

(2) the total amount authorized to be appropriated for Operation and Maintenance, Defense-Wide is \$29,642,583,000; and

(3) the total amount authorized to be appropriated for Operation and Maintenance is \$161,046,587,000.

SA 1349. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

SA 1347. Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 4001, add the following:

(d) REDUCTION OF AUTHORIZATIONS OF APPROPRIATIONS EXCEEDING LEVEL REQUESTED IN PRESIDENT'S BUDGET AND PARTIAL RESTORATION OF OPERATION AND MAINTENANCE ACCOUNTS.—Notwithstanding the amounts specified in the funding tables in titles XLI through XLVI, the amounts specified in the funding tables for sections 4101, 4102, 4201, 4202, 4301, 4302, 4401, 4402, 4501, and 4601 for purposes of sections 101, 201, 301, 1401, 1402, 1403, 1404, 1405, 1406, 1431, 1506, 1507, 1508, 1509, 2003, 3101, 3102, and 3103, are as follows:

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. ADEQUACY OF CONTRACTING OFFICER REPRESENTATIVES TO PREVENT WASTE, FRAUD, AND ABUSE.

(a) FINDING.—Congress finds that a November 14, 2011, Congressional Research Service (CRS) report entitled “Wartime Contracting in Afghanistan: Analysis and Issues for Congress” said that “[a]ccording to some government officials, there are simply not enough contracting officer representatives (CORs) in theatre to conduct adequate oversight . . . In some instances the problem is not the number of contracting officer representatives, but the lack of expertise of those assigned to conduct oversight”.

(b) ADDITIONAL CONTRACTING OFFICER REPRESENTATIVES.—The Secretary of Defense shall, using amounts authorized to be appropriated by this Act, increase the number of contracting officer representatives of the Department of Defense to the number determined sufficient by the Secretary to provide

the proper oversight of government contracts necessary to prevent waste, fraud, and abuse in government contracts.

(c) **REPORTS.**—Not later than January 1, 2013, and annually thereafter, the Secretary shall submit to Congress a report assessing the extent to which the number of contracting officer representatives in the Department of Defense during the preceding calendar year was sufficient to provide the proper oversight of government contracts necessary to prevent waste, fraud, and abuse in government contracts.

SA 1350. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. TREATMENT OF GULF WAR ILLNESS WITHIN THE GULF WAR ILLNESS RESEARCH PROGRAM OF THE ARMY.

Of the amount authorized to be appropriated by section 201 and available for research, development, test, and evaluation for the Army as specified in the funding table in section 4201, \$10,000,000 shall be available for the diagnosis and treatment of Gulf War Illness within the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research.

SA 1351. Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. MCCASKILL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. REDUCTION OF MILITARY CONSTRUCTION AUTHORIZATION FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES AUTHORIZED THROUGH THE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Amounts previously authorized for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act for fiscal years prior to fiscal year 2012 are hereby reduced by \$1,000,000,000.

SA 1352. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. AVAILABILITY OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005 FUNDS FOR HOMEOWNERS ASSISTANCE FUND.

Of the unobligated balances available in the Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$365,000,000 shall be made available for the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

SA 1353. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) **MANAGEMENT AND OVERSIGHT.**—Section 2901(a) of title 10, United States Code, is amended by inserting after “Program” the following: “, and shall place the program under the management and oversight of the Deputy Under Secretary of Defense for Installations and Environment”.

(b) **STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.**—

(1) **COMPOSITION.**—Section 2902(b) of such title is amended—

(A) by amending paragraph (1) to read as follows:

“(1) The Deputy Assistant Secretary of Defense for Research.”; and

(B) by amending paragraph (3) to read as follows:

“(3) The Deputy Under Secretary of Defense for Installations and Environment.”.

(2) **CHAIRMAN.**—Section 2902(c) of such title is amended by striking “designate a member of the Council as chairman for each odd numbered fiscal year” and inserting “designate the Deputy Under Secretary of Defense for Installations and Environment as chairman for each odd numbered fiscal year”.

SA 1354. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 479, line 14, strike “‘1,750,000,000’” and insert “‘\$1,690,000,000’”.

On page 479, between lines 14 and 15, insert the following:

(c) **AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF JORDAN FOR CERTAIN SECURITY AC-**

TIVITIES.—The Secretary of Defense may utilize funds from amounts available under section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended and amended by this section, to reimburse Jordan for support provided during fiscal year 2012 for convoy and Iraq border security in connection with the activities of the Office of Security Cooperation—Iraq.

SA 1355. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.

(a) **PARTICIPATION AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the ATARES program of the Movement Coordination Centre Europe (MCCE).

(2) **SCOPE OF PARTICIPATION.**—Participation in the program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value. No services other than air transportation and air refueling services may be exchanged or transferred under the authority in paragraph (1).

(3) **LIMITATION.**—The United States' balance of executed flight hours (EFH), whether as credits or debits, in participation in the program under paragraph (1) may not exceed a balance of 500 hours.

(b) **WRITTEN ARRANGEMENTS OR AGREEMENTS.**—

(1) **ARRANGEMENTS OR AGREEMENTS REQUIRED.**—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense and the Movement Coordination Centre Europe.

(2) **FUNDING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support the program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) **OTHER ELEMENTS.**—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the program.

(c) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds authorized

to be appropriated to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under such arrangement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to Congress a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) EXPIRATION.—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b).

(g) ATARES PROGRAM DEFINED.—In this section, the term "ATARES program" means the Air Transport, Air-to-Air Refueling and other Exchanges of Services program of the Movement Coordination Centre Europe.

SA 1356. Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—COMMISSION ON MILITARY COMPENSATION

SEC. 1601. ESTABLISHMENT.

There is established an independent commission to be known as the "Commission on Military Compensation".

SEC. 1602. PURPOSE AND DUTIES OF COMMISSION.

(a) MILITARY COMPENSATION REVIEW AND RECOMMENDATIONS.—The purpose of the Commission is—

(1) to conduct a review of all elements of military compensation provided to members of the uniformed services on account of their service in the uniformed services; and

(2) to make recommendations regarding any changes that the Commission considers appropriate for individual elements of military compensation or the structure or manner by which military compensation is provided to members of the uniformed services with the goals of—

(A) ensuring military readiness and capability;

(B) enabling a quality of life for members of the uniformed services and their families that will foster successful recruiting, retention, and careers of military service; and

(C) providing necessary flexibility to the Department of Defense to quickly adjust elements of military compensation to respond to changing conditions and fiscal restraints.

(b) REQUIREMENTS.—The review conducted and recommendations prepared by the Commission—

(1) shall be based on proposals submitted by the Secretary of Defense, as required by section 1604(a);

(2) shall address, at a minimum, the structure of the military retirement system (non-disability and disability, regular and non-regular service) in the context of existing military compensation and force management objectives, changes to military health care benefits, and such restructuring and reform of all other elements of military compensation as is feasible given the time allowed for completion of the review and submission of the recommendations; and

(3) shall be consistent with the criteria specified in subsection (c).

(c) CRITERIA.—The Secretary of Defense, in preparing a proposal for the Commission, and the Commission, in conducting the review and preparing recommendations, shall consider the following criteria:

(1) The effect of elements of military compensation on the ability to successfully recruit and retain highly capable and motivated members of the All-Volunteer force and the likely impact of proposed changes in this regard.

(2) The effect of elements of military compensation on maintaining an appropriate quality of life for members of the All-Volunteer force and their families and the effect of proposed changes in this regard.

(3) The effect of elements of military compensation that respond fully to the needs of wounded, ill, and injured members of the uniformed services and their families and the impact of proposed changes in this regard.

(4) The effect of existing provisions of law and regulation in affording necessary authority and flexibility for force management and shaping by military planners, and rapid response to changing conditions affecting the conditions of military service, the size and composition of military forces, and the financial resources available to ensure military readiness and capability.

(5) The effect of elements of military compensation on encouraging careers of service in the regular and reserve components of the uniformed services and the effect of proposed changes in this regard.

(6) The current and projected cost of military personnel as a part of the budgets of the Department of Defense and the Army, Navy, Air Force, and Marine Corps, and strength

levels for active forces and reserve components needed for military mission accomplishment, and the impact of proposed changes on ensuring military capability and readiness.

(7) The flexibility currently afforded to military planners under existing laws and regulation and changes necessary for military planners to respond to changing circumstances in recruiting, retention, manpower, and critical skill requirements, conditions of service, and the availability of budgetary resources to military planners.

(8) Such other criteria as the Secretary of Defense and the members of the Commission consider advisable.

(d) SPECIAL RULE REGARDING MILITARY RETIREMENT PROPOSALS.—Any change proposed by the Secretary of Defense or the Commission regarding reducing the amount of military retired pay (or its rate of growth) or the manner by which members of the uniformed services become entitled to retired pay shall not apply to a member or former member of the uniformed services who first became a member before January 1, 2013. The rule of construction in section 1411(a) of title 10, United States Code, shall apply in determining when a member of the uniformed services first became a member.

SEC. 1603. MEMBERSHIP AND ADMINISTRATION.

(a) NUMBER AND APPOINTMENT.—

(1) NUMBER.—The Commission shall be composed of 9 members.

(2) APPOINTMENT.—

(A) PRESIDENT.—The President shall appoint five members of the Commission.

(B) HASC.—The Chairman and ranking member of the Committee on Armed Services of the House of Representatives shall each appoint one member of the Commission.

(C) SASC.—The Chairman and ranking member of the Committee on Armed Services of the Senate shall each appoint one member of the Commission.

(3) TIME FOR APPOINTMENT.—All appointments to the Commission shall be made before March 15, 2012.

(4) QUALIFICATIONS.—Members of the Commission should be selected based on their knowledge and experience with the uniformed services and military compensation issues.

(b) CHAIRMAN.—The President shall designate one of the members of the Commission to serve as Chairman of the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy on the Commission shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) FREQUENCY.—The Commission shall meet at the call of the Chairman or a majority of its members.

(2) FIRST MEETING.—The Commission shall hold its first meeting not later than April 1, 2012.

(3) QUORUM.—Five members of the Commission shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to the Commission, except that the Commission shall hold public hearings.

(e) PAY AND TRAVEL EXPENSES.—

(1) PAY.—A member of the Commission shall be paid at the rate equal to the daily equivalent of the rate payable for level IV of the Executive Schedule under section 5315 of

title 5, United States Code, for each day during which the member is engaged in the actual performance of duties of the Commission.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) **ADMINISTRATIVE PROVISIONS.**—

(1) **STAFF.**—The Secretary of Defense shall detail such members of the Army, Navy, Air Force, and Marine Corps and civilian employees of the Department of Defense as may be necessary to serve as the staff of the Commission.

(2) **FACILITIES.**—The Secretary of Defense shall make office space available to the Commission to carry out its duties.

(3) **FUNDING.**—The Secretary of Defense shall use amounts appropriated to the Department of Defense for operation and maintenance and otherwise obligated to cover the costs of the Commission.

SEC. 1604. REVIEW PROCESS AND REPORTING REQUIREMENTS.

(a) **SUBMISSION OF PROPOSALS TO COMMISSION.**—

(1) **ROLE OF SECRETARY OF DEFENSE.**—Not later than June 1, 2012, the Secretary of Defense shall submit to the Commission for consideration by the Commission such proposals regarding changes to individual elements of military compensation or the structure or manner by which military compensation is provided to members of the uniformed services as the Secretary of Defense considers appropriate.

(2) **CONSULTATION.**—The Secretary of Defense shall prepare the proposals under paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Homeland Security, with respect to the Coast Guard, the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to the Public Health Service.

(3) **DRAFT LEGISLATIVE LANGUAGE.**—To the extent practicable, each change proposed by the Secretary of Defense under paragraph (1) shall include the draft legislative language necessary to effectuate the change in the law.

(b) **SUBMISSION OF COMMISSION RECOMMENDATIONS.**—

(1) **SUBMISSION TO PRESIDENT.**—Not later than December 15, 2012, the Commission shall transmit to the President a report containing—

(A) the results of the review of military compensation conducted by the Commission; and

(B) the recommendations of the Commission (as described in section 1602(a)(2)), including the draft legislative language necessary to effectuate each recommendation.

(2) **MAJORITY REQUIREMENT.**—A recommendation may not be included in the report unless a majority of the members of the Commission affirmatively endorse the recommendation.

(3) **PUBLIC DOCUMENT.**—The report of the Commission shall be made public by printing in the Federal Register or other means.

(c) **REVIEW AND ACTION BY THE PRESIDENT.**—

(1) **REVIEW BY THE PRESIDENT.**—Not later than February 28, 2013, the President shall complete a review of the report of the Commission and either approve or disapprove of the recommendations of the Commission. The recommendations may only be approved or disapproved in their entirety.

(2) **EFFECT OF APPROVAL.**—If the President approves the recommendations of the Commission, the President shall transmit a copy of the report to the Congress, together with a certification of such approval.

(3) **EFFECT OF DISAPPROVAL.**—If the President disapproves the recommendations of the Commission, the President shall transmit to the Commission and Congress the reasons for that disapproval. The Commission shall terminate 30 days after the date on which the President transmits the disapproval notice.

SEC. 1605. EXPEDITED CONGRESSIONAL CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) **INTRODUCTION.**—

(1) **INTRODUCTION REQUIRED.**—If the report of the Commission is approved by the President pursuant to section 1604(c), the draft legislative language submitted pursuant to section 1604(b)(1)(B) as part of the report of the Commission shall be introduced as a bill—

(A) in the Senate (by request) on the next day on which the Senate is in session by the majority leader of the Senate or by a Member of the Senate designated by the majority leader of the Senate; and

(B) in the House of Representatives (by request) on the next legislative day by the majority leader of the House or by a Member of the House designated by the majority leader of the House.

(2) **FORM OF LEGISLATION.**—The military compensation bill shall contain the following:

(A) A title as follows: “A bill containing all of the legislative proposals regarding military compensation recommended by the Commission on Military Compensation and approved by the President.”

(B) A short title as follows: “The ‘Military Compensation Reform Act of 2013’.”

(C) A text consisting of all of the draft legislative language contained in the report of the Commission and transmitted to Congress by the President.

(b) **REFERRAL.**—The military compensation bill that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. The military compensation bill that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) **CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.**—

(1) **REFERRAL AND REPORTING.**—The Committee on Armed Services of the House of Representatives shall report the military compensation bill to the House without amendment not later than July 31, 2013. If the committee fails to report the military compensation bill within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the military compensation bill in accordance with paragraphs (2) and (3). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(2) **PROCEEDING TO CONSIDERATION.**—After the Committee on Armed Services of the House of Representatives reports the military compensation bill to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military com-

pensation bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military compensation bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(3) **CONSIDERATION.**—The military compensation bill shall be considered as read. All points of order against the military compensation bill and against its consideration are waived. The previous question shall be considered as ordered on the military compensation bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the military compensation bill. A motion to reconsider the vote on passage of the military compensation bill shall not be in order.

(4) **VOTE ON PASSAGE.**—The vote on passage of the military compensation bill shall occur not later than September 30, 2013.

(d) **EXPEDITED PROCEDURE IN THE SENATE.**—

(1) **COMMITTEE CONSIDERATION.**—The Committee on Armed Services of the Senate shall report the military compensation bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than July 31, 2013. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(2) **MOTION TO PROCEED.**—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which the military compensation bill is reported or discharged from the Committee on Armed Services of the Senate, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the military compensation bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the military compensation bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the military compensation bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the military compensation bill is agreed to, the military compensation bill shall remain the unfinished business until disposed of.

(3) **CONSIDERATION.**—All points of order against the military compensation bill and against consideration of the military compensation bill are waived. Consideration of the military compensation bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 30 hours which shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate on the military compensation bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the military compensation bill, including time

used for quorum calls and voting, shall be counted against the total 30 hours of consideration.

(4) **NO AMENDMENTS.**—An amendment to the military compensation bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the military compensation bill, is not in order.

(5) **VOTE ON PASSAGE.**—If the Senate has voted to proceed to the military compensation bill, the vote on passage of the military compensation bill shall occur immediately following the conclusion of the debate on a military compensation bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the military compensation bill shall occur not later than September 30, 2013.

(6) **RULINGS OF THE CHAIR ON PROCEDURE.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a military compensation bill shall be decided without debate.

(e) **AMENDMENT.**—The military compensation bill shall not be subject to amendment in either the House of Representatives or the Senate.

(f) **CONSIDERATION BY THE OTHER HOUSE.**—If, before passing the military compensation bill, one House receives from the other House a military compensation bill—

(1) the military compensation bill of the other House shall not be referred to a committee; and

(2) the procedure in the receiving House shall be the same as if no military compensation bill had been received from the other House until the vote on passage, when the military compensation bill received from the other House shall supplant the military compensation bill of the receiving House.

(g) **RULES TO COORDINATE ACTION WITH OTHER HOUSE.**—

(1) **TREATMENT OF MILITARY COMPENSATION BILL OF OTHER HOUSE.**—If the Senate fails to introduce or consider a military compensation bill under this section, the military compensation bill of the House shall be entitled to expedited floor procedures under this section.

(2) **TREATMENT OF COMPANION MEASURES IN THE SENATE.**—If following passage of the military compensation bill in the Senate, the Senate then receives the military compensation bill from the House of Representatives, the House-passed military compensation bill shall not be debatable. The vote on passage of the military compensation bill in the Senate shall be considered to be the vote on passage of the military compensation bill received from the House of Representatives.

(3) **VETOES.**—If the President vetoes the military compensation bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(h) **LOSS OF PRIVILEGE.**—The provisions of this section shall cease to apply to the military compensation bill if the military compensation bill does not pass both Houses before October 1, 2013.

SEC. 1606. DEFINITIONS.

In this title:

(1) The term “Commission” means the Commission on Military Compensation.

(2) The term “military compensation” means all elements of military compensation provided to members of the uniformed services, including (but not limited to) the following:

(A) Regular military compensation (as defined in section 101(25) of title 37, United States Code).

(B) Special and incentive pays and allowances available under chapters 5 and 7 of title 37, United States Code, or other provisions of law.

(C) Retired pay computed under chapter 71 or 1223 of title 10, United States Code, separation pay available under section 1174, 1175, or 1175a of such title, disability separation pay available under section 1212 of such title, and combat-related special compensation available under section 1413a of such title.

(D) Annuities based on retired pay under chapter 73 of title 10, United States Code.

(E) Medical and dental care provided under chapter 55 of title 10, United States Code.

(F) Educational assistance and educational loan repayment programs provided under part III of subtitle A of title 10, United States Code.

(G) Commissary and exchange benefits and other activities conducted for the morale, welfare, and recreation of members of the uniformed services.

(3) The term “military compensation bill” means a bill consisting of the draft legislative language of the Commission that is introduced under section 1605(a).

(4) The term “retired pay” includes retainer pay paid under section 6330 of title 10, United States Code, or other provision of law.

(5) The term “uniformed services” has the meaning given that term in section 101(3) of title 37, United States Code. The term includes both the regular and reserve components.

SEC. 1607. TERMINATION.

The Commission shall terminate on September 30, 2013, unless earlier terminated pursuant to section 1604(c)(3).

SA 1357. Mr. RITCHIE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND INVESTMENT TO MEET THE REQUIREMENTS OF RENEWABLE ENERGY GOALS.

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, renewable energy research, development, and investment in pursuit of meeting the renewable energy goals set forth in section 2911(e) of title 10, United States Code, by executive order, and through related legislative mandates. This review shall specify specific programs, costs, and estimated and expected savings of the programs.

(b) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Committee on Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the review conducted under subsection (a), including the following elements:

(1) A description of current Department of Defense renewable energy research initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(2) A description of current Department of Defense renewable energy development initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(3) A description of current Department of Defense renewable energy investment initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions will include the total dollars spent to date, the estimated total cost of the program, and the estimated lifetime of the program.

(4) A description of the estimated and expected savings of each of the programs described in paragraphs (1), (2), and (3), including a comparison of the renewable energy cost to the current cost of conventional energy sources, as well as a comparison of the renewable energy cost to the average energy cost for the previous 10 years.

(5) An assessment of the adequacy of the coordination by the Department of Defense of planning for renewable energy projects with consideration for savings realized for dollars invested and the capitalization costs of such investments.

(6) An assessment of the adequacy of the coordination by the Department of Defense among the service branches and the Department of Defense as a whole, and whether or not the Department of Defense has a cost-effective, capabilities-based, and coordinated renewable energy research, development, and investment strategy.

(7) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department of Defense in optimizing research, development, and investment in renewable energy initiatives.

(8) Recommendations regarding the need for a new energy strategy for the Department of Defense that provides the Department with the energy supply required to meet all the needs and capabilities of the Armed Forces in the most cost-effective and efficient manner.

SA 1358. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. SENSE OF CONGRESS ON RQ-4 GLOBAL HAWK PROGRAM.

It is the sense of Congress that the Secretary of the Air Force should follow the direction in the Acquisition Decision Memorandum regarding the RQ-4 Global Hawk program issued June 14, 2011.

SA 1359. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. ONE-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)—
- (i) in subparagraph (A), by striking “2012” each place it appears and inserting “2013”; and
- (ii) in subparagraph (B), by striking “2019” and inserting “2020”; and
- (B) in paragraph (3)—
- (i) in subparagraph (C), by striking “2012” and inserting “2013”; and
- (ii) in subparagraph (D), by striking “2017” and inserting “2018”; and
- (2) in subsection (b), by striking “2012” each place it appears and inserting “2013”; and
- (3) in subsection (c)—
- (A) in the matter preceding paragraph (1), by striking “2012” and inserting “2013”; and
- (B) in paragraph (1), by striking “2014” and inserting “2015”; and
- (C) in paragraph (2), by striking “2020” each place it appears and inserting “2021”; and
- (4) in subsection (d)—
- (A) in paragraph (1)—
- (i) by striking “2014” and inserting “2015”; and
- (ii) by striking “2019” and inserting “2020”; and
- (B) in paragraph (2)(A), by striking “2020” each place it appears and inserting “2021”; and
- (5) in subsection (e), by striking “2023” and inserting “2024”.

SA 1360. Mr. GRASSLEY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike lines 3 through 6, and insert the following:

(b) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this title or any amendment made by this title shall be construed to apply to the authorized law enforcement activities, protective duties, or intelligence activities of the United States, including any activities of an element of the intelligence community, or any State or subdivision of a State.

(2) DEFINITIONS.—In this subsection:

(A) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(B) PROTECTIVE DUTIES.—The term “protective duties” includes protective duties as authorized—

- (i) by section 3056 of title 18, United States Code;
- (ii) by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709); or
- (iii) by a presidential memorandum.

SA 1361. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

- (1) in subsection (a), in the first sentence, in the matter preceding the proviso, by striking “All money received” and inserting “Subject to subsection (d), all money received”; and
- (2) by adding at the end the following:
 - “(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—

“(1) IN GENERAL.—Of the amount that is retained by the Secretary of the Treasury and not paid to a State under subsection (a), the Secretary of the Treasury shall transfer to the Department of Defense an amount equal to the amount received from all sales, bonuses, rentals, or royalties (including interest charges) that arises from the production or leasing of oil or shale gas at each military installation that holds title to, or occupies, land on which oil and gas production is carried out.

“(2) USE OF FUNDS.—Any amount received by a military installation under paragraph (1) shall be used to offset costs arising from—

- “(A) administrative operations and expenses to comply with this section; and
- “(B) the maintenance and repair of facilities and infrastructure of the military installation.”.

SA 1362. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. TRANSFER OF VIETNAM ERA F-105 AIRCRAFT.

(a) CONVEYANCE OF AIRCRAFT.—Subject to subsection (c), the Secretary of the Air Force may convey to a private entity all right, title, and interest of the United States in and to a Republic F-105G Thunderchief air-

craft (serial number 62-04427) that is excess to the operational requirements of the Air Force for the purpose of permitting the private entity to restore the aircraft to flying condition to honor veterans of the Vietnam War through memorial flights and for the education and enjoyment of future generations of Americans. The Secretary is not required to repair or alter the aircraft before conveying ownership.

(b) ADDITIONAL CONVEYANCES.—To ensure the continued operational capability of the aircraft conveyed under subsection (a), the Secretary shall also convey all right, title, and interest of the United States in and to the following:

(1) Historic logbooks (airframes and engines) and maintenance and operations manuals specific to the F-105 aircraft, its subsystems, and support equipment that may be in the Air Force logistical library.

(2) Excess spare parts, including six F-105 engines, six non-flyable F-105 airframes, and one F-105 aircraft (63-08287) identified as excess, that may be used for parts reclamation or subsequent static display.

(3) The following J-79-15 engines: serial numbers 439550-15E, 439538-15E, 439671-15E, 420244-15A, and 434604-15A, or four equivalent zero time J-79-15 engines.

(c) CONDITIONS OF CONVEYANCES.—

(1) CONDITIONAL DEED OF GIFT.—The conveyances under this section shall be made by means of a conditional deed of gift.

(2) NO-COST CONVEYANCES.—The conveyances under this section shall be at no cost to the United States. Any costs associated with such conveyances, costs of determining compliance with subsection (d), and costs of operation and maintenance of the aircraft conveyed shall be borne by the private entity concerned.

(3) RESTRICTION.—The Secretary shall include in the instrument of conveyance a condition that the private entity concerned operates and maintains the aircraft conveyed in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(d) DEMILITARIZATION OF AIRCRAFT.—The private entity to which an aircraft is conveyed under this section may carry out the demilitarization of the aircraft if the demilitarization of the aircraft is completed by the private entity not later than one year after the date of the conveyance of the aircraft to the private entity. Such demilitarization shall not affect the flight status of the aircraft.

(e) TIME FOR CONVEYANCES.—The deed of gift and conveyances under this section shall be completed not later than 90 days after the date of the enactment of this Act, except that final transfer of ownership of the aircraft under subsection (a) may not occur until the Secretary determines that the private entity concerned has altered the aircraft in such a manner as the Secretary considers necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing offensive weapons. In applying section 2572 of title 10, United States Code, to the conveyance under subsection (a), demilitarization will not be applied to non-offensive weapon systems extant on the aircraft. The non-flyable airframes to be conveyed under subsection (b)(2) are not subject to non-weapons related demilitarization.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the aircraft to the private entity concerned under subsection (a) and the conveyance of other material under subsection (b), the United States

shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft or material by any person other than the United States.

(g) **PRIVATE ENTITY DEFINED.**—In this section, the term “private entity” means any organization that—

(1) meets the requirements of the Air Force for purposes of the transfer of combat materiel;

(2) is an entity included in section 2572(a) of title 10, United States Code, or under section 501(c)(3) of the Internal Revenue Code of 1986; and

(3) is determined by the Secretary—

(A) to be capable of restoring, displaying, and preserving the aircraft referred to in subsection (a) in its original flight condition;

(B) to be capable of safely operating and maintaining the aircraft in memorial flights at air shows and similar events; and

(C) to have the capability to maintain the aircraft as a fitting flying tribute in commemoration of those Americans who have served or are now serving our nation as members of the Armed Forces.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1363. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) by redesignating paragraph (12) as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph:

“(12) Chinese military-to-military relationships with other countries, including—

“(A) the size and activity of military attaché offices around the world;

“(B) military education programs conducted in China for other countries or in other countries for the Chinese; and

“(C) the size and scope of purchases of foreign military hardware and software by the Chinese and from the Chinese.”.

SA 1364. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

SA 1365. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. CONSOLIDATION OF DUPLICATIVE AND OVERLAPPING AGENCIES, PROGRAMS, AND ACTIVITIES OF THE FEDERAL GOVERNMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the heads of other departments and agencies of the Federal Government—

(1) use available administrative authority to eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(2) identify and submit to Congress a report setting the legislative action required to further eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the report referred to in paragraph (1); and

(3) determine and submit to Congress in the report the total cost savings that—

(A) will accrue to each department, agency, and office effected by an action under paragraph (1) as a result of the actions taken under that paragraph; and

(B) could accrue to each department, agency, and office effected by an action under paragraph (2) as a result of the actions proposed to be taken under that paragraph using the legislative authority set forth under that paragraph.

SA 1366. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. LIMITATION ON AMOUNTS AVAILABLE IN FISCAL YEAR 2012 FOR TUITION ASSISTANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

Notwithstanding any other provision of this Act, the total amount available in this Act for fiscal year 2012 for tuition assistance programs of the Department of Defense may not exceed \$100,000,000.

SA 1367. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 2003, insert the following:

SEC. 2004. LIMITATION ON FUNDING FOR MILITARY CONSTRUCTION PROJECTS IN EUROPE.

Not more than 25 percent of the amounts authorized to be appropriated under this division for military construction, land acquisition, and military family housing functions of the Department of Defense and the military departments may be obligated or expended until the Secretary of Defense submits to the congressional defense committees a report on comprehensive data of the theater posture plan for the United States European Command.

SA 1368. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2011.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount by account of all balances carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(2) The total dollar amount by account of all unobligated balances specifying those amounts carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(3) The total dollar amount by account of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2011 by account.

(4) An explanation of the unobligated balances by account.

SA 1369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 574. TERMINATION OF THE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOL SYSTEM.

(a) **TERMINATION REQUIRED.**—The Secretary of Defense shall terminate the Domestic Dependent Elementary and Secondary School (DDESS) system of the Department of Defense by not later than September 30, 2015.

(b) **CLOSURE OF SCHOOLS.**—In terminating the Domestic Dependent Elementary and Secondary School system under subsection (a), the Secretary shall provide for the orderly closure of the schools in the system and the orderly transfer of the students in such schools to other appropriate schools.

(c) **IMPACT ASSISTANCE.**—The Secretary of Defense may provide to any local educational agency matriculating a student formerly covered by the Domestic Dependent Elementary and Secondary School system by reason of the termination of the system under subsection (a) an amount not to exceed \$12,000 for such student per academic year in order to assist such agency in defraying the costs of education of such student.

SA 1370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of VI, add the following:

Subtitle D—Other Matters**SEC. 641. CONSOLIDATION OF COMMISSARY AND EXCHANGE STORES OF THE DEPARTMENT OF DEFENSE INTO A SINGLE RETAIL STORE SYSTEM.**

(a) **IN GENERAL.**—By not later than five years after the date of the enactment of this Act, the Secretary of Defense shall consolidate the stores of the commissary system of the Department of Defense and the exchange systems of the Department of Defense into a single retail store system that relies solely upon sales revenues to cover the costs of operation.

(b) **GROCERY ALLOWANCE.**—Upon completion of the consolidation required by subsection (a), the Secretary of the military department concerned may pay members of the Armed Forces under the jurisdiction of the Secretary an allowance to assist members in defraying additional costs incurred by members and their dependents for groceries sold at the single retail store system as result of increased charges for groceries imposed by the retail store system in order to rely solely upon sales revenues to cover the costs of operation. Amounts for allowances under this subsection shall be available from amounts authorized to be appropriated for the pay and allowance of military personnel.

SA 1371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

SA 1372. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 527. TEMPORARY EXTENSION OF AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

Section 688a(f) of title 10, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

SA 1373. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REIMBURSEMENT OF COSTS INCURRED BY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES FOR PROCESSING AND ADJUDICATING APPLICATIONS FOR CITIZENSHIP OF MILITARY PERSONNEL.

(a) **IN GENERAL.**—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245a the following new section:

“§ 2246. Use of operation and maintenance funds to reimburse Department of Homeland Security for costs of processing citizenship applications of military personnel

“(a) **IN GENERAL.**—Using funds available for operation and maintenance and notwith-

standing section 2215 of this title, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by United States Citizenship and Immigration Services of applications for naturalization under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440).

“(b) **DISPOSITION OF FUNDS.**—Any amount received by the Secretary of Homeland Security as a reimbursement under subsection (a) shall be deposited, and shall remain available, as provided by subsections (m) and (n), respectively, of section 286 of such Act (8 U.S.C. 1356).

“(c) **DETERMINATION OF AMOUNT OF REIMBURSEMENTS.**—The amount of reimbursements under subsection (a) shall be based on actual costs incurred by United States Citizenship and Immigration Services for processing and adjudicating applications for naturalization described in subsection (a).

“(d) **ANNUAL LIMITATION.**—The amount of reimbursements under this section in any fiscal year may not exceed the amount appropriated for that purpose for that fiscal year.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by inserting after the item relating to section 2245a the following new item:

“2246. Use of operation and maintenance funds to reimburse Department of Homeland Security for costs of processing citizenship applications of military personnel.”.

SA 1374. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. NATIONAL LANGUAGE SERVICE CORPS.

(a) **CHARTER FOR NLSC.**—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

“(a) **ESTABLISHMENT.**—(1) The Secretary of Defense shall establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) **NATIONAL SECURITY EDUCATION BOARD.**—The Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(f).

“(c) **MEMBERSHIP.**—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such

foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

“(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary may call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) establishing plans to address shortfalls and requirements, such as recruitment, member assignments and return, deployment, redeployment, and public information;

“(C) coordinating activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall language shortfalls and to utilize personnel to address the various types of crises that warrant language skills; and

“(D) proposing to the Secretary regulations to carry out section 813.”.

SA 1375. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) scouting prepares young men for leadership by—

(A) helping them learn to meet challenges of physical fitness, moral character, confidence, self-reliance, and leadership; and

(B) teaching them the importance of service to others, including public service;

(2) the relationship between the Boy Scouts of America and Department of Defense, including the National Guard, has consistently been, and remains, strong;

(3) the primary purpose of the Armed Forces is to defend the national security of the United States and prepare for combat, of which one of the most critical elements is training in conditions that simulate the planning, logistics, and leadership required for combat;

(4) the National Scout Jamboree provides a unique training opportunity for the military services by providing a venue to exercise planning, logistics, and leadership skills required for defending the national security of the United States;

(5) title 10, United States Code, authorizes the Secretary of Defense to support the National and World Scout Jamborees;

(6) more than 600 National Guard members from 15 States supported the 2010 National Boy Scout Jamboree; and

(7) the Boy Scouts of America will hold the 2013 National Jamboree at the Summit Bechtel Family National Scout Reserve in the State of West Virginia from July 15 through 24, 2013, with more than 43,000 expected participants.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should provide the maximum level of support for the 2013 National Scout Jamboree; and

(2) funding necessary to support the role of the Department of Defense in the 2013 National Scout Jamboree should be identified to ensure that the Boy Scouts of America are successful in hosting the 2013 National Scout Jamboree and to avoid delayed commitments from supporting Armed Forces services.

SA 1376. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4))

for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)).”;

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”;

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”;

(D) in subparagraph (H), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

SA 1377. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE,

Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 7 through 19 and insert the following:

“(7) The Chief of the National Guard Bureau for the purpose of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.”.

SA 1378. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 15 and all that follows through page 5 line 19, and insert the following:

“(A) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(B) are in a grade above the grade of brigadier general.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “and the Vice Chief of the National Guard Bureau”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

“§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

“10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”;

and

(B) by striking the item relating to section 10505 and inserting the following new item:

“10505. Vice Chief of the National Guard Bureau.”.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau for the purpose of addressing issues involving non-federalized National Guard forces in support of homeland defense and civil support missions.”.

SEC. 1603A. REPEAL OF REQUIREMENT THAT THE CHIEF OF THE NATIONAL GUARD BUREAU BE APPOINTED FROM AMONG OFFICERS RECOMMENDED FOR APPOINTMENT BY THE GOVERNORS OF THE STATES.

Section 10502(a) of title 10, United States Code, is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

SA 1379. Mrs. BOXER (for herself and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations

for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2013”.

SA 1380. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXXI, add the following:

SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for the Department of Defense for fiscal year 2012, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount equal to the difference between the amount appropriated and the amount authorized to be appropriated for weapons activities for fiscal year 2012.

(b) APPLICABILITY OF NOTIFICATION AND APPROVAL PROCEDURES.—The transfer authorized under subsection (a) shall be subject to the procedures with respect to notification of and approval by Congress that apply generally to transfers of appropriations by the Department of Defense.

SA 1381. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, between lines 17 and 18, insert the following:

“(d) LIMITATION ON APPLICABILITY TO UNITED STATES PERSONS.—Authority to detain a person under this section does not extend to citizens or lawful resident aliens of the United States arrested or captured in the United States.”.

SA 1382. Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, between lines 17 and 18, insert the following:

“(d) LIMITATION ON APPLICABILITY TO UNITED STATES PERSONS.—Authority to detain a person under this section does not extend to citizens or lawful resident aliens of the United States.”.

SA 1383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, line 13, after “(as defined in subsection (b))” insert “captured abroad”.

SA 1384. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EXTENT OF AUTHORIZED ACCESS TO MILITARY INSTALLATION FOR UNAUTHORIZED MARKETING OF PRODUCTS AND SERVICES TO MILITARY PERSONNEL.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the extent to which persons and entities employed by institutions of higher education (for purposes of the Higher Education Act of 1965) who have otherwise authorized access to military installations are engaged in the unauthorized marketing of products and services to members of the Armed Forces through such access.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The assessment described in subsection (a).

(2) Such recommendations as the Secretary considers appropriate for mechanisms as follows:

(A) To assist members of the Armed Forces in identifying persons and entities who are engaged in the unauthorized marketing of products and services to members of the Armed Force through otherwise authorized access to military installations.

(B) To encourage members to report persons and entities who are so engaged to the proper authorities.

(C) To prevent the unauthorized marketing.

SA 1385. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. REPORT ON COSTS TO DEPARTMENT OF DEFENSE OF CERTAIN ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND MILITARY SPOUSES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the costs to the Department of Defense of education assistance for members of the Armed Forces and military spouses under the following programs of the Department of Defense:

(1) The Tuition Assistance (TA) program.

(2) The Military Spouse Career Advancement Account (MyCAA) program.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each institution of higher education that received funds under a program specified in subsection (a) during any of fiscal years 2009, 2010, or 2011—

(A) the name and location of such institution;

(B) whether such institution is a public, non-profit, or for-profit institution;

(C) the amount of funds received by such institution in each such fiscal year under each program; and

(D) the number of members of the Armed Forces, and the number of military spouses, who received education at such institution during each such fiscal year for which money was received under either program.

(2) Education outcomes for participants in the programs specified in subsection (a) during fiscal years 2009 through 2011, including—

(A) credit accumulation;

(B) completion of education on time or in 150 percent of on time;

(C) loan defaults;

(D) job placement and retention, and wage progression, after completion of education.

(3) A summary of complaints regarding aggressive recruiting practices or misrepresentation of future job placement opportunities from participants in the programs specified in subsection (a) during fiscal years 2009 through 2011.

(4) Such recommendations as the Secretary considers appropriate for reducing the costs to the Department of education assistance under the programs specified in subsection (a).

SA 1386. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXXI, add the following:

SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF STATE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of State may transfer, from amounts appropriated for the Department of State for fiscal year 2012, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount equal to the difference between the amount appropriated and the amount authorized to be appropriated for weapons activities for fiscal year 2012.

(b) APPLICABILITY OF NOTIFICATION AND APPROVAL PROCEDURES.—The transfer authorized under subsection (a) shall be subject to the procedures with respect to notification of and approval by Congress that apply generally to transfers of appropriations by the Department of State.

SA 1387. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In a September 28, 2011, press briefing White House Press Secretary Jay Carney stated that “[w]e have said unequivocally that the Haqqani network was responsible for the recent attack on the U.S. embassy in Kabul and on ISAF headquarters in Kabul. And the fact that they are able to operate in Afghanistan because they have a safe haven in Pakistan is a matter of great concern. And we have urged our counterparts in Pakistan to take action and raise with them the importance of doing so”.

(2) A report of the Congressional Research Service on relations between the United States and Pakistan states that “[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan”.

(3) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan that led to a spike in frustrations being expressed by top United States and Afghanistan officials. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. But it was a September 13 attack on the United States Embassy compound in Kabul that appears to have substantively changed

the nature of relations between the United States and Pakistan. The well-planned, well-executed assault sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(4) The report further states that “U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network. Days after the raid, Admiral Mullen called on General Kayani to again press for Pakistani military action against Haqqani bases. Apparently unsatisfied with his counterpart’s response, Mullen returned to Washington, DC, and began ramping up rhetorical pressure to previously unseen levels, accusing the ISI of using the Haqqanis to conduct a “proxy war” in Afghanistan. Meanwhile, Secretary Panetta issued what was taken by many to be an ultimatum to Pakistan when he told reporters that the United States would “take whatever steps are necessary to protect our forces” in Afghanistan from future attacks by the Haqqanis.

(5) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Admiral Mullen stated that “[t]he Haqqani network, for one, acts as a veritable arm of Pakistan’s Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations”.

(6) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that “with respect to the Haqqani Network, it illustrates this point. There was a major military operation that was held in Afghanistan just in the past week that rounded up and eliminated more than 100 Haqqani Network operatives. And we are taking action to target the Haqqani leadership on both sides of the border. We’re increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage”.

(7) At the same hearing, Secretary of State Clinton further stated that “[w]ell, Congressman, I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans”.

(8) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as “a Haqqani Network commander” who has “overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts.” “Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police,” the designation continued. In June 2011, “Mali Khan’s deputy provided support to the suicide bombers responsible for the attacks on the Intercontinental Hotel in Kabul, Afghanistan. The attack resulted in the death of 12 people”. Jason Blazakis, the chief of the Terrorist Designations Unit of the Department

of State, has also been quoted in several media outlets as stating Khan also has links to al-Qaeda.

(9) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban’s Mira shah Regional Military Shura, was designated by the Department of State as a terrorist in March 2008, and in March 2009, the Department of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadran.

(10) The Haqqani Network meets the criteria for designation as a foreign terrorist organization in that it is a foreign organization, it engages in and retains the capability and intent to engage in terrorism, and it threatens the security of United States nationals and the national defense, foreign relations, and economic interests of the United States.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall designate the Haqqani Network as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the requirement in paragraph (1) if the President submits to the appropriate committees of Congress a certification in writing that—

(A) the Haqqani Network does not threaten the security of United States nationals and the national defense, foreign relations, and economic interests of the United States; and

(B) the waiver is in the national security interests of the United States.

(3) JUSTIFICATION.—The certification submitted under paragraph (2) shall include a written justification for the waiver covered by the certification.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1388. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. REPORT ON CUBA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of State, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description of the cooperative agreements, relationships, or both between Cuba, on the one hand, and Iran, North Korea, and other states suspected of nuclear proliferation, on the other hand.

(2) A detailed description of the economic support provided by the Government of Venezuela to the Government of Cuba and the intelligence and other support provided by the Government of Cuba to the Government of Venezuela.

(3) A review of the evidence of relationships between the Government of Cuba, or any of its components, and drug cartels, and of the involvement of the Government of Cuba, or any of its components, in other drug trafficking activities.

(4) A description of the status and extent of any clandestine activities of the Government of Cuba in the United States.

(5) A description of the extent of support by the Government of Cuba for governments in Venezuela, Bolivia, Ecuador, and Central America, including cooperation on cyber matters with such governments.

(6) A description of the status and extent of the research and development program of the Government of Cuba for biological weapons production.

(7) A description of the status and extent of the cyber warfare program of the Government of Cuba.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1389. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 439, line 18, insert “, in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives,” after “Secretary of Defense”.

SA 1390. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORT ON PROHIBITION ON FIXED CONTRACT ESCALATION RATES IN CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of prohibiting fixed contract escalation rates in contracts of the Department of Defense and using instead contract escalation rates tied to appropriate economic indices. The report shall include an estimate of the cost savings to be achieved by the Department through such prohibition and use.

(b) **FIXED CONTRACT ESCALATION RATE DEFINED.**—In this section, the term “fixed contract escalation rate” means an escalation rate for a contract that provides for escalation of the contract over annual or other periods at an unvarying rate fixed at the commencement of the contract.

SA 1391. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. BEST PRICES FOR ITEMS TO BE PROCURED UNDER SPARE PARTS CONTRACTS.

In procuring an item under a contract of the Department of Defense for spare parts that is entered into on or after the date of the enactment of this Act, the procurement officer administering the contract shall—

(1) if the item is available through the Defense Logistic Agency, compare the price of the item under the contract with the price of the item through the Defense Logistics Agency; and

(2) if the price of the item through the Defense Logistics Agency is less than the price of the item under the contract, procure the item through the Defense Logistics Agency rather than under the contract.

SA 1392. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. ADEQUACY OF CONTRACTING OFFICER REPRESENTATIVES FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) **ADEQUATE CONTRACTING OFFICER REPRESENTATIVES.**—The Secretary of Defense shall ensure that the Department of Defense has a number of contracting officer representatives assigned to overseas contingency operations that is sufficient to provide proper oversight of government contracts and to protect against waste, fraud, and abuse in government contracts.

(b) **REPORTS.**—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to Congress a report assessing the extent to which the number of contracting officer representatives assigned to overseas contingency operations during the

preceding calendar year was sufficient to provide proper oversight of government contracts and to protect against waste, fraud, and abuse in government contracts.

SA 1393. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE TRAUMATIC INJURY AS A RESULT OF VACCINATIONS REQUIRED BY THE DEPARTMENT.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a comprehensive review (conducted for purposes of the report) of the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The number and nature of traumatic injuries incurred by members of the Armed Forces as a result of a vaccination required by the Department of Defense each year since January 1, 2001, set forth by aggregate in each year and by military department in each year.

(2) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems (including tracking systems) of the Department to identify members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(3) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems of the Department to support members of the Armed Forces who experience traumatic injury as a result of the administration of a vaccination required by the Department.

SA 1394. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 595, beginning with line 3, strike through line 22 on page 599 and insert the following:

SECTION 3301. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the Maritime Administration Authorization Act for Fiscal Year 2012.

(b) **AMENDMENT OF TITLE 46, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

- Sec. 3301. Short title; amendment of title 46, United States Code; table of contents.
- Sec. 3302. Marine transportation system.
- Sec. 3303. Short sea transportation program amendments.
- Sec. 3304. Use of national defense reserve fleet and ready reserve force vessels.
- Sec. 3305. Green ships program.
- Sec. 3306. Waiver of navigation and vessel inspection laws.
- Sec. 3307. Ship scrapping reporting requirement.
- Sec. 3308. Extension of maritime security fleet program.
- Sec. 3309. Maritime workforce study.
- Sec. 3310. Maritime administration vessel recycling contract award practices.
- Sec. 3311. Prohibition on maritime administration receipt of polar ice-breakers.
- Sec. 3312. Authorization of appropriations for fiscal year 2012.

SEC. 3302. MARINE TRANSPORTATION SYSTEM.

(a) **REPORT ON STATUS OF SYSTEM.**—Section 50109(d) is amended to read as follows:

“(d) **MARINE TRANSPORTATION SYSTEM.**—

“(1) **REPORT ON WATERWAYS.**—Not later than October 1, 2012, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States’ marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

“(B) provides estimates of the investment levels required—

“(i) to maintain the infrastructure; and

“(ii) to improve the infrastructure; and

“(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

“(2) **MARINE TRANSPORTATION.**—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term marine transportation includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

(b) CONTAINER-ON-BARGE TRANSPORTATION.—

(1) ASSESSMENT AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration's findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.

(2) FACTORS.—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) regional differences in the inland waterways system;

(C) existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) potential frequency of service at inland river ports.

SEC. 3303. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) PROGRAM PURPOSE.—Section 55601(a) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “congestion”.

(b) DESIGNATION OF ROUTES.—Section 55601(c) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “coastal corridors”.

(c) PROJECT DESIGNATION.—Section 55601(d) is amended to read as follows:

“(d) PROJECT DESIGNATION.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

“(1) mitigates landside congestion; or

“(2) promotes more efficient use of the navigable waters of the United States.”.

(d) DOCUMENTATION.—Section 55605 is amended by striking “by vessel” and inserting “by a documented vessel”.

SEC. 3304. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), is amended—

(1) in subsection (b)—

(A) by striking “or” in paragraph (4) after the semicolon;

(B) by striking the period at the end of paragraph (5) and inserting “; or”; and

(C) by adding at the end the following:

“(6) for civil contingency operations and Maritime Administration promotional and media events under subsection (f).”; and

(2) by adding at the end the following:

“(f) CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—The Secretary of Transportation may allow, with the concurrence of the Secretary of Defense, the use of a vessel in the National Defense

Reserve Fleet for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events that are related to demonstration projects and research and development supporting the Maritime Administration's mission, if the Secretary of Transportation determines the use of the vessel is in the best interest of the United States Government after—

“(1) considering the availability of the National Defense Reserve Fleet and Ready Reserve Force resources;

“(2) considering the impact on National Defense Reserve Fleet and Ready Reserve Force mission support to the defense and homeland security requirements of the United States Government;

“(3) ensuring that the use of the vessel supports the mission of the Maritime Administration and does not significantly interfere with vessel maintenance, repair, safety, readiness, or resource availability;

“(4) ensuring that safety precautions are taken, including indemnification of liability, when applicable;

“(5) ensuring that any cost incurred by the use of the vessel is funded as a reimbursable transaction between Federal agencies, as applicable; and

“(6) considering any other factors the Secretary of Transportation determines are appropriate.”.

SEC. 3305. GREEN SHIPS PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

“SEC. § 50307. Green ships program

“(a) IN GENERAL.—The Secretary of Transportation may establish a green ships program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) PROGRAM REQUIREMENTS.—The program shall—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) FUNDING AND FEES.—

“(1) IN GENERAL.—In carrying out the green ships program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the col-

lection of fees, for the purposes of the program and its administration.

“(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

“(3) FEE DEPOSIT.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation's activities for which the fees were collected.

“(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the green ships program during the preceding fiscal year in the annual budget submission to Congress.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

“50307. Green ships program.”.

SEC. 3306. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(b) is amended by adding “A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements.” after “prescribes”.

SEC. 3307. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (enacted into law by section 1 of Public Law 106-398; 16 U.S.C. 5405 note; 114 Stat. 1654A-490) is amended by amending subsection (f) to read as follows:

“(f) BRIEFINGS.—The Secretary of Transportation shall provide briefings, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives on—

“(1) the progress made to recycle vessels;

“(2) any problems encountered in recycling vessels; and

“(3) any other issues relating to vessel recycling and disposal.”.

SEC. 3308. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term foreign commerce means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated by section 3308(a)(3) of this Act, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term participating fleet vessel means any vessel that—

“(A) on October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) on December 31, 2014, is covered by an operating agreement under this chapter.”.

(b) Section 53102(b) is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”.

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

“(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

“(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2012, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

“(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

“(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).”; and

(2) by amending subsection (c) to read as follows:

“(c) PROCEDURE FOR AWARDED NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the

qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking “an operating agreement under this chapter is terminated under subsection (c)(3), or if”.

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

“(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.”; and

(2) by amending subsection (f) to read as follows:

“(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.”.

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking “and (C) \$3,100,000 for each of fiscal years 2012 through 2025.” and inserting the following:

“(C) \$3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) \$3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) \$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

“(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) \$186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) \$210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) \$222,000,000 for each fiscal year thereafter through fiscal year 2025.”.

(j) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.

SEC. 3309. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation's maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation's maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation's maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3310. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Inspector General may consider any other aspect of

the Maritime Administration's vessel recycling process that the Inspector General deems appropriate to review.

SEC. 3311. PROHIBITION ON MARITIME ADMINISTRATION RECEIPT OF POLAR ICEBREAKERS.

Until the date that is 2 years after the date on which the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives receive the polar icebreaker business case analysis under subsection 307(f) of the Coast Guard Authorization Act of 2010 (14 U.S.C. 92 note), or until the Coast Guard has replaced the Coast Guard Cutter POLAR SEA (WAGB 11) and the Coast Guard Cutter POLAR STAR (WAGB 10) with 2 in commission, active heavy polar icebreakers—

(1) the Administrator of the Maritime Administration may not receive, maintain, dismantle, or recycle either cutter; and

(2) the Commandant may not—

(A) transfer or relinquish ownership of either of the cutters;

(B) dismantle a major component of, or recycle parts from, the POLAR SEA, unless the POLAR STAR cannot be made to function properly without doing so;

(C) change the homeport of either of the cutters;

(D) expend any funds—

(i) for any expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for dock use or other goods and services;

(ii) for any personnel expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for a decommissioning officer; or

(iii) for any expenses associated with a decommissioning ceremony for either of the cutters;

(E) appoint a decommissioning officer to be affiliated with either of the cutters; or

(F) place either of the cutters in inactive status, including a status of—

(i) out of commission, in reserve;

(ii) out of service, in reserve; or

(iii) pending placement out of commission.

SEC. 3312. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2012.

There are authorized to be appropriated to the Secretary of Transportation for programs of the Maritime Administration the following amounts:

(1) **OPERATIONS AND TRAINING.**—For expenses necessary for operations and training activities, not to exceed \$161,539,000 for the fiscal year ending September 30, 2012, of which—

(A) \$28,885,000 is for capital improvements at the U.S. Merchant Marine Academy, to remain available until expended; and

(B) \$11,100,000 is for maintenance and repair for training ships at State Maritime Schools, to remain available until expended.

(2) **MARITIME GUARANTEED LOANS.**—For administrative expenses related to loan guarantee commitments under chapter 537 of title 46, United States Code, not to exceed \$3,750,000, which shall be paid to the appropriation for Operations and Training, Maritime Administration.

(3) **SHIP DISPOSAL.**—For disposal of non-retention vessels in the National Defense Reserve Fleet, \$18,500,000, to remain available until expended.

SA 1395. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

SA 1396. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 529, in the table following line 16, strike the item relating to "Naval Station, Mayport".

On page 531, line 13, strike "\$2,641,457,000" and insert "\$2,626,459,000".

On page 531, line 16, strike "\$1,956,822,000" and insert "\$1,941,824,000".

On page 667, in the item relating to Massey Avenue Corridor Improvements, Mayport, Florida, strike "14,998" in the Senate Agreement column and insert "0".

On page 668, in the item relating to Total Military Construction, Navy, strike "2,172,622" in the Senate Agreement column and insert "2,157,624".

SA 1397. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 535, between lines 17 and 18, insert the following:

SEC. 2209. LIMITATION ON FUNDING FOR ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.

None of the funds appropriated pursuant to the authorization of appropriations in section 2204 may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SA 1398. Mr. WARNER submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

(a) **AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.**—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation."

(b) **ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.**—

(1) **CONVENING OF COMMITTEE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) **SEPARATE BUDGET REQUEST FOR PROGRAM.**—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States Code.

SA 1399. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. TREATMENT OF EYE WOUNDS SUSTAINED DURING COMBAT.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) veterans who have sustained eye injuries resulting from combat operations are deserving of the highest quality health care and rehabilitation efforts;

(2) the Department of Defense should continue to vigorously pursue efforts to identify new care options for eye injuries sustained in combat operations; and

(3) support for vision rehabilitation and corneal wound research currently being done at hospitals and universities around the United States should continue to be a priority of the Department of Defense.

(b) **COMPTROLLER GENERAL OF THE UNITED STATES REPORT.**—Not later than June 1, 2012, the Comptroller General of the United States shall submit to Congress a report setting forth the following:

(1) An assessment of the impact of research funded by the Department of Defense on the development of new methods of treatment for eye wounds sustained during combat operations.

(2) An identification of gaps in current or planned research on methods of treatment for eye wounds sustained during combat operations, and an assessment of the resources required to fill such gaps.

SA 1400. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1089. REPORT ON PROPOSED FEDERAL AVIATION ADMINISTRATION RULE WITH RESPECT TO FLIGHTCREW MEMBER DUTY AND REST REQUIREMENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains the following:

(1) An assessment of the effects of the proposed rule of the Federal Aviation Administration with respect to flightcrew member duty and rest requirements (as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852)) on Department of Defense operations.

(2) A description of—

(A) the efforts of the United States Transportation Command to inform the Administrator of the Federal Aviation Administration of concerns with respect to the application of the proposed rule; and

(B) the response, if any, received by the United States Transportation Command from the Administrator.

(3) An assessment of options available to the United States Transportation Command and other Federal agencies that rely on support from the Civil Reserve Air Fleet to mitigate any adverse effects of the potential rule.

SA 1401. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXXI, add the following:

SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **IN GENERAL.**—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount equal to the difference between the amount appropriated and the amount authorized to be appropriated for weapons activities for fiscal year 2012.

(b) **APPLICABILITY OF NOTIFICATION AND APPROVAL PROCEDURES.**—The transfer authorized under subsection (a) shall be subject to the procedures with respect to notification of and approval by Congress that apply generally to transfers of appropriations by the Department of Defense.

SA 1402. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS IN PAKISTAN THAT SUPPORT ACTS OF INTERNATIONAL TERRORISM AND OTHER VIOLENT ATTACKS.

(a) **LIST OF PERSONS IN PAKISTAN WHO ARE SUPPORTING TERRORISM.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a list of persons in Pakistan, including officials and former officials of the Government of Pakistan, that the President determines, based on credible evidence, are providing material support for, or are responsible for ordering, controlling, or otherwise directing, individuals or groups, including the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, and Al Qaeda, that carry out acts of international terrorism or other violent attacks against the Armed Forces of the United States, civilian personnel of the United States, or the civilian population or other populations of foreign nationals in Afghanistan, Pakistan, India, or the United States.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate committees of Congress an updated list under paragraph (1)—

(A) not later than 90 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(b) **IMPOSITION OF SANCTIONS.**—

(1) **INELIGIBILITY FOR VISAS.**—An alien on the list required by subsection (a), and any family member of such an alien, shall be ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States.

(2) **FINANCIAL SANCTIONS.**—The President shall impose, with respect to a person on the list required by subsection (a), sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property.

(c) **TERMINATION OF SANCTIONS.**—The President may terminate the sanctions imposed under subsection (b) with respect to a person on the list required by subsection (a) on the date on which the President determines and certifies to the appropriate committees of Congress that the person no longer meets the criteria for inclusion in the list.

(d) **WAIVER.**—The President may waive the requirements of subsections (a) and (b) if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate committees of Congress an explanation for the waiver.

(e) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

SA 1403. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. REPORT ON IMPLEMENTATION OF FLEXIBLE SPENDING ARRANGEMENTS FOR HEALTH AND DEPENDENT CARE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other administering Secretaries, submit to Congress a report setting forth criteria and cost assessments for the implementation of flexible spending arrangements for members of the uniformed services with respect to basic pay and compensation for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) ADMINISTERING SECRETARIES DEFINED.—In this section, the term “administering Secretaries” has the meaning given that term in section 1072(3) of title 10, United States Code.

SA 1404. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. PAYMENT OF BENEFIT FOR DAYS OF PARTICIPATION IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM OMITTED FROM CALCULATION OF BENEFITS DUE TO GOVERNMENT ERROR.

(a) PAYMENT OF BENEFIT.—Subject to subsection (b), the Secretary concerned shall make a payment of \$200 to each individual who participates as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program for each day of such participation that is determined by the Secretary concerned not to have been properly included in the calculation of benefits to which the individual is entitled for such participation due to Government error.

(b) PAYMENT IN LIEU OF PRIOR AWARD OF ADMINISTRATIVE ABSENCE UPON ELECTION.—

(1) IN GENERAL.—In the case of an individual who was awarded one or more days of administrative absence in connection with participation in the Post-Deployment/Mobilization Respite Absence program pursuant to a determination described in subsection (a) that was made before the date of the enactment of this Act, payment shall be made to the individual under subsection (a) only upon the election of the individual.

(2) DECEASED INDIVIDUALS.—In the case of an individual covered by paragraph (1) who is deceased—

(A) the election provided for the individual under paragraph (1) shall, if not previously made by the individual, be made by the survivor of the individual specified for payment of a death gratuity under section 1477(c) of title 10, United States Code; and

(B) the payment required by subsection (a) shall, if not previously paid the individual, be paid to the survivor described in subparagraph (A).

(3) SCOPE OF ELECTION.—An election under paragraph (1) with respect to an individual shall apply to all the days covered by the determination of the Secretary concerned described in that paragraph with respect to the individual. An election under paragraph (1) is irrevocable.

(4) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—An individual receiving a payment under subsection (a) with respect to a day of participation in the Post-Deployment/Mobilization Respite Absence program shall not be entitled to a day of administrative absence for such day of participation as otherwise described in paragraph (1).

(c) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under this section is in addition to any other pay provided by law.

(d) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in sec-

tion 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

SA 1405. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. DESIGNATION OF ELLINGTON FIELD, TEXAS, AS A JOINT RESERVE BASE.

(a) FINDINGS.—Congress makes the following findings:

(1) Ellington Field is an installation strategically located in Houston, Texas, and utilized by all branches of the Armed Forces.

(2) In recent years, military and other Federal personnel numbers at Ellington Field have grown dramatically, from approximately 1,500 in 2008 to more than 6,000 in fiscal year 2011. In fiscal year 2013, it is anticipated that an additional 300 active duty United States Coast Guard personnel will be stationed at Ellington Field, upon completion of a new facility.

(3) Ellington Field also hosts components of the National Aeronautics and Space Administration (NASA) and the Department of Homeland Security.

(4) Ellington Field entities facilitate National Disaster Medical System operations for NASA, the Michael E. DeBakey Veterans Affairs Medical Center, the Federal Emergency Management Agency, and local responders, while also playing a key role in evacuation plans and emergency response activities across the Gulf Coast region.

(5) Working with the Houston Airport System, Ellington Field has sustained a buffered zone around the installation, resulting in the City of Houston establishing Airport Land Use Regulations to ensure that future developments in the area will not encroach on operations at Ellington Field.

(6) Ellington Field also possesses substantial flight line surge capacity, with more than 32 acres of recently renovated ramp, hangar, alert, and support aircraft space to accommodate numerous fixed-wing cargo and fighter aircraft in emergency situations.

(7) The Texas Air National Guard 147th Reconnaissance Wing, based at Ellington Field, manages the Ellington Airport control tower and mission, which covers Mission Operations Area W-147 over the Gulf of Mexico, providing an unrivaled 25,000 square miles of 50,000-foot altitude training airspace for primary use by Department of Defense aviation training.

(8) The Houston, Texas, area is the only region in the United States to possess all 17 asset categories identified by the Department of Homeland Security as prime asset terrorist target threats. These assets include the Port of Houston, Galveston Bay, petrochemical plants providing 46 percent of United States production, refining facilities, NASA, the Houston Medical Center, four United States Strategic Petroleum Reserve facilities, nuclear power facilities, major sports venues, and others.

(b) DESIGNATION AS JOINT RESERVE BASE.—The Secretary of Defense shall designate Ellington Field, Texas, as a Joint Reserve Base.

SA 1406. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. INPATIENT HEALTH CARE AT THE SOUTH TEXAS VETERANS AFFAIRS HEALTH CARE CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in the Far South Texas area are not being fully met by the Department of Veterans Affairs.

(2) The Department of Veterans Affairs estimates that more than 117,000 veterans reside in Far South Texas.

(3) In its Capital Asset Realignment for Enhanced Services study, the Department of Veterans Affairs found that fewer than 3 percent of its enrollees in the Valley-Coast Bend Market of Veterans Integrated Service Network 17 reside within its acute hospital access standards.

(4) Travel times for veterans from the market referred to in paragraph (3) can exceed 6 hours from their residences to the nearest Department of Veterans Affairs hospital for acute inpatient health care.

(5) Even with the significant travel times, veterans from Far South Texas demonstrate a high demand for health care services from the Department of Veterans Affairs.

(6) Current deployments involving members of the Texas National Guard and other members of the reserve components of the Armed Forces who reside in Texas will continue to increase demand for medical services provided by the Department of Veterans Affairs.

(b) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility and, if necessary, shall modify the existing facility to meet this requirement.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report outlining the specific actions the Secretary plans to take to satisfy the requirements in subsection (b), including a detailed estimate of the cost of such actions, if any, and the time necessary for completion of any modification required by such subsection.

SA 1407. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. PROHIBITION ON USE OF FUNDS FOR NEWLY DESIGNED FLIGHT SUIT.

None of the funds authorized to be appropriated by this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

SA 1408. Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. ENHANCED REPORTING BY SIGAR ON WOMEN'S RIGHTS IN AFGHANISTAN.

Section 1229(i) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 5 U.S.C. App. 8G note) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) **REPORTING ON STATUS OF WOMEN'S RIGHTS.**—The report required under paragraph (1) shall include information on women's rights in Afghanistan, including a detailed discussion of issues involving violence against women, educational opportunities, including access to schools, for girls, women's healthcare, voting rights, and other gender-equality issues facing reconstruction efforts in Afghanistan.”.

SA 1409. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 555. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.

Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new sentence: “However, in the case of a sentence of death, the convening authority shall delay execution of sentence to the extent necessary to prevent the death of an innocent child in utero.”; and

(2) by adding at the end the following new subsections:

“(d) **PROTECTION OF INNOCENT CHILD IN UTERO IN EXECUTION OF SENTENCE OF DEATH.**—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries an innocent child in utero.

“(e) **INNOCENT CHILD IN UTERO DEFINED.**—In this section, the term ‘innocent child in utero’ means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.”.

SA 1410. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 555. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.

Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new sentence: “However, in the case of a sentence of death, the convening authority shall delay execution of sentence to the extent necessary to prevent the death of an innocent child in utero.”; and

(2) by adding at the end the following new subsection:

“(d) **INNOCENT CHILD IN UTERO DEFINED.**—In this section, the term ‘innocent child in utero’ means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.”.

SA 1411. Mr. BLUNT (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CHILD INTERSTATE ABORTION NOTIFICATION ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Child Interstate Abortion Notification Act”.

(b) **TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.**—Title 18, United States Code, is amended by inserting after chapter 117 the following:

“CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

“Sec.

“2431. Transportation of minors in circumvention of certain laws relating to abortion.

“2432. Transportation of minors in circumvention of certain laws relating to abortion.

“§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

“(a) **OFFENSE.**—

“(1) **GENERALLY.**—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion,

and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

“(2) **DEFINITION.**—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed or induced on the minor, in a State or a foreign nation other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

“(b) **EXCEPTIONS.**—

“(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

“(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 of this title based on a violation of this section.

“(c) **AFFIRMATIVE DEFENSE.**—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant—

“(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides; or

“(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.

“(d) **CIVIL ACTION.**—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

“(e) **DEFINITIONS.**—For the purposes of this section—

“(1) the term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

“(2) the term ‘law requiring parental involvement in a minor's abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court; and

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(3) the term ‘minor’ means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor’s abortion decision;

“(4) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor’s abortion decision as a person to whom notification, or from whom consent, is required; and

“(5) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

“§2432. Transportation of minors in circumvention of certain laws relating to abortion

“Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both. For the purposes of this section, the terms ‘State’, ‘minor’, and ‘abortion’ have, respectively, the definitions given those terms in section 2435.”

(c) CHILD INTERSTATE ABORTION NOTIFICATION.—Title 18, United States Code, is amended by inserting after chapter 117A the following:

“CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION

“Sec.

“2435. Child interstate abortion notification.

“§2435. Child interstate abortion notification

“(a) OFFENSE.—

“(1) GENERALLY.—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.

“(2) PARENTAL NOTIFICATION.—A physician who performs or induces an abortion on a minor who is a resident of a State other than the State in which the abortion is performed must provide, or cause his or her agent to provide, at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not accomplished after a reasonable effort has been made, at least 24 hours constructive notice must be given to a parent before the abortion is performed.

“(b) EXCEPTIONS.—The notification requirement of subsection (a)(2) does not apply if—

“(1) the abortion is performed or induced in a State that has, in force, a law requiring parental involvement in a minor’s abortion decision and the physician complies with the requirements of that law;

“(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor’s State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;

“(3) the minor declares in a signed written statement that she is the victim of sexual abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect;

“(4) the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself, but an exception under this paragraph does not apply unless the attending physician or an agent of such physician, within 24 hours after completion of the abortion, notifies a parent in writing that an abortion was performed on the minor and of the circumstances that warranted invocation of this paragraph; or

“(5) the minor is physically accompanied by a person who presents the physician or his agent with documentation showing with a reasonable degree of certainty that he or she is in fact the parent of that minor.

“(c) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

“(d) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

“(2) the term ‘actual notice’ means the giving of written notice directly, in person, by the physician or any agent of the physician;

“(3) the term ‘constructive notice’ means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;

“(4) the term ‘law requiring parental involvement in a minor’s abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court;

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(5) the term ‘minor’ means an individual who has not attained the age of 18 years and who is not emancipated under the law of the State in which the minor resides;

“(6) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides; as determined by State law;

“(7) the term ‘physician’ means a doctor of medicine legally authorized to practice medicine by the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and

“(8) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.”

(d) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:

“117A. Transportation of minors in circumvention of certain laws relating to abortion 2431
“117B. Child interstate abortion notification 2435”.

(e) SEVERABILITY AND EFFECTIVE DATE.—

(1) The provisions of this section shall be severable. If any provision of this section, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the section not so adjudicated.

(2) This section and the amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 1412. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY submitted an amendment intended to be proposed by him to the S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, beginning on line 14, strike “not more than 15 contracts or cooperative agreements” and insert “not more than 5 contracts or cooperative agreements per Army industrial facility”.

SA 1413. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS BY FOREIGN ENTITIES OF SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(b) APPLICABILITY.—Subsection (a) shall not apply to a parent company of an entity that engages in an act described in subsection (a) if the parent company divests or terminates its business with the entity not later than 90 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ENTITY.—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) **PARENT COMPANY.**—The term “parent company” means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in the entity.

SA 1414. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. KIRK)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

(a) **FINDINGS.**—Congress makes the following findings:

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, “The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.”.

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, “Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.”.

(b) **DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.**—The financial sector of Iran, including the Central Bank of Iran, is designated as of primary money laundering concern for purposes of section 5318A of title 31, United States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) **FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.**—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) **IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) **EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.**—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of food, medicine, or medical devices to Iran.

(3) **APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.**—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a foreign financial institution owned or controlled by the government of a foreign country including a central bank of a foreign country, only insofar as it engages in transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) **APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.**—

(A) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 60-day period preceding the submission of the report.

(B) **DETERMINATION REQUIRED.**—Not later than 90 days after the date of the enactment of the Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) **APPLICATION OF SANCTIONS.**—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petro-

leum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) **EXCEPTION.**—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph.

(5) **WAIVER.**—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver; and

(ii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) **MULTILATERAL DIPLOMACY INITIATIVE.**—

(1) **IN GENERAL.**—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”);

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran’s conventional, nuclear, chemical or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) **FORM OF REPORTS.**—Each report submitted under this section shall be submitted

in unclassified form, but may contain a classified annex.

(g) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or jurisdiction within the United States.

SA 1415. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 402. REPORT ON ANTICIPATED REDUCTIONS IN END-STRENGTH LEVELS FOR UNITED STATES FORCES IN RESPONSE TO POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on potential reductions in end-strength levels for United States forces that would occur as a result of any potential reductions in funding for the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the reductions in end-strength levels for United States forces anticipated in response to potential reductions in funding for the Department of Defense, including an assessment of the impact of such reductions in end-strength levels on the size and readiness of the ground forces.

(2) An explanation of the strategic rationale for such reductions.

(3) An explanation of the standards to be used in determining and implementing such reductions, and the resultant force structure mix, over the course of the future-years defense program submitted to Congress in fiscal year 2012.

(4) A summary of the risks such reductions pose to the capacity of the Armed Forces to execute the National Defense Strategy or any particular role or mission under that strategy.

(5) A summary of plans to manage the risks summarized under paragraph (4), including, in particular, plans for mechanisms to ensure the timeliness of any expansion of United States forces required in the event of a crisis and to expand the reserve components.

(6) A description of any differences in opinion on the matters covered by paragraphs (1) through (5) from the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Armed Forces, and the commanders of the combatant commands.

(7) Such other matters relating to such reductions as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “potential reductions in funding for the Department of Defense” means the following:

(1) The reductions in funding for the Department of Defense that will occur over the next 10 years under implementation of the initial phase of the Budget Control Act.

(2) Any additional reductions in funding for the Department of Defense that could occur over the next 10 years under the sequestration mechanism of the Budget Control Act.

SA 1416. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

SA 1417. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, after line 25, add the following:

(e) RETENTION OF DOCUMENTARY EVIDENCE.—The policy developed under subsection (a) shall provide for the retention of documentary evidence relating to sexual assaults for at least the same length of time investigative records relating to reports of sexual assaults of that type (restricted or unrestricted reports) are required to be retained.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, December 1, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Deficit Reduction and Job Creation: Regulatory Reform in Indian Country”.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

PRIVILEGES OF THE FLOOR

Mr. WEBB. Mr. President, I ask unanimous consent that Neely Marcus Silbey of Senator MURRAY’s staff be granted floor privileges for the duration of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Joel Garrison, a legislative fellow in Senator WYDEN’s office, be granted floor privileges during the consideration of S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1917

Mr. LEVIN. I understand that S. 1917, which was introduced earlier today by Senator CASEY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1917) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

Mr. LEVIN. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read the second time on the next legislative day.

ORDERS FOR TUESDAY, NOVEMBER 29, 2011

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, November 29, 2011; that following the prayer

and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved until later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act, with Senator UDALL of Colorado being recognized, as

provided under the previous order; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; finally, that the first-degree filing deadline for S. 1867 be at 2:30 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, Senators should expect rollcall votes throughout the day tomorrow in relation to amendments to the Defense authorization bill.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Tuesday, November 29, 2011, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 28, 2011:

THE JUDICIARY

CHRISTOPHER DRONEY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 29, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 30

10 a.m.

Judiciary

Constitution, Civil Rights and Human Rights Subcommittee

To hold hearings to examine a balanced budget amendment, focusing on constitutionalizing the budget debate.

SD-226

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR-418

2 p.m.

Aging

To hold hearings to examine the human and taxpayers' cost of antipsychotics in nursing homes.

SD-562

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Ajit Varadaraj Pai, of Kansas, and Jessica Rosenworcel, of Connecticut, both to be a Member of the Federal Communications Commission.

SR-253

DECEMBER 1

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine continuing oversight of the "Wall Street Reform and Consumer Protection Act".

SD-106

Banking, Housing, and Urban Affairs

To hold hearings to examine spurring job growth through capital formation while protecting investors.

SD-538

Foreign Relations

To hold hearings to examine United States strategic objectives towards Iran.

SD-419

Judiciary

Business meeting to consider S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, S. 1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, David Campos Guaderrama, to be United States District Judge for the Western District of Texas, and Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the financial and societal costs of medicating America's foster children.

SD-342

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country.

SD-628

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine insider trading and congressional accountability.

SD-342

DECEMBER 2

10 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine combating anti-Semitism in the Organization for Security and Cooperation in Europe region, focusing on taking stock of the situation today, including initiatives designed to target violent and other manifestations on anti-Semitism in the fifty-six North American and European countries that comprise the Organization for Security and Cooperation in Europe (OSCE).

2203, Rayburn Building

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD-226

DECEMBER 7

9:30 a.m.

Homeland Security and Governmental Affairs

To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.

HVC-210

DECEMBER 8

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.

SD-366

DECEMBER 13

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine MF Global bankruptcy.

SH-216

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—Tuesday, November 29, 2011

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 29, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day. You have blessed us with all good gifts, and this past week, with thankful hearts we gathered with family and loved ones throughout this great land to celebrate our blessings together.

Bless the Members of the people's House, who have been entrusted with the privilege to serve our Nation and all Americans in their need. Grant them to work together in respect and affection and to be faithful in the responsibilities they have been given.

As the end of the first session approaches and much is left to be done, bestow upon them the gifts of wisdom and discernment that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KUCINICH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMING TO AMERICA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, those who say that the border is secure and the violence is contained in Mexico are living in a blissful state of ignorance. Case in point: Last week, according to the Houston Chronicle, three SUVs carrying Mexican Zeta cartel soldiers tried to hijack a tractor truck rig loaded with drugs on a road in north Houston. They unleashed blazing gunfire. A shootout occurred with police who were tracking the truck from Mexico. The truck driver was killed and a peace officer was wounded. Three Mexican nationals and another of unknown citizenship were charged with capital murder.

The local head of the DEA, Javier Pena, said, "we are not going to tolerate these thugs using their weapons like the Wild Wild West." Sadly, this brazen case of violence is a familiar scene on the streets of Mexico. And now it has become a reality in the United States.

Until Washington realizes what happens in Mexico doesn't stay in Mexico, more cartel shoot-outs on American streets are coming our way.

And that's just the way it is.

THE NATIONAL EMERGENCY EMPLOYMENT DEFENSE ACT

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. While Congress is in a deadlock over tax and spending cuts,

we learn the Feds secretly gave Wall Street banks over \$7.7 trillion. Where did the Fed get that 7.7 trillion? They created most of it from nothing. While our government slid into massive debt, the Fed picked winners and losers and secretly helped big banks tally record profits.

Remember the great debate we had here over \$700 billion in TARP funds? There was no debate over the \$7.7 trillion the Fed gave the banks. Did Congress have a clue? There's another game going on way over our heads, and our constituents are struggling while the banks, with the help of the Fed, have captured control of our government. Now the rating services are threatening us that if we don't come up with a deal, they'll downgrade U.S. debt.

Could the threat to our national sovereignty be any clearer? It's time for Congress to listen to the wisdom of our Founders and reclaim its constitutional primacy over monetary policy. There is a way. It is called the NEED Act. The Fed takes our freedom and gives it to the banks. Let's take our freedom back from the Fed.

SENATE NEEDS TO ACT AFTER SUPERCOMMITTEE FAILURE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Monday, the Joint Select Committee on Deficit Reduction announced that the bipartisan group had failed to reach an agreement. In an op-ed to The Wall Street Journal, Congressman JEB HENSARLING, cochair of the supercommittee, stated that the group "missed a historic opportunity to lift the burden of debt and help spur economic growth and job creation."

Last week, I attended a town hall meeting in Forest Acres, South Carolina, hosted by Mayor Frank Brunson, where we discussed ways to promote small businesses and encourage job growth within the private sector. The message from the constituents is very clear: Congress must reduce Washington's out-of-control spending before it's too late.

As Congress returns from the Thanksgiving Day recess, I encourage our colleagues in the Senate to begin focusing on job creation by considering any of the 20 jobs bills the House has passed with bipartisan support this year.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

FAILURE OF THE SELECT COMMITTEE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, it was about a week ago that the Joint Select Committee announced that they were unable to reach an agreement in finding \$1.2 trillion in cuts before their deadline. Now, could they have done this without really breaking a sweat? And the answer is yes, they could have. The entire target for which they were reaching, the \$1.2 trillion to \$1.5 trillion, could have been cut with a single act: repealing the Affordable Care Act.

One point five trillion dollars in new spending that this country cannot afford is contained within the confines of the Affordable Care Act. Now, look, Washington needs to quit pointing fingers and get back to work if we expect to put America back on a path to prosperity. American families are making cuts at home, and Washington should do the same thing. Families do not have the luxury of missing their deadlines, and neither should Washington.

Americans must reduce our deficit, and we need to put people back to work. The House has passed more than 25 bills that would affect employment. Twenty of these House-passed jobs bills are stalled in the Senate. You can find out more about them going to jobs.gop.gov. Let's get people back to work and focus on ways to reduce the deficit. That means creating more taxpayers, not more taxes.

BOLINGBROOK HIGH SCHOOL FOOTBALL CHAMPIONSHIP

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Illinois Bolingbrook High School football team on winning the Class 8A State Championship on November 25.

Coach John Ivlow led the team to a record-breaking season of 13 wins and 1 loss. This accomplishment by the Raiders marks the first State football championship for Bolingbrook High School. Despite the absence of their star linebacker, the Raiders overcame five turnovers and won the championship game by a score of 21-17 against the top-rated Loyola Academy.

Each player this season demonstrated a tremendous level of demonstration and hard work, including seniors Antonio Morrison and Robbie Bain. Other stars of the game included junior Aaron Bailey, who scored the

game-winning touchdown, and senior Diaron Rhodes, who sealed the game with an interception.

Mr. Speaker, our community is very proud of these accomplished young athletes. Once again, I would like to congratulate the Bolingbrook High School Raiders on their win and wish them continued success in all of their future endeavors.

□ 1410

IT'S TIME TO GET SERIOUS ABOUT WASHINGTON'S SPENDING ADDICTION

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the so-called supercommittee announced last week that it was unable to come up with a plan to reduce the deficit by \$1.2 trillion over the course of 10 years. That is a sad commentary on Washington, DC's addiction to overspending. After all, \$1.2 trillion is less than 1 year's worth of overspending at the going rate.

It's time to get serious. Just consider the mess in Europe. The eurozone's bailout fund is struggling to keep debt-ridden nations like Greece, Ireland, and Portugal afloat, while Italy also teeters on the brink of insolvency. Europe's sovereign debt crisis is not an abstract economics lesson; it is the painful reckoning after years of the debt-financed government profligacy.

What should unnerve us is that some of these nations being battered by the consequences of high debt level have debt-to-GDP ratios that are close to our own. If Congress doesn't get serious about reducing spending and ending the Federal debt addiction, we're going to find ourselves in the same boat as our friends in the eurozone.

RECOGNIZING NATIONAL ADOPTION MONTH

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, this Thanksgiving many of us had the opportunity to spend time with our families and loved ones, so I think it's fitting that November is National Adoption Month. I also think it's appropriate to take time during this holiday season to recognize the tens of thousands of families nationwide who are foster families.

Unfortunately, in my home State of Illinois, a potentially tragic situation has unfolded. Faith-based adoption agencies across the State are being shut down because of their belief in traditional marriage. The Illinois Department of Child and Family Services has declined to renew contracts with several organizations. They have decimated these agencies, some of whose

work was 70 percent foster care. It's an unfortunate situation, and I'm watching it closely.

But today I want to say publicly that, as we fight to curb teenage pregnancy and abortion, the right to adoption is one thing we really must defend.

OBAMACARE JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, let's be perfectly clear: Our tax policy affects job growth.

When the Federal Government raises taxes, raises rates, or creates new taxes, businesses make decisions regarding their workforce. When the government takes more, businesses have to make due with less.

All told, last year's health care reform law will raise taxes by \$800 billion over the next 10 years. One of the new taxes is a 2.3 percent tax on medical devices.

Michigan-based manufacturer Stryker recently announced that they will reduce their work force by 5 percent so that they will be prepared to pay this new tax beginning in 2013. Stryker is just one of the first to announce reductions in the layoffs.

In the next year, medical device companies will be faced with difficult decisions about where they will cut in order to pay this massive new tax bill. Many will have no choice but to reduce the workforce.

We don't need a health reform law that destroys jobs; we need one that encourages the creation of good jobs with good benefits. We must repeal the so-called Affordable Care Act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1605

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas

and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for High-Skilled Immigrants Act of 2011".

SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking "AND EMPLOYMENT-BASED";

(2) by striking "(3), (4), and (5)," and inserting "(3) and (4),";

(3) by striking "subsections (a) and (b) of section 203" and inserting "section 203(a)";

(4) by striking "7" and inserting "15"; and

(5) by striking "such subsections" and inserting "such section".

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking "both subsections (a) and (b) of section 203" and inserting "section 203(a)";

(2) by striking subsection (a)(5); and

(3) by amending subsection (e) to read as follows:

"(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a)."

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking "subsection (e)" and inserting "subsection (d)"; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on September 30, 2011, and shall apply to fiscal years beginning with fiscal year 2012.

(e) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2012, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2010 under such paragraphs.

(B) For fiscal year 2013, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2011 under such paragraphs.

(C) For fiscal year 2014, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2012 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2012, 2013, and 2014, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2012, 2013, or 2014, the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2) of this subsection.

(4) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3012, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3012, the Fairness for High-Skilled Immigrants Act. I would first like to thank Chairman SMITH for his work and diligence and commitment on this issue. We wouldn't be here today without his efforts and his commitment to this. I also want to thank Ranking Member CONYERS and Immigration Subcommittee Ranking Member ZOE LOFGREN. She cares deeply about this and has also been very instrumental in putting this bill together to make it something that we hope will pass today, and I thank her for her work on the Judiciary Committee.

The Immigration and Nationality Act generally provides that the total number of employment-based immigrant visas made available to natives of any single foreign country in a year cannot exceed 7 percent of the total number of such visas made available in that year.

The bill completely eliminates the per-country caps for employment-based visas and raises the per-country cap from 7 percent to 15 percent for family-based visas—all without adding even a single additional visa. In other words, there is no net increase in the total number of visas. What I want Members on both sides of the aisle to understand and recognize is that there is not a net increase in the total number of visas; but it does make important adjustments that will allow us to better service and fix legal immigration, which is one of the commitments that I have in working in this Congress.

While per-country limits make some limited sense in the area of family immigration, they make no sense in the context of employment-based immigration. American companies treat all highly skilled immigrants equally regardless of where they come from. Our immigration policy should do the same. H.R. 3012 creates a fair and equitable, first-come-first-served system. Under this system, U.S. companies will be able to focus on what they do best: hiring smart people to create products, services, and jobs for Americans.

Per-country caps are the antithesis of the free market. Companies recruit employees based on their talent, not their country of origin. Hiring and keeping the best people, whether from America or around the world, is the primary objective of American companies. This bill will help ensure that employers meet that objective.

Fears that these changes will lead to an influx of cheap labor are totally unfounded. Two concerns in particular rely on the false assumption that the removal of these caps will have a negative impact on American workers. The first concern applies to the removal of the per-country cap on employment-based visas. Some people argue this

provision will displace American workers with cheap foreign labor, which will not and cannot happen. Current law prohibits U.S. employers from hiring foreign workers to fill these jobs unless there are insufficient U.S. workers who are able, willing, qualified, and available. This bill does not change that requirement, but it does encourage high-skilled immigrants who are educated in the U.S. to stay and help build our economy rather than using the skills they learned here to aid our competitor nations.

□ 1610

The second criticism I hear applies to the provision that raises the family-based per-country cap from 7 percent to 15 percent. The fear seems to be that this change will result in an increase of unskilled foreign immigrants who will be a burden to our system. To the contrary, those who benefit most under the family cap adjustment are the law-abiding workers who have demonstrated their respect for the rule of law by waiting in line for many years, if not decades. An unmarried minor child in Mexico, for example, who is the son or daughter of U.S. citizens and will receive a green card in November of this year has been waiting in line since April, 1993. That's an 18½-year wait. Rewarding those who are patiently waiting to come to this country legally will incentivize more people to enter our country legally through the means that we have set forth.

This bill does not add a single new green card to the system. There's no trick or compromise involved. We are sending a message we want people to come to America legally, and we're sending that message without massive comprehensive reforms. This is simple, straightforward, and consistent with where I think most Members from both sides of the aisle stand on the issue of immigration.

This legislation is pro-growth, pro-jobs, and pro-family. I would like to thank Compete America and Immigration Voice for their tireless efforts in helping to get this bill passed, and again thank Chairman SMITH, Ranking Member CONYERS, and Ms. LOFGREN for their work in helping to bring this bill forward.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

I also rise in support of this bipartisan proposal that provides two small, technical fixes to our country's immigration laws.

The bill removes the so-called "per-country" limits from applying to employment-based green cards. Current immigration law provides 140,000 green cards annually to employment-based immigrants. The law, however, prevents any one country from receiving more than 7 percent—or 9,800—of the total 140,000 visas. Because of this per-

country limit, a country like India, with a population of 1.2 billion, is limited to the same number of visas as a country like Iceland, with a population of 300,000 and a lot of ice. This makes no sense and has resulted in decades-long backlogs for nationals from India, as well as China, and it makes it impossible for certain U.S. employers to attract and retain certain essential workers they need to help keep America competitive. Indeed, from India and China there are many people trained in STEM areas that we need in our country to keep competitive.

Eliminating the per-country limit for employment-based immigrants would level the playing field and treat everyone on a first-come, first-served basis. Because the bill does not provide additional green cards, it does not address the current overall backlogs. And that's unfortunate. But the bill does treat people and those backlogs more equitably. And to make sure that there are no unintended consequences, the elimination of the per-country limit is phased in slowly over 3 years.

The bill also raises the per-country limit for family-based immigrants from 7 percent to 15 percent. This would have a similar effect of making the treatment of such immigrants more equitable. These fixes are small, but they mean a great deal to the people they will help.

H.R. 3012 is supported by quite a few business groups, including the United States Chamber of Commerce, Compete America, and the American Council on International Personnel. It is supported by advocates for American and immigrant families, including the Asian American Justice Center and the National Immigration Law Center.

I, like my colleague on the other side, want to thank the people who are above me on the committee level, the chairman in particular, Chairman SMITH; and the ranking member of our subcommittee, ZOE LOFGREN, who has worked with Congressman CHAFFETZ, who has worked so hard on this bill, as has Chairman SMITH, to get this bipartisan bill through the committee and to the floor.

It's important that we do get bipartisan bills through, and because of our chairman, we have that opportunity on occasion to do such a thing. I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. CHAFFETZ. I yield such time as he may consume to the chairman of our full committee, Mr. LAMAR SMITH of Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Utah for yielding me time, and I also want to thank him for his sponsorship of this legislation.

Mr. Speaker, our immigration system should be designed to benefit Americans and our economy. And this

bill introduced by Congressman CHAFFETZ does just that, and I'm happy to be a cosponsor.

The Immigration and Nationality Act generally provides that the total number of family-sponsored and employment-based green cards available to natives of any one country cannot exceed 7 percent of the total number of green cards available each year. Because of these annual numerical caps on green cards and the fact that some countries have more of the skilled workers that American employers want, natives of these countries must often wait years longer for green cards than natives of other countries.

For foreign professionals with advanced degrees and aliens of exceptional ability, green cards are now immediately available to approved applicants from most countries. However, because employers seek so many workers from India and China, the per-country caps result in green cards only being available to these individuals who first applied before November 2007, 4 years ago.

For foreign professionals with bachelor's degrees and skilled workers, green cards are now available to applicants from most countries who first applied on or before December 2005. However, for the same reason, because employers seek so many workers from India and China, the per-country cap results in green cards only being available to those from China who first applied before August 2004 and for those from India before July 2002.

Similar per-country caps exist in the family-sponsored green card categories. That's why natives of most countries who are siblings of U.S. citizens will get green cards only if they first applied before June 2000, 11 years ago, and the siblings from the Philippines have had to wait since 1988.

H.R. 3012, the Fairness for High-Skilled Immigrants Act, eliminates the employment-based per-country cap entirely by fiscal year 2015. It also raises the family-sponsored per-country cap from 7 percent to 15 percent. This legislation makes sense. Why should American employers who seek green cards for skilled foreign workers have to wait longer just because the workers are from India or China? American business employers have already proved to the U.S. Government that they need these workers, that qualified workers are not available, and that American workers will not be harmed.

It makes sense to repeal the employment-based per-country caps. So I urge my colleagues to support H.R. 3012. Again, I want to thank the gentleman from Utah for sponsoring this legislation.

Mr. COHEN. Mr. Speaker, I yield 2 minutes and 56 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I will try to take full advantage of those extra 56 seconds.

Mr. Speaker, I'm a cosponsor of this bipartisan legislation, and I want to speak on its behalf.

I heard about a conversation that Bill Clinton had with Steve Jobs. Apple Computer has about 200,000 employees outside of the borders of the United States, I understand. I believe it's Walter Isaacson in his biography of Steve Jobs who talks about a conversation he had with President Clinton, where the former President asked, What would it take to get all these employees back into the United States? Mr. Jobs said, You give me 30,000 highly skilled workers in the United States and we'll bring those jobs back.

And that's what this is about. It's having access within the United States to the most highly skilled engineers, scientists, and mathematicians, who will in turn generate the kind of economic activity that we all want in terms of job creation and national economic growth.

In the northern Virginia area, we're very fortunate to have a strong high-tech sector.

□ 1620

But for that tech sector to continue to grow and expand, we have got to have a workforce not only adequate in terms of quantity, but particularly in terms of quality. We know how important technology firms are going to be in the global economy of the 21st century; but I don't think we fully take into account how important it is to continue to attract the best and brightest from around the world who, in fact, do want to go to graduate school here and do want to continue residing in the United States and to work here applying their talents and skills.

Now, under current law, employment-based and family-sponsored immigrant visas for the natives of any particular country can't exceed 7 percent of the total of those visas made available that year. That cap hinders the ability of high-tech firms in the United States to hire the top talent from countries like India and China who have a disproportionately large number of individuals with the education and the experience that are sought after by many of these technology companies. It doesn't make sense to continue enforcing outdated, arbitrary caps that make it harder for companies to hire the employees that they need and that we need to grow and prosper within the United States.

This legislation eliminates per-country limits on the allotment of high-skilled green cards without adding a single additional green card to the system. It also increases per-country limits from 7 percent to 15 percent—more than double—in the family-based immigration system, helping reduce substantial backlogs in the family-based system as well. It doesn't add any additional visas but, rather, it more ration-

ally distributes the allotment already available.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COHEN. I yield the gentleman as much time as he may consume.

Mr. MORAN. I will try to be judicious in using that time. I very much thank my good friend from Memphis for yielding me the time.

This legislation is modest in scope, but it is very important because it puts this country in the right direction of economic growth.

Now, I want to say I wish we would set our ambitions higher in the whole area of immigration. Our immigration system is broken; it needs a fundamental overhaul. We ought to have comprehensive immigration reform that makes strategic investments in border security, improves workplace verification of employees, and establishes a path to legalization for undocumented immigrants currently in the country. But maybe we can use this kind of a debate to reflect upon the much broader benefits to our country that would accrue by improving our immigration system and continuing to pursue a comprehensive solution.

But regardless of whether we can get the more ambitious legislation, the bill before us today fixes a real problem that today harms our Nation's competitiveness. That's why it has bipartisan support; that's why it's the right thing to do; and I think it's terribly important for the area of our economy which is going to produce the most jobs in the future, the most competitive jobs, with the highest profit margins that we can then sell to the rest of the world.

So, Mr. Speaker, I congratulate the sponsors of this legislation and would hope that we would get unanimous support for it.

Mr. COHEN. I thank the gentleman from Virginia. I appreciate his statement, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers.

I just want to, again, thank Chairman SMITH. I also want to recognize the good work and the working relationship that I have with Ms. LOFGREN of California and the gentleman from Illinois, LUIS GUTIERREZ, who was also very instrumental. I think it does demonstrate that we can work in a bipartisan way to pass important legislation that really will have an effect on businesses, jobs, our economy, and a whole lot of families that are deserving.

I urge support of H.R. 3012, and I would yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, this country has needed to eliminate the "per country" limits for employment-based immigrants, and increase those for family-based immigrants, for a very long time.

Although these are relatively small fixes, and a great deal more needs to be done,

these fixes represent a balanced approach to addressing some of the long-standing problems in our broken immigration system. And they are the right thing to do.

We all know that our immigration system is severely broken, and it has been broken for decades. At the heart of this broken system are the outdated employment- and family-based immigration systems, which suffer under decades-long backlogs. In combination with the per country limits, these backlogs keep nuclear families apart for decades, while preventing U.S. employers from accessing and retaining the employees they need to stay competitive.

H.R. 3012 begins to address these problems by eliminating the employment-based per-country limits and adjusting the family-based per-country limits to make the system fairer for people caught in the backlogs. This is a good step that will lead to more equitable outcomes.

But I must note that until we do something about the backlogs themselves, we will continue to have a dysfunctional system. This bill will help certain Indian nationals, who now face a wait of 70 years to get green cards; But because the bill does not address the scope of the backlogs, it will increase the wait time for many others. Under this bill, everyone seeking an employment-based third preference green card will have to wait 12 years. That may be more equitable, but it doesn't fix the underlying problem.

In any event, the bill makes the system fairer, and that is why I support it. I just hope that we can come together, as we have done today, to fix other areas of our immigration law.

Hopefully, this type of balanced legislation, in combination with true cooperation across the aisle, can serve as a model for addressing other areas of our broken immigration system. This country desperately needs that we try.

I thank the author of the bill, JASON CHAFFETZ, as well as Judiciary Committee Chairman LAMAR SMITH and Ranking Member JOHN CONYERS, for working with me on this bill and addressing some of my concerns.

I urge my colleagues to support the bill.

Mr. FLAKE. Mr. Speaker, I am pleased to support H.R. 3012, The Fairness for High-Skilled Immigrants Act.

I congratulate my colleague from Utah and my colleague, the esteemed chair of the Committee on the Judiciary, for moving this bill through the committee process and bringing it to the floor. I am pleased to be a cosponsor.

This bill will eliminate per-country limits on employment-based immigration, which limit the total employment-based immigration from any one country to just seven percent of the overall number of visas allowed.

While there may have been a rationale for per-country limits in the past, currently they have created a bottleneck for those seeking to legally emigrate from high population countries. These high population countries also happen to be countries from which a large percentage of high-skilled workers come.

Simply put, H.R. 3012 will reform our employment-based immigration such that our economy will have better access to the best and the brightest in the world.

The value of foreign-born, high-skilled talent simply cannot be overstated.

For example, researchers at Duke University and University of California—Berkeley found that, from 1995 to 2005, more than a quarter of engineering and technology companies started in the U.S. had at least one foreign-born founder and in 2006 these companies employed 450,000 workers and produced \$52 billion in sales.

Facilitating U.S. industry having access to the best and the brightest from around the world is crucial to ensuring that we stay on the leading edge of global innovation.

Given the economic realities we face, these reforms could not come at a better time and this legislation has received support from CompeteAmerica, the Information Technology Industry Council, TechAmerica, and Immigration Voice.

This bill is the right policy at the right time and it is my hope that it moves through the legislative process and ultimately lands on the President's desk expeditiously.

In addition, Congress can and should continue to look for fixes to our current approach to legal immigration that will benefit our economy.

For example, there is a growing consensus that steps should be taken to ensure that we are able to retain foreign-born graduates with advanced degrees in science, technology, engineering, and math, as opposed to losing them to countries with which we compete.

I look forward to working with the Chairman and my colleagues on commonsense reforms that can help the U.S. retain its competitive edge and remain at the forefront of the global marketplace.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 3012, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard and Reservist Debt Relief Extension Act of 2011”.

SEC. 2. NATIONAL GUARD AND RESERVISTS DEBT RELIEF AMENDMENT.

Section 4(b) of the National Guard and Reservists Debt Relief Act of 2008 (Public Law 110-438; 122 Stat. 5000) is amended by striking “3-year” and inserting “7-year”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2192 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Before us today is an important bill sponsored by my colleagues from Tennessee (Mr. COHEN) and Virginia (Mr. FORBES).

On the 10th anniversary of September 11, 2001, Americans paused to honor the memory of the innocent victims who perished that tragic day. We also were reminded of the bravery of American military personnel and thanked military families for their sacrifice. The last 10 years have been trying on our uniformed men and women, including our military reservists and members of the National Guard. About 1 million reservists and guardsmen have been deployed to Iraq or Afghanistan over the past 10 years. For that, we are very, very grateful.

The Federal Government has a responsibility to ease the transition of reservists and guardsmen back into civilian life upon their return home from war. Many of them return home with physical handicaps. For many others, psychological challenges face them and their families. Some of these veterans and their families have suffered financial hardships, and frequently bankruptcy is, unfortunately, the last resort.

In a chapter 7 bankruptcy, a debtor surrenders virtually all their assets to the bankruptcy trustee and receives a discharge at the end of the short case. In contrast, in a chapter 13 case, the debtor retains their assets but must commit their disposable income over the next 3 to 5 years to the repayment of their creditors before receiving a discharge from their debts.

In 2005, Congress enacted the Bankruptcy Abuse Prevention and Consumer Protection Act, often referred to as BAPCPA. A significant policy goal of that act was to combat a perceived abuse of chapter 7 bankruptcy. In BAPCPA, Congress inserted into the Bankruptcy Code a way to determine whether a debtor has a disposable income that can be used to pay their debts. This is commonly referred to as the means test. If a debtor is able to pay some portion of their debts from their disposable monthly income, then their filing of a chapter 7 bankruptcy is presumed to be an abuse of the bankruptcy system. The debtor remains eligible for relief under other bankruptcy chapters, including chapter 13, where they can restructure how they pay their debts from their disposable income.

In 2008, Congress recognized that military reservists and National Guardsmen sometimes suffer unique financial difficulty resulting from their military service, so we enacted the National Guard and Reservist Debt Relief Act, which President Bush signed into law in October of 2008. That act allows reservists and National Guardsmen to bypass the means test, making it easier for them to file a chapter 7 case. When they return from the front lines of war, they have endured enough. They do not need to also suffer a presumption of bankruptcy abuse if they are in need of a quick, fresh start in bankruptcy. That act expires in December of this year. H.R. 2192, which Mr. COHEN and Mr. FORBES have introduced, extends the sunset date of the act that was passed in 2008.

America is still a nation at war, and we continue to call on our guardsmen and reservists to perform heroic tasks. During these trying times, Congress should not make life more difficult for these brave men and women by allowing these means test exemptions to lapse. The bill extends the sunset date by 4 years, at which time Congress will have the opportunity to reexamine whether this means test carveout has served its purpose and whether it is needed any longer.

I want to thank, again, Mr. COHEN and Mr. FORBES for introducing this important and timely legislation. I encourage my colleagues to vote “yes” on the bill.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H.R. 2192, the National Guard and Reservist Debt Relief Extension Act of 2011. This bipartisan legislation, which I introduced in June of this year with Mr. FORBES, Mr. ROHRBACHER and others, ensures that certain members of the National Guard and Reserves who fall on hard economic times after their service to this country will continue to obtain bankruptcy relief without having to

fill out the substantial paperwork required by the so-called means test under chapter 7 of the Bankruptcy Code.

□ 1630

H.R. 2192 simply extends the existing means test exception, which will expire in a few weeks if Congress fails to act, and act we should for our reservists and National Guardspeople who have put themselves in the line of fire for our country and our safeties and liberties.

Under the means test, a chapter 7 bankruptcy case is presumed to be an abuse of the bankruptcy process if it appears that the debtor has income in excess of certain thresholds.

The National Guard and Reservist Debt Relief Act of 2008 created an exception to the means test's presumption for members of the National Guard and Reserves who, after September 11, 2001, served on active duty or in a homeland defense activity for at least 90 days. The exception remains available for 540 days after the service-member leaves the military.

The National Guard and Reservist Debt Relief Extension Act of 2011 would simply extend that exception until December 2015. This modest, but important exception to the means test allows qualifying members of the National Guard and Reserves to obtain chapter 7 bankruptcy relief without fulfilling the means test paperwork requirements.

Since September 11, 2001, more than 815,000 members of the National Guard and Reserves have been deployed to Iraq and Afghanistan, with many having served multiple tours of duty.

As of August of this year, members of the National Guard and Reserves made up 43 percent of U.S. forces in Iraq and Afghanistan and represent more than 20 percent of those killed in action and 20 percent of those wounded in action. Many of these citizen warriors have been asked to disrupt their civilian lives with little notice to serve their country in active war zones, and like other veterans returning from war zones, they often have difficulty adjusting to civilian life.

It is estimated that approximately 40 percent of all Guard members will experience some sort of financial hardship and that 26 percent of Guard members had money problems related to their deployment into war zones.

H.R. 2192 is a meaningful way for our Nation to recognize the tremendous sacrifice made by National Guard and Reserve members who have served on active duty or homeland defense since September 11, 2001, and may be suffering financial hardship. This bipartisan measure is in the tradition of the GI Bill, the Servicemembers Civil Relief Act, and numerous other provisions of law enacted to benefit military veterans.

I thank Representatives FORBES and ROHRBACHER, two members of the Re-

publican Party who worked with me on this and helped cosponsor it, and Representatives SCHAKOWSKY and NADLER of my party for cosponsoring H.R. 2192. I also thank the Judiciary Chairman, Mr. SMITH, the Ranking Member, Mr. CONYERS, and the Subcommittee on Courts, Commercial and Administrative Law chairman, the distinguished Mr. HOWARD COBLE, for their assistance in moving this bill.

This bill does indeed help Reservists and National Guardsmen in a special way. But it also shows that the previous bill that Mr. CHAFFETZ sponsored shows that we in the Judiciary Committee can work in a bipartisan manner, and that Congress can work, and that we should be at least in double digits.

I urge my colleagues to support H.R. 2192, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers at this time. I would encourage my colleagues to vote for this. It's a good day when we can come to the floor of the House and vote in support of our Guardsmen and those serving in our military.

I appreciate, again, the good bipartisan support and work of Mr. COHEN, Mr. FORBES, and others.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 2192.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Risk-Based Security Screening for Members of the Armed Forces Act".

SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

"(1) IN GENERAL.—The Assistant Secretary shall develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces presents documentation indicating official orders while in uniform through a primary airport (as defined by section 47102 of this title).

"(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

"(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

"(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

"(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 613; 49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

"(3) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan."

(b) EFFECTIVE DATE.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentlewoman from California (Ms. RICHARDSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. CRAVAACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRAVAACK. Mr. Speaker, I yield myself such time as I may consume.

The bill under consideration today, H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act, is a bipartisan effort which directs TSA to establish an expedited screening process for members of the Armed Forces and their families when they are traveling on orders throughout our Nation's airports. Currently, military servicemembers traveling on orders must remove their Class A uniform blouse jackets, metal belt buckles and insignia devices before proceeding through security checkpoints.

While it is important every passenger undergo a security screening before boarding a plane, it makes absolutely no sense to require American servicemembers to take off their jackets and medals for TSA screening before boarding their flights home. Unless intelligence identifies a specific threat, we

should honor our servicemembers' willingness to sacrifice themselves for our country by treating them as patriots, not operating under the assumption that everyone intends to harm our country's transportation system.

Importantly, this commonsense bill will streamline the screening process for our servicemembers and lead to decreased checkpoint wait times for other American travelers. Moreover, this legislation will complement TSA Administrator Pistole's move toward a risk-based checkpoint screening system for passengers and will prioritize members of the Armed Forces for inclusion into that process.

I am pleased to report that since H.R. 1801 was passed unanimously with bipartisan support in committee, TSA has now begun testing a military ID reading pilot program for U.S. armed servicemembers at Monterey Peninsula Airport in California. While this bill will not let a member of the Armed Forces bypass security, it will require TSA to develop an expedited screening process designed to reduce our servicemember's checkpoint waiting times and focus more resources on unknown and high-risk passengers.

To be clear, this program does not impact the TSA's existing layered aviation security approach that includes Federal air marshals—the last line of defense—Federal flight deck officers, secure flight vetting, AIT machines, TSA intelligence analysts, explosive trace detection, canine teams, credentialing and boarding pass scanning systems, and behavior detection. It is merely part of the highly integrated risk-based analysis system that allows further concentration of limited resources on potentially higher risk passengers.

In closing, I'd like to thank Transportation Security Committee Chairman MIKE ROGERS and Homeland Security Committee Chairman PETER KING for moving this legislation, and all of my colleagues in committee, particularly Ranking Member BENNIE THOMPSON and Subcommittee Ranking Member SHEILA JACKSON LEE, for their support.

Mr. Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 1801, and yield myself such time as I may consume.

First of all, I'd like to acknowledge the work of Chairman KING and Ranking Member THOMPSON.

As a member of the Committee on Homeland Security, I'm pleased that, for the first time in this 112th Congress, the House is considering important transportation security legislation. H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act, requires the Transportation Security Administration to develop a plan for providing expedited screening for our military personnel at airport security checkpoints.

Since 2001, there have been more than 2 million troops that have been deployed to Iraq and Afghanistan. Last Congress an earlier version of this legislation was accepted as an amendment on a bipartisan basis, as my colleague mentioned earlier, during consideration of the Transportation Security Administration Authorization Act, which passed this House by 397 votes in the "aye" and 25 in the "nay," but it was not acted upon by the Senate, unfortunately.

□ 1640

H.R. 1801 properly recognizes the preciousness of time to our patriotic men and women serving in our armed services without compromising aviation security. This legislation will ensure that our troops and their families, including 236,963 defense personnel in my own home State in California, are given the opportunity to board an aircraft in a security-approved, expedited manner.

Our troops help keep our country safe. The least we can do is devise methods that help speed up the screening process for our troops that are in uniform and are traveling on airplanes while on official duty.

As our military presence in Iraq winds down, it is important that we remain cognizant of the burdens that deployments and travel have on servicemembers and their families in times of war and peace.

In addition to travel services, I support and urge this Congress, the administration, and the Department of Homeland Security to strengthen all military services and programs for our troops, including increasing veteran recruitment efforts.

Some of the additional military support that this Congress should consider would be, one, providing tax credits for hiring veterans looking for work; two, strengthening much-needed training programs for separating servicemembers; three, encouraging businesses and government contractors to hire the brave men and women who have been deployed and have now returned with developed valuable skills and professionalism while in the Armed Forces; four, ensuring that the servicemembers leave the military career-ready.

H.R. 1801 is one of many opportunities for the American public and this Congress to demonstrate their support to those who are serving bravely. Further, it is important to note that consideration of H.R. 1801 marks the first time in this Congress that the House is considering a bill reported by the Committee on Homeland Security. I and other members of this committee look forward to this legislation not being our last.

A number of commonsense homeland security bills are on the U.S. House of Representatives calendar and warrant timely consideration.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CRAVAACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I rise also in support of H.R. 1801.

As we come off a holiday weekend, the busiest travel time in this country, many Americans have gone through the screening at our numerous airports. The TSA works hard screening everybody and keeping our flights safe, but we must always be looking for ways to make that system more efficient and safer. Members of our military whom we know have served and put their lives on the line for this country should be among those who are first in a program where we trust our travelers.

We must continue to look for efficiencies to speed air travel. We must continue to look for fewer invasive ways to screen passengers. We must look for ways to make traveling a more pleasant experience and a more profitable experience for the businessmen and -women who travel.

I urge support of this bill, which is where we should start—with members of our armed services; but there are other places we need to look, too—to trusted-traveler programs and flight crews receiving expedited screening. The TSA must continue to work to improve this process to make it safer and more efficient. This bill gives the TSA the encouragement that they need, and is a great step along the way to more efficient, private and better screening for our airport security.

Ms. RICHARDSON. Mr. Speaker, I have no more speakers. If the gentleman from Minnesota has no more speakers, I am prepared to close.

Mr. CRAVAACK. I am prepared to close after the gentlewoman from California closes.

Ms. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1801 is needed. It's common sense, and it's a piece of legislation with a history of bipartisan support. I urge my colleagues to support this measure and our troops.

Their time is limited, and it certainly shouldn't be wasted in long lines at the airport. Airports all around the country have multiple checkpoints that expedite the security screening process, and our service personnel have earned this privilege as well.

Likewise, I urge the Republican leadership to put on the House floor additional Homeland Security bills and bills aimed at easing our veterans' transition from military service to civilian careers. It's late November in the first session of this 112th Congress. It's coming to an end, the public is hurting, and Congress must act.

With that, Mr. Speaker, on H.R. 1801 I urge my colleagues to unanimously

support this bill, and I yield back the balance of my time.

Mr. CRAVAACK. Mr. Speaker, I would like to thank my colleague from California for her support on this very important bill and the shared importance, value, and trust we place in our military servicemembers.

I urge support of H.R. 1801, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, as the Ranking Member of the Committee on Homeland Security's Subcommittee on Transportation Security, I am pleased that, for the first time this Congress, the House is considering important transportation security legislation.

In this budgetary climate, we must ensure that the Transportation Security Administration is maximizing its resources and adequately integrating efficient screening processes across its checkpoint security programs.

This legislation strives to do that by ensuring that an expedited screening program is established for members of the Armed Forces.

These are the men and women who sacrifice their time and family life to defend our liberty.

Affording them the opportunity to be respectfully screened in an expedited manner will ensure that we continue to honor their service and what their commitment means to the American public.

H.R. 1801 represents common-sense legislation with bipartisan support.

I am happy that I was able to work with Mr. ROGERS and others members of the Subcommittee and Full Committee on Homeland Security on this bill.

I look forward to continuing our work on the Committee on Homeland Security and producing additional bipartisan measures that strive to enhance our nation's transportation security efforts.

I urge my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, H.R. 1801, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CRAVAACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FEDERAL WORKERS' COMPENSATION MODERNIZATION AND IMPROVEMENT ACT

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2465) to amend the Federal Employees' Compensation Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Workers' Compensation Modernization and Improvement Act".

SEC. 2. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) DEFINITION OF MEDICAL SERVICES.—Section 8101(3) of title 5, United States Code, is amended—

(1) by striking "law. Reimbursable" and inserting "law (reimbursable)"; and

(2) by inserting before the semicolon, the following: "and medical services may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor".

(b) MEDICAL SERVICES AND OTHER BENEFITS.—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

"(b) Medical services furnished or prescribed pursuant to subsection (a) may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor.".

(c) CERTIFICATION OF TRAUMATIC INJURY.—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: "(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)".

SEC. 3. COVERING TERRORISM INJURIES.

Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting "or from an attack by a terrorist or terrorist organization, either known or unknown," after "force or individual,"; and

(2) by striking "outside" and all that follows through "1979" and inserting "outside of the United States".

SEC. 4. DISFIGUREMENT.

Section 8107(c)(21) of title 5, United States Code—

(1) by striking "For" and inserting the following: "(A) Except as provided under subparagraph (B), for"; and

(2) by adding at the end the following:

"(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed \$50,000, as determined by the Secretary, shall be award-

ed in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a."

SEC. 5. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116 of title 5, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant."

SEC. 6. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.

Section 8118 of title 5, United States Code, is amended—

(1) in subsection (b), by striking "Continuation" and inserting "Except as provided under subsection (e)(2), continuation";

(2) in subsection (c), by striking "subsections (a) and (b)" and inserting "subsections (a) and (b) or subsection (e)";

(3) in subsection (d), by striking "subsection (a)" and inserting "subsection (a) or (e)";

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

"(e) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

"(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

"(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

"(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7))) is a zone of armed conflict based on whether—

"(A) the Armed Forces of the United States are involved in hostilities in the country or area;

"(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

"(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));

“(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

“(E) there exist other relevant conditions and factors.”.

SEC. 7. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting “continuation of pay or” before “compensation”; and

(2) in subsection (c), by inserting “continuation of pay or” before “compensation already paid”.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(1) by inserting “continuation of pay or” before “compensation” the first, second, fourth, and fifth place it appears;

(2) by striking “in his behalf” and inserting “on his behalf”; and

(3) by inserting “continuation of pay and” before “compensation” the third place it appears.

SEC. 8. FUNERAL EXPENSES.

Section 8134 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “If” and inserting “Except as provided in subsection (b), if”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers’ Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.”.

SEC. 9. EMPLOYEES’ COMPENSATION FUND.

Section 8147 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “except administrative expenses” and inserting “including administrative expenses”; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period “and an estimate of a pro-rata share of the amount of funds necessary to administer this subchapter for the fiscal year beginning in the next calendar year”; and

(B) in the second sentence, by striking “costs” and inserting “amount set out in the statement of costs and administrative expenses furnished pursuant to this subsection”.

SEC. 10. CONFORMING AMENDMENT.

Section 8101(1)(D) of title 5, United States Code, is amended by inserting before the semicolon “who suffered an injury on or prior to March 3, 1979”.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act, shall take effect 60 days after the date of enactment of this Act.

SEC. 12. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2465.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2465, the Federal Workers’ Compensation Modernization and Improvement Act. The legislation was approved unanimously by the House Education and Workforce Committee, a testament to its commonsense bipartisan policies. I urge my colleagues to support it.

For more than 90 years, our workers’ compensation program has provided assistance to Federal employees who become injured or ill through a work-related activity. The program reflects our commitment to the men and women who serve our country in the Federal Government.

Established by the Federal Employees’ Compensation Act, the program is administered by the Department of Labor; and, in recent years, it has grown significantly in size and in cost. An estimated 3 million employees are covered by the program. During fiscal year 2010, beneficiaries receive nearly \$3 billion in workers’ compensation.

Unfortunately, this Federal program has not been significantly reformed or updated in almost 40 years; and as is too often the case with government programs left unchecked for decades, waste and inefficiencies have crept into the system, leading to poor use of taxpayer resources and diminished support for the individuals the program is intended to serve.

Through the oversight efforts of the Education and Workforce Committee, we’ve learned about a number of challenges confronting the program. For example, workers in rural areas like my own may have limited access to medical care. Additionally, Mr. Speaker, some compensation levels remain set to formulas that made sense during the days of the Second World War, but are inappropriate today. Clearly, reform is long overdue.

Federal employees should have access to a program that reflects the re-

alities of today’s economy and that takes into account the best practices in medical care. Taxpayers deserve a program that operates efficiently and effectively. That’s why I, along with the other leaders on the Education and Workforce Committee, introduced the Federal Workers’ Compensation Modernization and Improvement Act, an initial step in our effort to strengthen the program and bring it into the 21st century.

□ 1650

The bill before us today advances this goal in three important ways:

First, Mr. Speaker, H.R. 2465 enhances the efficiency of the Federal Workers’ Compensation Program. The legislation allows physician assistants and advanced practice nurses—highly trained individuals in the medical profession—to certify a worker’s disability and ensure these professionals are reimbursed for their services. The bill also streamlines the claims process for workers who sustain a traumatic injury in an area of armed conflict. These individuals can work in hostile and even deadly environments, and they should not have to wait months for benefits they are entitled to and the taxpayer wishes to afford them;

Second, the legislation, Mr. Speaker, improves the integrity of the Workers’ Compensation Program. The Labor Department would be allowed to cross-check an employee’s earnings with information held at the Social Security Administration, helping to provide workers the benefits they deserve, no more and no less. The Department would also be empowered to collect administrative costs and other expenses from agencies employing the workers, promoting greater accountability within the program for all Federal agencies;

Finally, Mr. Speaker, the legislation modernizes benefits to better meet the needs of today’s workers, providing the level of support employees need and guaranteeing that injuries or illnesses resulting from an act of terrorism are treated like other war-risk hazards.

The Federal Workers’ Compensation Modernization and Improvement Act represents commonsense reform Federal workers and taxpayers deserve. I encourage my colleagues to support the legislation.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2465, the Federal Workers’ Compensation Modernization and Improvement Act.

This legislation is the product of bipartisan cooperation and consensus, and I thank the chairman of the Workforce Protections Subcommittee for being here and being the leader on this today.

This legislation updates and improves the Federal Employees' Compensation Act, or FECA, which provides a safety net to 2.7 million Federal civilian and postal employees, ensuring they can continue to support their families and pay their bills if they're injured on the job. A core principle embedded in FECA is that workers should be no better off, or no worse off, for having suffered a work-related injury.

The reforms in this bill are an initial step toward making FECA fairer and more efficient for taxpayers and the Federal employees who depend on the program. H.R. 2465 updates benefits for funeral expenses and facial disfigurement, both of which have not been updated since 1949. It ensures that injuries caused by acts of terrorism are covered and expands the pool of medical providers to include advanced practice nurses and physician assistants. It also expands the continuation of "pay period" from 45 days to 135 days for those who are injured overseas in a "zone of armed conflict" to make it easier to file for benefits.

This legislation also will improve program integrity by allowing the Department of Labor to match its records against Social Security earnings information, ensuring that beneficiaries are not receiving prohibited salary or outside income at the same time they're receiving FECA benefits. Consistent with a Government Accountability Office recommendation, the bill allows the government to recover a portion of payments that were secured from third parties. Mr. Speaker, these commonsense, bipartisan changes will make FECA more efficient and, according to the Congressional Budget Office, will produce savings for taxpayers and the postal service.

The committee is also aware of Department of Labor proposals to slash benefits for workers with dependents, reduce benefits for permanently disabled workers when they reach retirement age, and shrink survivor benefits. While the Department contends their proposal addresses inequities, they have not presented evidence that these changes will not create unintended consequences.

For that reason, I was pleased to join Chairman KLINE, Subcommittee Chairman WALBERG, and Ranking Member MILLER in sponsoring a July 8 request to the GAO asking that it assess the impacts of the Labor Department's proposed changes. The GAO report will be vital—it will be so important—as we look for ways to further improve FECA without undermining its core values.

Before we consider what we're going to be doing, we have to consider who is impacted by changes when we modify this law. And when we do, we have to keep in mind that FECA is these workers' exclusive remedy, which means injured workers and survivors of those killed on the job cannot sue the government for their losses.

Leslie Black was a correctional officer at the Federal Correctional Institution in Bennettsville, South Carolina, when she was attacked by an inmate on May 2, 2007. She wrote this:

The inmate who attacked me had embedded two razors into a plastic spoon by melting the spoon around the razors, creating a lethal weapon. With this weapon, he slashed my throat and right arm, causing severe bleeding, blood loss, and lacerations.

Since this attack, my family and I have survived on a reduced income of my workers' compensation benefits and my husband's income, including his wages as a member of the Army National Guard. We have three children at home, and my workers' compensation benefits have been the difference between financial survival and financial ruin. We hardly live in the lap of luxury.

She hopes to return to work at the prison in a suitable position in the near future, Mr. Speaker. She asked, "Why would anyone want to cut benefits for someone who was hurt trying to keep the community safe?"

Given the public service provided by Leslie and other Federal workers, I was disappointed to see that the Senate Committee on Homeland Security and Government Affairs has reported out postal reform legislation that adopted many of the Department of Labor's proposals to cut FECA and then went a step further and cut them even more deeply without having first undertaken an analysis of the impacts. The Senate committee even imposed some of these cuts retroactively. Frankly, taking a meat axe to the FECA program without first doing your homework is irresponsible. It is my hope that the legislation before us today, coupled with a bipartisan commitment to study the matter with care, can serve as an example for the correct path forward for improving FECA.

These are not just numbers. They're not just percentages that we're dealing with. These changes could mean unjust impoverishment for a Federal firefighter injured while battling a forest fire or the widow of an FBI officer killed in the line of duty. Representative GABBY GIFFORDS and her staff were covered under FECA following the tragic assault that killed six in Tucson, Arizona, earlier this year.

As we move forward, it is important that any further reforms are fair to both taxpayers and injured workers. While I appreciate the desire of some colleagues to move quickly to address their concerns about FECA, it is prudent to allow a few months for GAO to complete its work before redesigning the benefit structure.

Mr. Speaker, I am also troubled to learn that the House Committee on Oversight and Government Reform decided to include changes to FECA in a postal reform bill that would create a separate postal workers' compensation system outside of FECA. All Federal workers—all Federal workers—should be covered under the same workers'

compensation system, regardless of which agency employs them. So pursuant to House rules, Workers' Compensation Programs, including FECA, have been within the primary jurisdiction of the House Committee on Education and the Workforce, and I expect that members of our committee will have an opportunity to weigh in on that bill before it moves forward.

□ 1700

Mr. Speaker, H.R. 2465 enjoys the support of a broad coalition of labor unions, organizations of health care providers, and retiree groups.

In closing, I would like to thank Chairman KLINE, Ranking Member MILLER, and Subcommittee Chairman WALBERG for their work on this legislation.

It has been truly a gift to work in a bipartisan manner.

AMERICAN ACADEMY OF
PHYSICIAN ASSISTANTS,
Alexandria, VA, July 12, 2011.

Hon. JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Hon. TIM WALBERG,
Chairman, Subcommittee on Workforce Protections, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Hon. LYNN WOOLSEY,
Ranking Member, Subcommittee on Workforce Protections, Washington, DC.

DEAR MR. CHAIRMAN AND REPRESENTATIVES MILLER, WALBERG, AND WOOLSEY: On behalf of the 75,000 clinically practicing physician assistants (PAs) represented by the American Academy of Physician Assistants (AAPA), the Academy would like to commend you for your leadership to reauthorize the Federal Employees' Compensation Act (FECA) and to make the program more efficient and responsive to federal workers who are injured on the job. AAPA supports the provisions in H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, to amend FECA to allow PAs to provide care for federal employees with traumatic job-related injuries.

Currently, physician assistants (PAs) are not covered providers under FECA and are unable to treat and diagnose federal employees injured on the job. However, many federal employees, particularly postal workers, are employed in rural and other medically underserved communities where a PA may be the only health care professional available. Consequently, a PA who is the sole provider present at a medical practice or clinic, is faced with an unacceptable dilemma when a federal employee requests medical care for a job-related injury—i.e., either provide the care and know that the federal workers' compensation program will not provide payment for a claim or direct the injured federal worker to the nearest hospital emergency room where a PA will likely provide the care at 4 to 5 times the cost.

PAs are covered providers in virtually all private and public health insurance plans, including the Federal Employee Health Benefits Program. PAs are employed throughout the federal government to provide medical care, including the White House, all branches

of the Armed Services, the Department of Veterans Affairs, and the U.S. Public Health Service and Indian Health Service. Additionally, PAs are covered providers in the overwhelming majority of state workers compensation programs.

AAPA praises the efforts by the leading members of the House Education and Workforce committee to resolve this disparity in the law and help make health care more accessible to all federal employees.

We look forward to working with the committee further to ensure passage of H.R. 2465. Should you have any questions regarding the PA profession, the AAPA, and/or the role of PAs in occupational medicine, please do not hesitate to contact Sandy Harding, AAPA Senior Director of Federal Advocacy, at 571-319-4338 or sharding@aapa.org.

Sincerely,

ROBERT L. WOOTEN, PA-C,
President.

Hon. JOHN KLINE,
Chairman, Education and Workforce Committee,
House of Representatives, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, Education and Workforce
Committee, House of Representatives, Wash-
ington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEM-
BER MILLER:

We appreciate your efforts on the Federal Workers' Compensation Program Improvement Act, which is a step in the right direction to ensuring patients have the care they need in a timely manner. We support the effort to strengthen the work Physician Assistants and Advanced Practice Registered Nurses (APRNs) provide in the Federal Workers' Compensation program today, and would like to highlight one minor technical change that will improve the legislation.

While this legislation has a number of strong points, we feel that one clarification will make the bill even stronger. There are four APRN specialties: Nurse Practitioners, Certified Registered Nurse Anesthetists, Certified Nurse-Midwives, and Clinical Nurse Specialists. The legislation indicates that "physician assistants and advanced practice nurses, such as a nurse practitioner," be included as those providing medical services in the Federal Workers' Compensation program and related to certification of traumatic injury. Since there are four, and only four, APRN specialties, we ask that all four specialties be listed in the legislation either in the parenthetical references where only nurse practitioners are now listed or in a new definition section for Advanced Practice Registered Nurses. The term APRN encompasses only four nursing specialties, and while the legislation includes all four specialties solely by using the term "APN," we feel that it is important to clearly indicate the four specialties in order to protect these providers from losing payment for services they are already providing in the Federal Workers' Compensation program. We do not want this legislation to inadvertently provide an impetus for the agency to deny reimbursement for care that these other three APRN specialties are already providing to patients in this federal program.

Thank you again for your work on this important bipartisan legislation, as you seek to ensure our federal employees have the care they need when they need it. We look forward to working with you to make this legislation as strong as possible, working with the APRN community to resolve any concerns that may arise with the bill, and working with the full House, Senate and the Ad-

ministration to ensure our federal employees have the care they need and deserve. If you have questions, please contact Ann Walker-Jenkins at the American Association of Nurse Anesthetists at 202-741-9083 or via email at awalker-jenkins@aanadc.com.

Sincerely,

AMERICAN ASSOCIATION OF
NURSE ANESTHETISTS,
AMERICAN COLLEGE OF
NURSE-MIDWIVES,
AMERICAN NURSES
ASSOCIATION,
NATIONAL ASSOCIATION OF
CLINICAL NURSE
SPECIALISTS.

AMERICAN POSTAL WORKERS UNION,
AFL-CIO,
Washington, DC, July 8, 2011.

Hon. JOHN KLINE,
Chairman, House Committee on Education and
the Workforce, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, House Committee on Edu-
cation and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEM-
BER MILLER: Let me begin by expressing my
gratitude for giving the APWU the oppor-
tunity to share our views with the Com-
mittee regarding reforms to the Federal Em-
ployees Compensation Act. We have reviewed
the proposed legislation. In our opinion, it
facilitates program integrity without under-
cutting benefits from workers while still en-
suring the modernization of program bene-
fits. H.R. 2465 is a vast improvement to the
Administration's proposals and those being
offered by others.

The APWU is supportive of this bipartisan
measure, and looks forward to working with
you in the months ahead to remedy other
segments of the law that are in need of legis-
lative attention. We are particularly inter-
ested in working together to achieve mean-
ingful change that would help injured work-
ers return-to-work without subjecting them
to the harmful consequences that currently
exist. Further, the APWU strongly agrees
with the Committee's request for GAO to ex-
amine various factors to help assess whether
additional FECA amendments could com-
pound inequities to injured workers.

In closing, we would like to express our ap-
preciation for the concern you have dem-
onstrated towards postal and federal workers
who are injured on-the-job by working in
mutual cooperation to draft this bipartisan
legislation. Should you have any questions,
or concerns please do not hesitate to contact
my office.

Sincerely,

SUSAN M. CARNEY,
Human Relations Director.

NATIONAL ACTIVE AND RETIRED
FEDERAL EMPLOYEES ASSOCIATION,
Alexandria, VA, November 28, 2011.

DEAR REPRESENTATIVE: On behalf of the 4.6
million federal employees and annuitants
represented by the National Active and Reti-
red Federal Employees Association (NARFE), I urge you to vote for H.R. 2465,
the Federal Workers' Compensation Modern-
ization and Improvement Act of 2011. The
bill provides a thoughtful approach to re-
forming federal workers' compensation laws,
one that does not reduce the basic benefits
paid to employees who suffer a debilitating
injury or illness as a result of their public
service.

The legislation combines much-needed ad-
justments to compensation for the worst
case injuries and commonsense cost-saving

measures that should improve the processing
of claims and reduce improper payments and
fraud. Specifically, NARFE supports the
bill's provisions to expand coverage for inju-
ries or illnesses caused by a terrorist attack;
to increase the maximum compensation to
employees for serious disfigurement of the
head, face or neck from an outdated \$3,500 to
a more reasonable \$50,000; to extend the time
period for a continuation of pay in a zone of
armed conflict to 135 days; and to increase
compensation for funeral expenses from an
outdated \$800 to a more reasonable \$6,000.

H.R. 2465 represents the best path to re-
form, one that will achieve cost savings and
improve fairness, and not coincidentally, en-
joys broad bipartisan support.

Thank you for working together on this
issue to craft this commonsense legislation.
Sincerely,

JOSEPH A. BEAUDOIN,
President.

AMERICA FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, November 28, 2011.

DEAR REPRESENTATIVE: On behalf of the
American Federation of Government Em-
ployees, AFL-CIO, which represents more
than 650,000 federal workers, I strongly urge
you to support the bipartisan Federal Work-
ers' Compensation Modernization and Im-
provement Act (H.R. 2465), when the full
House considers the bill this week.

As you know, the Federal Employees' Com-
pensation Act (FECA) provides wage-loss
compensation benefits to federal workers
who become injured or ill through a work-re-
lated activity. However, the FECA program
has not been significantly reformed since
1974, and as a result, a number of weaknesses
have emerged.

H.R. 2465 will enhance and update the
FECA program, thereby ensuring the pro-
gram meets the needs of both workers and
taxpayers. The bill will reform the FECA
program by:

Authorizing physician assistants and ad-
vanced practice nurses, such as nurse practi-
tioners, to provide medical services and to
certify traumatic injuries.

Updating benefit levels for severe dis-
figurement of the face, head, or neck (up to
\$50,000) and for funeral expenses (up to
\$6,000)—both of which have not been in-
creased since 1949.

Making clear that the FECA program cov-
ers injuries caused from an attack by a ter-
rorist or terrorist organization.

Giving federal workers who suffer trau-
matic injuries in a zone of armed conflict
more time to initially apply for FECA bene-
fits and extending the duration of the "con-
tinuation of pay period from 45 days to 135
days.

Including program integrity measures rec-
ommended by the Inspector General and the
Government Accountability Office.

AFGE supports this bipartisan measure be-
cause it modernizes the FECA program with-
out undercutting federal workers' compensa-
tion benefits. We look forward to working
with you in the months ahead to remedy
other aspects of the FECA law that are in
need of legislative attention. We are particu-
larly interested in working together to help
injured workers return to work without sub-
jecting them to the harmful consequences
that currently exist. In addition, AFGE
agrees with the House Education and Work-
force Committee's request for the Govern-
ment Accountability Office to examine cer-
tain FECA program changes proposed by the
U.S. Department of Labor before lawmakers

consider any FECA reforms beyond those in H.R. 2465.

Thank you for your attention to this important matter. If you have any thoughts or questions, please feel free to contact Milly Rodriguez (rodrim@afge.org) in our Field Services & Education Department or Alan Kadrofske (kadroa@afge.org) in our Legislative & Political Department.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

I urge my colleagues to support H.R. 2465, and I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself the balance of my time.

Let me close by acknowledging the bipartisan effort that went into crafting the legislation, as my ranking member of the subcommittee, Ms. WOOLSEY, has already stated.

It was a bipartisan effort that worked toward a very satisfactory, even more so, unnecessary conclusion, as well as bringing the bill before the House today.

I'd like to express my gratitude to the chairman and ranking member of the Education and the Workforce Committee, Congressmen JOHN KLINE and GEORGE MILLER, for their work and the work of their staffs on this important legislation. I'd also recognize the hard work of the staffs of our Workforce Protection Subcommittee, both Congresswoman WOOLSEY's and mine, in this effort as well.

The committee on which we are privileged to serve brings together individuals from very different walks of life and with very different views on how to fix the problems facing this great Nation, in many cases; but I'm encouraged that we've been able to work together on this legislation, demonstrating our shared commitment to serve American workers and taxpayers.

I urge my colleagues to support the Federal Workers' Compensation Modernization and Improvement Act.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I am pleased to offer the following Managers' Joint Statement of Legislative Intent on H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, which I also offer on behalf of the Senior Democratic Member of the Committee on Education and the Workforce, Mr. GEORGE MILLER (D-CA), and the Chairman and Senior Democratic Member of the Committee's Subcommittee on Workforce Protections, Mr. TIM WALBERG (R-MI) and Ms. LYNN WOOLSEY (D-CA).

JOINT STATEMENT OF LEGISLATIVE INTENT ON H.R. 2465, THE FEDERAL WORKERS' COMPENSATION MODERNIZATION AND IMPROVEMENT ACT

PURPOSE

H.R. 2465 amends the Federal Employees' Compensation Act (FECA), 5 U.S.C. §§8101 et seq., the federal statute providing workers' compensation benefits to federal employees who become injured or ill due to a work-related activity. As further discussed below in the Joint Statement of Legislative Intent, the bill enhances the efficiency of the FECA

program, which is administered by the Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP); improves the integrity of the FECA program; and modernizes two FECA benefit levels that have not been adjusted for inflation in over six decades.

COMMITTEE ACTION

On May 12, 2011, the Committee on Education and the Workforce, Subcommittee on Workforce Protections, held a hearing entitled, "Reviewing Workers' Compensation for Federal Employees." The purpose of the hearing was to review the current state of the FECA program and discuss ways to improve and modernize FECA. Testifying before the subcommittee were: Mr. Scott Szymendera, Congressional Research Service, U.S. Library of Congress, Washington, D.C.; Mr. Daniel Bertoni, Director of Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; Mr. Gary Steinberg, Acting Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C.; Ms. Susan Carney, Director, Human Relations Department, American Postal Workers Union, Washington, D.C.; and Mr. Elliot Lewis, Assistant Inspector General for Audit, Office of Inspector General, U.S. Department of Labor, Washington, D.C. Testimony for the record was submitted by the National Treasury Employees Union, the American Federation of Government Employees, AFL-CIO, and the National Active and Retired Federal Employees Association.

On July 8, 2011, I introduced H.R. 2465, along with cosponsors Reps. Miller, Walberg, and Woolsey. The Committee on Education and the Workforce considered H.R. 2465 in legislative session on July 13, 2011, and ordered the bill favorably reported to the House of Representatives by voice vote. There were no amendments.

The committee received letters of support for H.R. 2465 from the following organizations: the American Academy of Physician Assistants, the American Association of Nurse Anesthetists, the American College of Nurse-Midwives, the American College of Occupational and Environmental Medicine, the American Nurses Association, the American Postal Workers Union, the Federal Law Enforcement Officers Association, the National Active and Retired Federal Employees Association, the National Treasury Employees Union, the American Federation of Government Employees, the Workers' Injury Law & Advocacy Group, the National Association of Clinical Nurse Specialists, and the National Association of Letter Carriers.

H.R. 2465 represents the committee's initial consideration of reforms to FECA. The committee concluded the FECA reform package advocated by DOL lacked sufficient information to consider the impact of DOL's wider reforms. The DOL Inspector General testified before the committee on May 12, 2011, that before changes to the benefit structure are considered, "careful consideration is needed to ensure that the percent of benefits ultimately established will have the desired effect while ensuring fairness to injured workers, especially those who have been determined to be permanently impaired and thus unable to return to work." The May 12 hearing showed that DOL's reforms could have unintended adverse consequences and highlighted that further assessment would be needed. To that end, on July 8, 2011, the four sponsors of this legislation asked the Government Accountability Office (GAO) to evaluate the consequences of administration

proposals to: modify FECA related to benefit levels when permanently injured employees reach social security retirement age; reduce benefit levels for individuals with dependents; and establish a three-day waiting period before FECA benefits can begin. GAO findings will inform further consideration of FECA program changes.

JOINT STATEMENT OF LEGISLATIVE INTENT

Section 2. Physician Assistants and Advanced Practice Nurses.

Section 2 amends FECA §§8101(3) (definition of "medical, surgical, and hospital services and supplies") to provide that the definition of "medical services" under FECA may include "treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of the practice as defined by state law, consistent with regulations prescribed by the Secretary of Labor."

Section 2 amends FECA §8103 (medical services and initial medical and other benefits) to provide explicitly that a "physician assistant or advanced practice nurse, such as a nurse practitioner," may provide "medical services" under FECA "within the scope of their practice as defined by state law, consistent with regulations prescribed by the Secretary of Labor."

Section 2 amends FECA §8121(6) (certification of claims) to authorize a "physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by state law," to certify a traumatic injury and the probable extent of related disability during the 45-day continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor.

Expanding services provided by physician assistants and advanced practice nurses improves program efficiency by allowing injured federal workers to utilize local clinics or other health service providers in which only a physician assistant or advanced practice nurse is on site; expanding the number of providers eligible to provide certification of injury and the probable extent of disability for traumatic injuries with respect to claims for continuation of pay; and expanding eligible medical services providers, which is of particular benefit to those in rural areas and zones of armed conflict. The term "advanced practice nurse" may include, but is not limited to, nurse anesthetists, nurse practitioners, clinical nurse specialists, nurse midwives, and nurse psychotherapists, within the scope of their practice as defined by state law.

Section 3. Covering Terrorism Injuries.

Section 3 amends FECA §8102(b) (compensation for disability or death of employee) to provide that a disability or death as a result of "an attack by a terrorist or terrorist organization, either known or unknown," is "deemed to have resulted from personal injury sustained while in the performance of duty," under FECA's "war-risk hazard" provision. This codifies current OWCP practice of covering such disabilities or deaths as "war-risk hazards."

Section 4. Disfigurement.

Section 4 amends FECA §8107(c)(21) (compensation schedule for scheduled awards) to increase the maximum amount payable for "serious disfigurement of the face, head, or neck" from \$3,500 to \$50,000. This amount has not been increased since 1949. The maximum will be adjusted for inflation on March 1 of each year in accordance with FECA §8146a (cost-of-living adjustment of compensation).

Section 4 eliminates the current statutory requirement that disfigurement must be "of

a character likely to handicap an individual in securing or maintaining employment." Rather, pursuant to Section 4, scheduled awards will be made solely in proportion to the severity of the disfigurement, as determined by the Secretary of Labor.

Section 4 will apply to injuries occurring in the 3-year period prior to the date of enactment and for which the Secretary of Labor has not made a compensation determination on disfigurement, or for injuries which occur on or after the date of enactment.

Section 5. Social Security Earnings Information.

Section 5 amends FECA §8116 by adding a new subsection (e) authorizing the Secretary of Labor to require FECA claimants, as a condition of receiving FECA benefits, to authorize the Social Security Administration (SSA) to release earnings information to DOL. The purpose of this provision is to enable DOL to discover instances in which claimants are not disclosing earnings information to DOL as they are required to under FECA.

The FECA statute anticipates that the Secretary of Labor will require FECA claimants to submit reports of earnings, and further states that a claimant who fails to submit such a report or knowingly omits such earnings forfeits entitlement to compensation under FECA for the period covered by that report. However, the statute currently contains no mechanism whereby DOL can cross-check such reports with claimants' SSA earnings. Receipt of FECA benefits for total disability, when a claimant is, in fact, earning a wage, is antithetical to one of the statute's fundamental purposes.

Section 5 will permit DOL to obtain individual earnings reports from SSA, which are needed to verify whether individual FECA claimants have earnings not reported to DOL. Section 5 will also permit DOL and SSA to conduct computer matches between a list of claimants produced by DOL by allowing DOL to provide SSA with such a list and a certification that each of the claimants on the list has consented to the release of SSA earnings information by virtue of and as part of his or her application for FECA benefits. This will conserve scarce DOL resources by avoiding the need to obtain from the claimant and provide to SSA individual consent forms. Ultimately, Section 5 will increase the ability of DOL to detect unreported earnings by FECA claimants.

Section 6. Continuation of Pay in a Zone of Armed Conflict.

Section 6 amends FECA §8118 (continuation of pay) to provide continuation of pay for wage loss due to traumatic injury in performance of duty in a designated zone of armed conflict, as defined in this Section, for a period not to exceed 135 days, so long as the employee files a claim for such benefit no longer than 45 days after terminating service in the zone of armed conflict or the employee's return to the United States, whichever occurs later.

Section 7. Subrogation of Continuation of Pay.

Section 7 amends FECA §§8131 (subrogation) and 8132 (adjustment after recovery from third party) to authorize the United States to recover continuation of pay benefits received under FECA §8118, if such damages were paid to a FECA beneficiary by a third party (other than the United States), subject to the existing formula in FECA. This right to recover continuation of pay is in addition to the existing right of the government to secure reimbursement of compensation benefits.

Section 8. Funeral Expenses.

Section 8 amends FECA §8134 (funeral expenses) to increase the amount payable for funeral expenses for deaths occurring on or after the date of enactment from the current \$800 to \$6,000. This amount has not been increased since 1949. The maximum will be adjusted for inflation on March 1 of each year in accordance with FECA §8146a (cost-of-living adjustment of compensation).

Section 9. Employees' Compensation Fund.

Section 9 amends FECA §8147 to allow for administrative expenses for appropriated fund agencies to be paid out of the Employees' Compensation Fund and for a pro rata share of administrative expenses to be included in agencies' annual chargeback. Currently, DOL charges non-appropriated fund agencies, such as the U.S. Postal Service, for administrative costs on a pro rata basis, while the administrative expenses for all other agencies are appropriated on an annual basis to DOL. This provision will have no net effect on the budget of the federal government.

Section 10. Conforming Amendment.

Section 10 amends FECA §8101(1) (definition of "employee") to update the law to acknowledge that on May 3, 1979, District of Columbia employees became covered under the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139; D.C. Official Code §1-601.01, et seq., instead of FECA.

Section 11. Effective Date.

This section provides that unless specified otherwise in the Federal Workers' Compensation Modernization and Improvement Act, the effective date of this Act is 60 days after the date of enactment.

CBO COST ESTIMATE

The Congressional Budget Office estimates that enacting these changes would reduce net direct spending by \$22 million over the 2012-2021 period, including \$6 million in on-budget savings and \$16 million in off-budget savings (to the U.S. Postal Service).

Over the 10 year period there would be a very slight decrease in spending subject to appropriation (<\$500,000).

Mr. CONNOLLY of Virginia. Mr. Speaker, I want to recognize Chairman KLINE, Ranking Member MILLER, Chairman WALBERG, and Ranking Member WOOLSEY for their collaboration on this important legislation to update federal workers' compensation policy. The Federal Workers' Compensation Modernization and Improvement Act is a result of bipartisan collaboration on the Education and Workforce Committee, and it is the kind of legislation Congress should produce more often. It will save \$22 million for the federal government by reducing fraudulent payments, including \$16 million for the Postal Service.

The Federal Workers' Compensation Modernization and Improvement Act provides a long overdue update of the Federal Employees Compensation Act (FECA). The Federal Employees Compensation Act is important because it provides workers who are injured on the job with replacement income to substitute for wages that they would have earned but for an on-the-job injury. Consider how outdated the statute is today: Workers whose face or head is severely disfigured by an on-the-job injury only can receive \$3,500 in compensation today, based on an antiquated formula established in 1949. Clearly, \$3,500 cannot com-

pensate for lost earnings potential as a result of severe head and face injuries, so this bill updates it to \$50,000. This legislation also updates the definition of war-related injuries to include terrorist attacks, a commonsense reform to reflect new realities. It also contains new reforms to prevent disability fraud by facilitating income checks by the Department of Labor and Social Security Administration. These improvements will help ensure that federal disability payments only go to injured workers, not perpetrators of fraud.

The leadership of the Education and Workforce Committee deserves credit for drafting this legislation in a thoughtful, collaborative process. The Congressional Budget Office notes that this legislation will reduce total disability payments, but it will do so in a fair and humane manner. That is why a wide range of federal employee groups including postal unions, NTEU and NARFE have endorsed this bill. The legislation before us demonstrates that we can save money in collaboration with public employees rather than using them as a scapegoat for budgetary challenges.

This bill's timing is propitious, because the Oversight and Government Reform Committee, of which I am a member, has reported a divisive, partisan bill which also would change workers' compensation policy. Unfortunately, that legislation (H.R. 2309) was written in a secretive, partisan manner and enjoys none of the bipartisan support that the Federal Workers' Compensation Modernization and Improvement Act does. When we marked up H.R. 2309 in subcommittee and full committee, some members noted that it intruded on the jurisdiction of the Education and Workforce Committee. Incredibly, the Committee Chairman ignored the ruling of the Parliamentarian and included a non-germane provision on FECA changes in the Subcommittee mark. Not surprisingly, federal employee organizations condemned the harsh proposals in H.R. 2309.

Their criticisms were appropriate, as H.R. 2309 contains provisions of appalling cruelty. It would terminate workers compensation payments in a mere two years and shift those workers to retirement benefits. Remember, these are previously healthy workers who were crippled on the job. The only reason that they cannot support themselves is an on-the-job injury, yet H.R. 2309 would terminate those worker compensation payments and make them try to survive on small annuity payments. These annuity payments would often be insufficient to survive because the affected worker would have been injured on the job before he had time to finish his career and accrue an adequate retirement savings.

Fortunately, the Education and Workforce Committee chose a thoughtful, collaborative process which saves money and protects workers rights rather than producing the secretive, partisan, and cruel workers compensation provisions in H.R. 2309. I applaud their leadership on this important legislation and urge my colleagues to support the Federal Workers' Compensation Modernization and Improvement Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Federal Workers' Compensation Modernization and Improvement Act. This bill reflects an initial step

to modernize and reform the Federal Employees Compensation Act (FECA).

FECA has provided workers' compensation benefits to federal civilian workers injured or killed on the job since 1916.

Administered by the Labor Department, FECA provides workers' compensation coverage to over 2.7 million civilian federal and postal employees.

The law covers FBI agents shot in the line of duty, guards wounded in facilities operated by the Bureau of Prisons, and federal firefighters risking their lives to protect lives and property. It also covers Members of this body and their staff.

For example, following the January 8th tragic shooting in Tucson, Arizona, which killed 6 and injured 13, Congresswoman GABBY GIFFORDS began receiving medical care and intensive rehabilitation services covered by FECA. This law also covers her staff.

As we examined reforms, the Committee was guided by three key principles embedded in the law:

First, workers and their families should be no better off, and no worse off, than if the worker had not been injured.

Second, all federal civilian workers, regardless of the branch of government in which they are employed, should be covered under the same benefit structure.

Finally, workers are entitled to be fairly compensated in a timely manner, with benefits administered in a non-adversarial manner.

As the committee worked in a bipartisan manner to update the law, there were immediate areas of agreement. Specifically,

This bill increases maximum benefits for funeral expenses and facial disfigurement, both of which haven't been raised since 1949.

H.R. 2465 clarifies that injuries caused by acts of terrorism are covered.

The bill expands the pool of medical providers and expands their authority to certify traumatic injuries for purposes of authorizing claims for continuation of pay. The added providers include physician assistants and advanced practice nurses, such as nurse practitioners, consistent with the scope of practice authorized by state law.

The bill includes program integrity improvements that were recommended by the Department of Labor's Inspector General and the Government Accountability Office. For example, the Department of Labor will have authority to access a claimant's Social Security earnings information to track whether the claimant is receiving prohibited payments.

The bill addresses the difficulty in filing workers' compensation claims for federal employees injured in "zones of armed conflict" by extending "continuation of pay" for traumatic injury from 45 days to 135 days.

The Committee received other reform proposals from the Department of Labor at a May 12, 2011 Subcommittee hearing, but there was insufficient evidence to support adoption of these changes, and the hearing revealed that further detailed study was needed to ensure there were not unintended effects.

We note with some concern that the Senate has reported legislation modeled after the Department of Labor's proposal which would reduce benefits for permanently injured workers with dependents, cut benefits for permanently

injured workers when they reach retirement age, and slash benefits for survivors of workers killed on the job.

As previously mentioned, workers and their families should be no better off, nor worse off, because of a disabling injury or death caused by while in service to the federal government. Members of Congress must be assured that reform proposals do not lead to inequitable outcomes, particularly in light of the fact that FECA is an exclusive remedy.

To assess the impact of DOL's other proposals, the Education and Workforce Committee has agreed on a bipartisan basis to ask GAO to evaluate the Administration's additional proposed reforms. This approach is consistent with the recommendation of the Inspector General, who has urged careful consideration before Congress changes the structure of benefits to ensure that injured workers are treated fairly. Before Congress acts, it is important that we take great care to ensure that further reforms are fair to taxpayers and injured workers.

Once GAO completes its work, we will analyze their findings. At that time I believe we should also examine whether Congress can generate savings from measures to further reduce work-related injuries and illnesses and to better facilitate the re-employment of injured workers.

I am encouraged we have advanced bipartisan bill to improve the program and deliver savings to taxpayers and the Postal Service.

I want to thank Chairman KLINE, Chairman WALBERG, Senior Democratic Member WOOLSEY for their cooperation and efforts in developing this legislation.

Attached to this statement are letters of support for this bill from the Federal Law Enforcement Officers Association, the National Treasury Employees Union, the American College of Occupational and Environmental Medicine, the National Association of Letter Carriers, and the Workers' Injury Law and Advocacy Group.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Washington, DC, July 18, 2011.

Hon. JOHN KLINE,
Chairman, Committee on Education and the
Workforce, House of Representatives, Wash-
ington, DC.

Hon. GEORGE MILLER,
Ranking Member, Committee on Education and
the Workforce, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER MILLER: I am writing on behalf of the 26,000 members of the Federal Law Enforcement Officers Association (FLEOA), to express our support for H.R. 2465, the "Federal Workers' Compensation Modernization and Improvement Act." Our organization, has long worked to address major flaws with the Federal Employees' Compensation Act (FECA) system, and we appreciate your efforts to advance these common sense reforms.

On July 21, 2010, I testified before the House Subcommittee on the Federal Workforce and highlighted situations in which federal law enforcement officers injured in the line of duty were made worse by the FECA-Office of Workers' Compensation Program (OWCP) system. One of those officers—Special Agent Mike Vaiani, who was injured in the September 11th terrorist attacks in New York City—summed it up best: "I would rather run back into the tower while it's on

fire than have to deal with the Department of Labor." To their credit, after the hearing both the Directors of the Federal Employees Compensation Program and OWCP met with FLEOA and agreed to establish traumatic care nurses for law enforcement injuries and a law enforcement officer Ombudsman in each OWCP district.

Despite this positive development more work is still needed, and FLEOA applauds this legislation which the Education and the Workforce Committee unanimously approved last week. This bill is a positive step towards addressing many of the underlying issues with FECA that prevent injured federal law enforcement officers from receiving responsive care. Specifically, FLEOA fully supports the ability to allow physician assistants or advanced practice nurses to provide certifications of traumatic injury and related disability; the extension of compensation for death and disability for individuals employed outside the United States to include death or disability caused by terrorist attack; and providing additional compensation for funeral expenses and for injuries that lead to facial disfigurement.

Further, FLEOA fully supports the provisions of your bill to extend continuation of pay (COP) for traumatic injuries sustained in a "Zone of Armed Conflict" to 135 days. On this particular point, FLEOA has long advocated for increasing the COP time frame. For those officers assaulted by a suspect, exposed to a toxic substance, or shot or stabbed, or involved in an explosive blast while enforcing the law, this time frame would better allow for a proper evaluation to determine if a return to work will be possible. We would therefore request that due to the often traumatic nature of the injuries incurred, that you consider including all Federal law enforcement officers under this extended COP period.

On behalf of the membership of the Federal Law Enforcement Officers Association, thank you for your efforts on this important legislation and for taking the steps to bring these long overdue reforms to FECA. Our organization stands ready to work with the Committee on further common sense reforms and to include federal law enforcement officers in the extended COP provision of this bill.

Sincerely,

JON ADLER,
National President.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, July 19, 2011.

Hon. JOHN P. KLINE, Chairman,
Hon. GEORGE MILLER, Ranking Member,
Committee on Education and the Workforce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: One of the most important programs for federal workers is the Federal Employees Compensation Act (FECA). This program provides federal employees with workers' compensation coverage for injuries and diseases sustained while performing their duties. The program seeks to provide adequate benefits to injured federal workers while at the same time limiting the government's liability strictly to workers' compensation payments. Payments are to be prompt and predetermined to provide benefits while relieving employees and agencies from uncertainty over the outcome of court cases and to eliminate costly litigation. It was 100 years ago this year that the State of Wisconsin enacted the first Workers' Compensation law. Five years later, federal employees

were covered by the passage of the Kern-McGillcuddy Act (FECA). Workers' compensation is America's oldest social insurance program and one that is invaluable for covered workers.

The National Treasury Employees Union (NTEU), which represents 150,000 federal employees in 31 different agencies, is pleased the committee has reported H.R. 2465, a bipartisan bill to make certain improvements, reforms, efficiencies, and modernizations of the program. NTEU hopes the House will give speedy and favorable consideration to this legislation. We are urging all House members to vote "YES" on this bipartisan bill.

The bill makes several benefit improvements. It would increase the amount payable for funeral expenses to a maximum of \$6,000 and index it to inflation for the future. Currently, the benefit is \$800, the same amount it has been since 1949. It would increase the maximum award for severe disfigurement of the face, head, or neck from \$3,500 to \$50,000. This amount also has not been increased since 1949 and like funeral expenses, the bill would index it to inflation. It eliminates a provision in current law that limits benefits for facial disfigurement to only those who directly deal with the public as part of their job. This is a very harsh provision that should have been repealed long ago.

The bill gives certain health care professionals such as physician assistants and nurse practitioners greater ability to treat and certify disabled employees under FECA. This has been a particular concern for federal employees in rural areas and working in war zones where they do not have the access to medical doctors.

The waste of funds through fraud or abuse is neither in the interest of taxpayers nor of labor unions such as NTEU who advocate for legitimate FECA claimants. That is why I suggested to the committee that it include a provision allowing the matching of FECA claims with Social Security earnings information in order to detect fraud. NTEU thanks the committee members for the inclusion of this provision in the bill.

NTEU appreciates the bipartisan committee leadership in advancing this bill, and I thank you for your consideration of our views in this process.

Sincerely,

COLLEEN M. KELLEY,
National President.

AMERICAN COLLEGE OF OCCUPATIONAL AND ENVIRONMENTAL MEDICINE,

August 31, 2011.

Hon. JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR SIR: I am writing on behalf of the American College of Occupational and Environmental Medicine (ACOEM) to express our support for H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act. Specifically, we support the provisions in the bill that update the Federal Employees Compensation Act (FECA) to allow for reimbursement of certain services provided by a physician assistant (PA) or nurse practitioner (NP).

ACOEM represents more than 4,500 physicians and other health care professionals specializing in the field of occupational and

environmental medicine (OEM). ACOEM members are knowledgeable and capable of treating job-related injuries and diseases, recognizing and resolving workplace hazards, instituting rehabilitation methods, and providing well-managed care.

Physician assistants and nurse practitioners are health care professionals licensed to practice medicine with physician supervision and are an integral part of the occupational health team in the occupational medicine clinics. They work with the supervising physician to provide quality medical care to workers. While most private and public insurance plans recognize PAs and NPs as covered providers for purposes of reimbursement, FECA does not. Medical care provided by the PA or NP is not included in FECA's definition of "medical, surgical, and hospital services and supplies," and claims signed by a NP or PA are denied. Unnecessary restrictions on the ability of PAs and NPs to diagnose and treat injuries and diseases within the scope of their practice, as defined by state law, limits the ability of the occupational medicine clinic to provide access to care in a timely and efficient manner. Those instances where direct physician supervision may be necessary, such as a complex medical issue, can be addressed in the regulations to be prescribed by the Secretary of Labor.

Thank you for your consideration of our comments on H.R. 2465.

Sincerely,

T. WARNER HUDSON,
President.

WORKERS' INJURY LAW
AND ADVOCACY GROUP,
July 20, 2011.

JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: The Workers' Injury Law and Advocacy Group (WILG) is writing in support of the enactment of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, a bill that will modernize and reform a federal program that has not been significantly updated in 40 years.

The bill would provide improved protection for federal workers by updating benefit levels and insuring the use of best practices in medical treatment, while at the same time, adopting proposals that will promote more efficient use of federal dollars.

We also support the committee's decision to defer action on more controversial measures until the GAO conduct-het a comprehensive review of those proposals.

We thank you again for your leadership on this issue and your efforts to protect the rights of injured federal employees.

Sincerely,

ANDREW J. REINHARDT,
President.

JENNIFER L. COMER,
Executive Director.

NATIONAL ASSOCIATION OF
LETTER CARRIERS,
Washington, DC, November 22, 2011.
COMMITTEE ON EDUCATION AND THE WORKFORCE,
House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: I write on behalf of the nearly

300,000 members of the National Association of Letter Carriers (NALC) to express our support for the Federal Workers' Compensation Modernization and Improvement Act of 2011 (H.R. 2465) as the House considers this bill in the coming weeks.

This bipartisan legislation makes several sensible benefit improvements to the Federal Employees' Compensation Act (FECA), while maintaining the basic benefits paid to employees who suffer a debilitating injury or illness as a result of their public service. The bill would increase the amount payable for funeral expenses from \$800 to a more reasonable \$6,000. It also increases the maximum compensation to employees for serious disfigurement of the head, neck or face to \$50,000 from a long-outdated \$3,500.

H.R. 2465 is a positive step towards fully addressing the many underlying issues with FECA. We would like to express our appreciation for your concern demonstrated towards federal and postal workers injured on the job in drafting this bill. Our organization urges the House to give speedy and favorable consideration to this bill, and is prepared to work with the committee on further common-sense FECA reforms.

Sincerely,

FREDRIC V. ROLANDO,
President.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. WALBERG) that the House suspend the rules and pass the bill, H.R. 2465, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3012, de novo;

H.R. 2192, by the yeas and nays;

H.R. 1801, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CAPUANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 15, not voting 29, as follows:

[Roll No. 860]
YEAS—389

Ackerman	Cassidy	Fincher
Adams	Castor (FL)	Fitzpatrick
Aderholt	Chabot	Flake
Akin	Chaffetz	Fleischmann
Alexander	Chandler	Fleming
Altmire	Chu	Flores
Amash	Cicilline	Forbes
Amodei	Clarke (MI)	Fox
Andrews	Clarke (NY)	Frank (MA)
Austria	Clay	Frelinghuysen
Baca	Cleaver	Fudge
Bachus	Clyburn	Gallegly
Baldwin	Coble	Garamendi
Barletta	Coffman (CO)	Gardner
Barrow	Cohen	Garrett
Bartlett	Cole	Gerlach
Barton (TX)	Conaway	Gibbs
Bass (CA)	Connolly (VA)	Gibson
Bass (NH)	Conyers	Gingrey (GA)
Becerra	Cooper	Gohmert
Benish	Courtney	Goodlatte
Berg	Cravaack	Gosar
Berkley	Crawford	Gowdy
Berman	Crenshaw	Granger
Biggert	Critz	Graves (GA)
Bilbray	Crowley	Graves (MO)
Bilirakis	Cuellar	Green, Al
Bishop (GA)	Culberson	Green, Gene
Bishop (NY)	Cummings	Griffin (AR)
Bishop (UT)	Davis (CA)	Griffith (VA)
Black	Davis (IL)	Grijalva
Blumenauer	Davis (KY)	Grimm
Bonner	DeFazio	Guinta
Boren	DeGette	Guthrie
Boswell	DeLauro	Hahn
Boustany	Denham	Hall
Brady (PA)	Dent	Hanabusa
Brady (TX)	Dicks	Hanna
Braley (IA)	Dingell	Harper
Brooks	Doggett	Harris
Brown (FL)	Dold	Hartzler
Buchanan	Donnelly (IN)	Hastings (FL)
Bucshon	Doyle	Hastings (WA)
Buerkle	Duffy	Hayworth
Butterfield	Duncan (SC)	Heck
Calvert	Edwards	Heinrich
Camp	Ellison	Hensarling
Canseco	Ellmers	Heger
Capito	Emerson	Herrera Beutler
Capps	Engel	Higgins
Capuano	Eshoo	Himes
Cardoza	Farenthold	Hinojosa
Carnahan	Farr	Hirono
Carney	Fattah	Hochul
Carson (IN)	Filner	Holden

Holt	Meeks	Scalise
Honda	Mica	Schakowsky
Hoyer	Michaud	Schiff
Huelskamp	Miller (MI)	Schmidt
Huizenga (MI)	Miller (NC)	Schock
Hultgren	Miller, Gary	Schrader
Hurt	Miller, George	Schwartz
Israel	Moore	Schweikert
Issa	Moran	Scott (SC)
Jackson (IL)	Mulvaney	Scott (VA)
Jackson Lee	Murphy (CT)	Scott, Austin
(TX)	Murphy (PA)	Scott, David
Jenkins	Myrick	Sensenbrenner
Johnson (GA)	Nadler	Serrano
Johnson (IL)	Napolitano	Sessions
Johnson (OH)	Neal	Sewell
Johnson, E. B.	Neugebauer	Sherman
Johnson, Sam	Nugent	Shimkus
Jordan	Nunes	Shuler
Kaptur	Nunnelee	Shuster
Keating	Olson	Simpson
Kelly	Olver	Sires
Kildee	Owens	Slaughter
Kind	Palazzo	Smith (NE)
King (NY)	Pallone	Smith (NJ)
Kingston	Pascarella	Smith (TX)
Kinzinger (IL)	Pastor (AZ)	Smith (WA)
Kline	Paulsen	Southerland
Kucinich	Payne	Speier
Labrador	Pearce	Stark
Lamborn	Pelosi	Stearns
Lance	Perlmuter	Stivers
Landry	Peters	Stutzman
Langevin	Peterson	Sullivan
Lankford	Petri	Terry
Larsen (WA)	Pingree (ME)	Thompson (CA)
Larson (CT)	Pitts	Thompson (MS)
Latham	Poe (TX)	Thompson (PA)
LaTourette	Polis	Thornberry
Latta	Pompeo	Tiberi
Lee (CA)	Price (GA)	Tierney
Levin	Price (NC)	Tipton
Lewis (CA)	Quayle	Tonko
Lewis (GA)	Quigley	Towns
Lipinski	Rahall	Tsongas
LoBiondo	Rangel	Turner (NY)
Loeb	Reed	Turner (OH)
Lofgren, Zoe	Rehberg	Upton
Long	Reichert	Van Hollen
Lowe	Renacci	Velázquez
Lucas	Reyes	Visclosky
Luetkemeyer	Ribble	Walberg
Lujan	Richardson	Walden
Lummis	Richmond	Walsh (IL)
Lungren, Daniel	Rigell	Walz (MN)
E.	Rivera	Wasserman
Lynch	Roby	Schultz
Maloney	Roe (TN)	Waters
Manzullo	Rogers (AL)	Watt
Marino	Rogers (KY)	Waxman
Markey	Rogers (MI)	Welch
Matheson	Rohrabacher	West
Matsui	Rooney	Whitfield
McCarthy (CA)	Ros-Lehtinen	Wilson (FL)
McCarthy (NY)	Roskam	Wilson (SC)
McCaul	Ross (AR)	Wittman
McClintock	Ross (FL)	Wolf
McCollum	Rothman (NJ)	Womack
McDermott	Roybal-Allard	Woodall
McGovern	Royce	Woolsey
McHenry	Runyan	Yarmuth
McKeon	Ryan (OH)	Yoder
McKinley	Ryan (WI)	Young (AK)
McMorris	Sanchez, Linda	Young (FL)
Rodgers	T.	Young (IN)
McNerney	Sanchez, Loretta	
Meehan	Sarbanes	

NAYS—15

Burgess
Burton (IN)
DesJarlais
Duncan (TN)
Franks (AZ)

Bachmann
Blackburn
Bono Mack
Broun (GA)
Campbell
Cantor
Carter
Costa

NOT VOTING—29

Hunter
Jones
King (IA)
Kissell
Marchant

McCotter
McIntyre
Posey
Webster
Westmoreland

Platts
Rokita

Ruppersberger
Rush

Schilling
Sutton

□ 1856

Mr. WESTMORELAND changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION ACT OF 2011

The SPEAKER pro tempore (Mr. WEST). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 25, as follows:

[Roll No. 861]
YEAS—407

Ackerman	Brown (FL)	Cravaack
Adams	Buchanan	Crawford
Aderholt	Bucshon	Crenshaw
Akin	Buerkle	Critz
Alexander	Burgess	Crowley
Altmire	Burton (IN)	Cuellar
Amodei	Butterfield	Culberson
Andrews	Calvert	Cummings
Austria	Camp	Davis (CA)
Baca	Canseco	Davis (IL)
Bachus	Cantor	Davis (KY)
Baldwin	Capito	DeFazio
Barletta	Capps	DeGette
Barrow	Capuano	DeLauro
Bartlett	Cardoza	Denham
Barton (TX)	Carnahan	Dent
Bass (CA)	Carney	DesJarlais
Bass (NH)	Carson (IN)	Dicks
Becerra	Cassidy	Dingell
Benish	Castor (FL)	Doggett
Berg	Chabot	Dold
Berkley	Chaffetz	Donnelly (IN)
Berman	Chandler	Doyle
Biggert	Chu	Duffy
Bilbray	Cicilline	Duncan (SC)
Bilirakis	Clarke (MI)	Duncan (TN)
Bishop (GA)	Clarke (NY)	Edwards
Bishop (NY)	Clay	Ellison
Bishop (UT)	Cleaver	Ellmers
Black	Clyburn	Emerson
Blumenauer	Coble	Engel
Bonner	Coffman (CO)	Eshoo
Boren	Cohen	Farenthold
Boswell	Cole	Farr
Boustany	Conaway	Fattah
Brady (PA)	Connolly (VA)	Filner
Brady (TX)	Conyers	Fincher
Braley (IA)	Cooper	Fitzpatrick
Brooks	Courtney	Flake

Fleischmann	Latta	Richmond	Woodall	Yoder	Young (IN)	Davis (CA)	Jackson Lee	Palazzo
Fleming	Lee (CA)	Rigell	Woolsey	Young (AK)		Davis (IL)	(TX)	Pallone
Flores	Levin	Rivera	Yarmuth	Young (FL)		Davis (KY)	Jenkins	Pascrell
Forbes	Lewis (CA)	Roby				DeFazio	Johnson (GA)	Pastor (AZ)
Fox	Lewis (GA)	Roe (TN)				DeGette	Johnson (IL)	Paulsen
Frank (MA)	Lipinski	Rogers (AL)				DeLauro	Johnson (OH)	Payne
Franks (AZ)	LoBiondo	Rogers (KY)				Denham	Johnson, E. B.	Pearce
Frelinghuysen	Loeb	Rogers (MI)				Dent	Johnson, Sam	Pelosi
Fudge	Loftgren, Zoe	Rohrabacher				DesJarlais	Jones	Perlmutter
Gallegly	Long	Rooney	Bachmann	Diaz-Balart	Miller (FL)	Dicks	Jordan	Peters
Garamendi	Lowey	Ros-Lehtinen	Bono Mack	Fortenberry	Noem	Dingell	Kaptur	Peterson
Gardner	Lucas	Roskam	Broun (GA)	Giffords	Paul	Doggett	Keating	Petri
Garrett	Luetkemeyer	Ross (AR)	Campbell	Gonzalez	Pence	Dold	Kelly	Pingree (ME)
Gerlach	Lujan	Ross (FL)	Carter	Gutierrez	Rokita	Donnelly (IN)	Kildee	Pitts
Gibbs	Lummis	Rothman (NJ)	Costa	Hinchey	Rush	Doyle	Kind	Platts
Gibson	Lungren, Daniel	Roybal-Allard	Costello	Inslee	Schilling	Duffy	King (IA)	Poe (TX)
Gingrey (GA)	E.	Royce	Deutch	Mack		Duncan (SC)	King (NY)	Polis
Gohmert	Lynch	Runyan				Duncan (TN)	Kingston	Pompeo
Goodlatte	Maloney	Ruppersberger				Edwards	Kinzinger (IL)	Posy
Gosar	Manzullo	Ryan (OH)				Ellison	Kissell	Price (GA)
Gowdy	Marchant	Ryan (WI)				Ellmers	Kline	Price (NC)
Granger	Marino	Sánchez, Linda				Emerson	Kucinich	Quayle
Graves (GA)	Markey	T.				Engel	Labrador	Quigley
Graves (MO)	Matheson	Sanchez, Loretta				Eshoo	Lamborn	Rahall
Green, Al	Matsui	Sarbanes				Farenthold	Lance	Rangel
Green, Gene	McCarthy (CA)	Scalise				Farr	Landry	Reed
Griffin (AR)	McCarthy (NY)	Schakowsky				Fattah	Langevin	Rehberg
Griffith (VA)	McCaul	Schiff				Filner	Lankford	Reichert
Grijalva	McClintock	Schmidt				Fincher	Larsen (WA)	Renacci
Grimm	McCollum	Schock				Fitzpatrick	Larson (CT)	Reyes
Guinta	McCotter	Schrader				Flake	Latham	Ribble
Guthrie	McDermott	Schwartz				Fleischmann	LaTourette	Richardson
Hahn	McGovern	Schweikert				Fleming	Latta	Richmond
Hall	McHenry	Scott (SC)				Flores	Lee (CA)	Rigell
Hanabusa	McIntyre	Scott (VA)				Forbes	Levin	Rivera
Hanna	McKeon	Scott, Austin				Fortenberry	Lewis (CA)	Roby
Harper	McKinley	Scott, David				Fox	Lewis (GA)	Roe (TN)
Harris	McMorris	Sensenbrenner				Frank (MA)	Lipinski	Rogers (AL)
Hartzler	Rodgers	Serrano				Franks (AZ)	LoBiondo	Rogers (KY)
Hastings (FL)	McNerney	Sessions				Frelinghuysen	Loeb	Rogers (MI)
Hastings (WA)	Meehan	Sewell				Fudge	Loftgren, Zoe	Rohrabacher
Hayworth	Meeks	Sherman				Gallegly	Long	Rooney
Heck	Mica	Shimkus				Garamendi	Lowey	Ros-Lehtinen
Heinrich	Michaud	Shuler				Gardner	Lucas	Roskam
Hensarling	Miller (MI)	Shuster				Garrett	Luetkemeyer	Ross (AR)
Herger	Miller (NC)	Simpson				Gerlach	Lujan	Ross (FL)
Herrera Beutler	Miller, Gary	Sires				Gibbs	Lummis	Rothman (NJ)
Higgins	Miller, George	Slaughter				Gibson	Lungren, Daniel	Roybal-Allard
Himes	Moore	Smith (NE)				Gingrey (GA)	E.	Royce
Hinojosa	Moran	Smith (NJ)				Gohmert	Lynch	Runyan
Hirono	Mulvaney	Smith (TX)				Gosar	Maloney	Ruppersberger
Hochul	Murphy (CT)	Smith (WA)				Gowdy	Manzullo	Ryan (OH)
Holden	Murphy (PA)	Southerland				Granger	Marchant	Ryan (WI)
Holt	Myrick	Speier				Graves (GA)	Marino	Sánchez, Linda
Honda	Nadler	Stark				Graves (MO)	Markey	T.
Hoyer	Napolitano	Stearns				Green, Al	Matheson	Sanchez, Loretta
Huelskamp	Neal	Stivers				Green, Gene	Matsui	Sarbanes
Huizenga (MI)	Neugebauer	Stutzman				Griffin (AR)	McCarthy (CA)	Scalise
Hultgren	Nugent	Sullivan				Griffith (VA)	McCarthy (NY)	Schakowsky
Hunter	Nunes	Sutton				Grijalva	McCaul	Schiff
Hurt	Nunnelee	Terry				Grimm	McClintock	Schmidt
Israel	Olson	Thompson (CA)				Guinta	McCollum	Schock
Issa	Olver	Thompson (MS)				Guthrie	McCotter	Schrader
Jackson (IL)	Owens	Thompson (PA)				Hahn	McDermott	Schwartz
Jackson Lee	Palazzo	Thornberry				Hall	McGovern	Schweikert
(TX)	Pallone	Tiberi				Hanabusa	McHenry	Scott (SC)
Jenkins	Pascrell	Tierney				Hanna	McIntyre	Scott (VA)
Johnson (GA)	Pastor (AZ)	Tipton				Harper	McKeon	Scott, Austin
Johnson (IL)	Paulsen	Tonko				Harris	McKinley	Scott, David
Johnson (OH)	Payne	Towns				Hartzer	McMorris	Sensenbrenner
Johnson, E. B.	Pearce	Tsongas				Hastings (FL)	Rodgers	Sessions
Johnson, Sam	Pelosi	Turner (NY)				Hastings (WA)	McNerney	Sewell
Jones	Perlmutter	Turner (OH)				Hayworth	Meehan	Sherman
Jordan	Peters	Upton				Heck	Meeks	Shimkus
Kaptur	Peterson	Van Hollen				Herrera Beutler	Mica	Shuler
Keating	Petri	Velázquez				Higgins	Michaud	Shuster
Kelly	Pingree (ME)	Visclosky				Himes	Miller (MI)	Simpson
Kildee	Pitts	Walberg				Hirono	Miller (NC)	Sires
Kind	Platts	Walden				Hochul	Miller, Gary	Slaughter
King (IA)	Poe (TX)	Walsh (IL)				Holden	Miller, George	Smith (NE)
King (NY)	Polis	Walz (MN)				Holt	Moore	Smith (NJ)
Kingston	Pompeo	Wasserman				Honda	Moran	Smith (TX)
Kinzinger (IL)	Posy	Schultz				Hoyer	Mulvaney	Smith (WA)
Kissell	Price (GA)	Waters				Huelskamp	Murphy (CT)	Southerland
Kline	Price (NC)	Watt				Huizenga (MI)	Murphy (PA)	Speier
Kucinich	Quayle	Waxman				Hultgren	Myrick	Stark
Labrador	Quigley	Webster				Hunter	Nadler	Stearns
Lamborn	Rahall	Welch				Hurt	Napolitano	Stivers
Lance	Rangel	West				Issa	Neugebauer	Stutzman
Landry	Reed	Westmoreland				Issa	Nugent	Sullivan
Langevin	Rehberg	Whitfield				Jackson (IL)	Nunes	Sutton
Lankford	Reichert	Wilson (FL)					Nunnelee	Terry
Larsen (WA)	Renacci	Wilson (SC)					Olson	Thompson (CA)
Larson (CT)	Reyes	Wittman					Olver	Thompson (MS)
Latham	Ribble	Wolf					Owens	Thompson (PA)
LaTourette	Richardson	Womack						Thornberry

NAYS—1

Amash
NOT VOTING—25

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The Acting CHAIR (during the vote).
There are 2 minutes remaining.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 862]

YEAS—404

Ackerman	Bishop (UT)	Castor (FL)
Adams	Black	Chabot
Aderholt	Blumenauer	Chaffetz
Akin	Bonner	Chandler
Alexander	Boren	Chu
Altmire	Boswell	Cicilline
Amash	Boustany	Clarke (MI)
Amodei	Brady (PA)	Clarke (NY)
Andrews	Brady (TX)	Clay
Austria	Braley (IA)	Cleaver
Baca	Brooks	Clyburn
Bachus	Brown (FL)	Coble
Baldwin	Buchanan	Coffman (CO)
Barletta	Bucshon	Cohen
Barrow	Buerkle	Cole
Bartlett	Burgess	Conaway
Barton (TX)	Burton (IN)	Connolly (VA)
Bass (NH)	Butterfield	Conyers
Becerra	Calvert	Cooper
Benish	Camp	Courtney
Berg	Canseco	Cravaack
Berkley	Cantor	Crawford
Berman	Capito	Crenshaw
Biggart	Capps	Critz
Bilbray	Capuano	Crowley
Bilirakis	Carnahan	Cuellar
Bishop (GA)	Carney	Culberson
Bishop (NY)	Cassidy	Cummings

Davis (CA)	Jackson Lee	Palazzo
Davis (IL)	(TX)	Pallone
Davis (KY)	Jenkins	Pascrell
DeFazio	Johnson (GA)	Pastor (AZ)
DeGette	Johnson (IL)	Paulsen
DeLauro	Johnson (OH)	Payne
Denham	Johnson, E. B.	Pearce
Dent	Johnson, Sam	Pelosi
DesJarlais	Jones	Perlmutter
Dicks	Jordan	Peters
Dingell	Kaptur	Peterson
Doggett	Keating	Petri
Dold	Kelly	Pingree (ME)
Donnelly (IN)	Kildee	Pitts
Doyle	Kind	Platts
Duffy	King (IA)	Poe (TX)
Duncan (SC)	King (NY)	Polis
Duncan (TN)	Kingston	Pompeo
Edwards	Kinzinger (IL)	Posy
Ellison	Kissell	Price (GA)
Ellmers	Kline	Price (NC)
Emerson	Kucinich	Quayle
Engel	Labrador	Quigley
Eshoo	Lamborn	Rahall
Farenthold	Lance	Rangel
Farr	Landry	Reed
Fattah	Langevin	Rehberg
Filner	Lankford	Reichert
Fincher	Larsen (WA)	Renacci
Fitzpatrick	Larson (CT)	Reyes
Flake	Latham	Ribble
Fleischmann	LaTourette	Richardson
Fleming	Latta	Richmond
Flores	Lee (CA)	Rigell
Forbes	Levin	Rivera
Fortenberry	Lewis (CA)	Roby
Fox	Lewis (GA)	Roe (TN)
Frank (MA)	Lipinski	Rogers (AL)
Franks (AZ)	LoBiondo	Rogers (KY)
Frelinghuysen	Loeb	Rogers (MI)
Fudge	Loftgren, Zoe	Rohrabacher
Gallegly	Long	Rooney
Garamendi	Lowey	Ros-Lehtinen
Gardner	Lucas	Roskam
Garrett	Luetkemeyer	Ross (AR)
Gerlach	Lujan	Ross (FL)
Gibbs	Lummis	Rothman (NJ)
Gibson	Lungren, Daniel	Roybal-Allard
Gingrey (GA)	E.	Royce
Gohmert	Lynch	Runyan
Gosar	Maloney	Ruppersberger
Gowdy	Manzullo	Ryan (OH)
Granger	Marchant	Ryan (WI)
Graves (GA)	Marino	Sánchez, Linda
Graves (MO)	Markey	T.
Green, Al	Matheson	Sanchez, Loretta
Green, Gene	Matsui	Sarbanes
Griffin (AR)	McCarthy (CA)	Scalise
Griffith (VA)	McCarthy (NY)	Schakowsky
Grijalva	McCaul	Schiff
Grimm	McClintock	Schmidt
Guinta	McCollum	Schock
Guithrie	McCotter	Schrader
Hahn	McDermott	Schwartz
Hall	McGovern	Schweikert
Hanabusa	McHenry	Scott (SC)
Hanna	McIntyre	Scott (VA)
Harper	McKeon	Scott, Austin
Harris	McKinley	Scott, David
Hartzer	McMorris	Sensenbrenner
Hastings (FL)	Rodgers	Sessions
Hastings (WA)	McNerney	Sewell
Hayworth	Meehan	Sherman
Heck	Meeks	Shimkus
Heinrich	Mica	Shuler
Hensarling	Michaud	Shuster
Herger	Miller (MI)	Simpson
Herrera Beutler	Miller (NC)	Sires
Higgins	Miller, Gary	Slaughter
Himes	Miller, George	Smith (NE)
Hinojosa	Moore	Smith (NJ)
Hirono	Moran	Smith (TX)
Hochul	Mulvaney	Smith (WA)
Holden	Murphy (CT)	Southerland
Holt	Murphy (PA)	Speier
Honda	Myrick	Stark
Hoyer	Nadler	Stearns
Huelskamp	Napolitano	Stivers
Huizenga (MI)	Neugebauer	Stutzman
Hultgren	Nugent	Sullivan
Hunter	Nunes	Sutton
Hurt	Nunnelee	Terry
Israel	Olson	Thompson (CA)
Issa	Olver	Thompson (MS)
Jackson (IL)	Owens	Thompson (PA)

Tiberi	Walden	Wilson (FL)
Tierney	Walsh (IL)	Wilson (SC)
Tipton	Walz (MN)	Wittman
Tonko	Wasserman	Wolf
Towns	Schultz	Womack
Tsongas	Waters	Woodall
Turner (NY)	Watt	Woolsey
Turner (OH)	Waxman	Yarmuth
Upton	Webster	Yoder
Van Hollen	Welch	Young (AK)
Velázquez	West	Young (FL)
Visclosky	Westmoreland	Young (IN)
Walberg	Whitfield	

NOT VOTING—29

Bachmann	Costello	Mack
Bass (CA)	Deutch	Miller (FL)
Blackburn	Diaz-Balart	Noem
Bono Mack	Dreier	Paul
Broun (GA)	Giffords	Pence
Campbell	Gonzalez	Rokita
Cardoza	Goodlatte	Rush
Carson (IN)	Gutierrez	Schilling
Carter	Hinchey	Serrano
Costa	Inslee	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 862 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 860, 861, and 862.

THE JOURNAL

The SPEAKER pro tempore (Mr. SCOTT of South Carolina). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

NAVY INTELLIGENCE SPECIALIST SEAMAN ANTHONY T. SCHMALZ

(Mr. TIPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIPTON. Mr. Speaker, I rise today to honor Navy Intelligence Specialist Seaman Anthony T. Schmalz, who serves our country with great honor and pride. Seaman Schmalz has been awarded the Joint Service Achievement Medal for his meritorious achievements during Operation Odyssey Dawn.

Seaman Schmalz served as a United States Africa Command Targets

Branch analyst from February to April of 2011, providing in-depth analysis of Libyan targets. During this time he provided over 25 percent of the electronic target folders written by the United States Africa Command and expertly managed the classification, downgrading, and dissemination of over 248 targets.

Additionally, as a Remote Terminal Security Officer, Seaman Schmalz managed new accounts for 15 temporarily assigned duty personnel, allowing them to provide immediate support for the mission.

Seaman Schmalz graduated from Montrose High School in Montrose, Colorado, in 2009 before enlisting in the United States Navy. For his critical contributions to the success of Operation Odyssey Dawn, he has been presented with the Joint Service Achievement Medal and is an example to the citizens of Colorado and to the United States of America.

Mr. Speaker, it is an honor to recognize Intelligence Specialist Seaman Anthony T. Schmalz. His courage and selfless efforts on behalf of our country are worthy of our highest respect.

UNIVERSITY OF HOUSTON COUGARS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, what I like about the University of Houston is, one, many of their campuses are in the 18th Congressional District, but they believe that a university, as they seek tier one status, is best when they support academic excellence and, of course, athletic excellence.

So I am very pleased today to show this picture of UH students standing in line for the championship game, that the Cougars have managed to have a 12-0 season and now are the Conference USA West Division champions and will play their championship game at Robertson Stadium with one of their opponents.

We're excited about Cougars. We're Cougar Red. And we thank Coach Kevin Sumlin for not being interested about where he goes next year but is focused on the kids and the championship.

Coach Kevin, you are the best.

To the leadership and academic leadership of the University of Houston, to all of the students, I want to say to you on the floor of the House, go Cougars. We're all red about this. We're excited in the city of Houston for a fine academic institution that cares about their students, that believes in the integrity of the athletic department, and is ready to have outreach to young people. They are going to play on Saturday.

Go Cougars. It's going to be a great day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to a viewing audience.

NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, November is National Alzheimer's Disease Awareness Month. And as this month comes to a close, I want to draw attention to H.R. 1897, the Alzheimer's Breakthrough Act.

With over 5 million Americans suffering from this degenerative disease of the brain, Alzheimer's is the sixth-leading cause of death in the United States, and it's important that we find a cure, and work to find a cure, to ease the suffering of those who are affected as well as their families.

Mr. Speaker, the Alzheimer's Breakthrough Act would encourage the development of public-private partnerships with universities, pharmaceutical companies, biotech firms, and help them pursue the development of Alzheimer's treatments.

As a cosponsor of this legislation, the Alzheimer's Breakthrough Act, I do ask my colleagues, whether you have a loved one affected by this disease or not, to sign on as a cosponsor of this legislation so we can find a cure to this terrible disease.

AMERICAN EXCEPTIONALISM

(Mr. WOODALL asked and was given permission to address the House for 1 minute.)

Mr. WOODALL. We have just gotten back from Thanksgiving, a uniquely American holiday. We're grateful for all of the blessings that we have, blessings that come from God the Father and blessings that come from having won the birth lottery and being born an American.

As I watch the challenges that are going on around the globe, Mr. Speaker—I look at the challenges in Europe, I look at the challenges in Africa, I look at the challenges in Asia—we need to be proud of American exceptionalism. We need to focus on those things that exist here and here alone. Mr. Speaker, in the coming weeks with the challenges that we are going to face, let us not look to nations around the world and see how they are doing it. Let's look to those values and principles that have made this country great for over 200 years, and let's double down on those.

□ 1920

JOBS FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, it's good to be back, and I hope all of my colleagues had as enjoyable a Thanksgiving as I did with my family and with our constituents back in our districts.

We have much to be thankful for. After all, this is America, and this has always been the place of dreams. This is America. It's always been the place where people have found opportunity; where, whatever they wanted to do, they could achieve it; and it's still that America today.

But it's up to us, in the third year of this recession, to restore the American Dream, and there are ways that we can do it. And tonight, together with my colleagues who will soon be joining me, we will talk about various ways in which the Democrats in this House will and have made numerous proposals to restore the American Dream.

I was out in the district for five of the days that we were gone, talking to people. In fact, one fellow who has a book binding company—a man who's 85 years old and is about to retire and turn that company over to his employees—was talking about the enormous strength of this Nation, and he was sharing the story of himself and his employees and the way in which they came here. And many struggled from very bad situations in other countries, but they came here with optimism. They came here with a true belief that in America you can make it, that if you follow the rules, if you work hard, you can make it. You can have a good life. You can take care of your family.

Unfortunately, for all too many Americans, that's not the case today. So restoring the American Dream is our task, and we can do it.

The President, more than 2 months ago, proposed the American Jobs Act, a proposal that would put 2 to 3 million Americans back to work immediately. And tonight, on the other side of this Nation's Capitol, the U.S. Senate is debating a portion of that American Jobs Act, a portion of it that is a very, very significant tax cut for men and women that are working. Their Social Security payments would be reduced by 50 percent. No longer would they pay 6.2 percent of their wages into the Social Security fund. They would pay 3.1 percent—and for their employers, the same reduction—providing a very powerful incentive for individuals to have money in their pockets, about \$1,500 a year, money in their pockets so that they could participate in buying gifts for their children. As we look to Christmas, we know there are many,

many Americans that are not going to be able to do that.

Mr. Speaker, it's time for us in this House to follow the lead of the President and to give every American worker, 98 percent of Americans, a very significant tax reduction, \$1,500, by reducing that Social Security tax. And for their employers, the same. If their employers are up to \$50 million of payroll, they can reduce, by 50 percent, their Social Security tax so that that employer has more money to hire people. That debate is going on in the U.S. Senate today. Unfortunately, here in this House, we've not been able to even take up that issue. We should, because it's part of what we must do to put Americans back to work, to give them a break.

Joining me in this discussion tonight as we talk about restoring the American Dream and about the things that we can do to make that happen is my colleague from the great State of New York (Mr. TONKO). We have often been here. We call ourselves the East-West Team.

It is good to see you back. I hope you had as good a Thanksgiving as I did, and I'm sure you worked as hard in your district as I did during those days. Please share with us, and welcome back.

Mr. TONKO. Thank you, Representative GARAMENDI, and thank you for leading us in an hour of discussion, of dialogue, that is most critical to the economic viability, to the economic comeback of America's middle class.

You talk about some of these incentives that would be addressed through a payroll tax deduction. It's all about empowering our middle class, enhancing their purchasing power, enabling us to enhance that demand out there for products that then obviously translates into job growth; because with more demand upon manufacturers in this country, with more consumer confidence, with absolute increase in purchasing power, there will be a positive outcome.

There's no denying that unemployment is driving the deficit; and if we can turn that around, if we can invest in ways that enhance the middle class, that's good for all strata, all income strata in this Nation. And what's been lost in the logic here for the majority is that the empowerment of the middle class stands to produce gains for everybody, and we saw what happened in the buildup before our entry here into the House.

In the period of the recession, it was all about borrowing, totally, the money that was necessary to spend on a tax cut for millionaires and billionaires. And some would suggest those are the job creators. But what happened was we realized 8.2 million jobs lost, and so that didn't work.

We ought not go back and revisit that formula, because it was not a for-

mula for success. What we need here is to bring about the long overdue empowerment of the middle class. And it is working families across this country that need that assistance today; and, by the way, it works in everybody's favor.

So that's what we're promoting, and it's good to start off with that discussion; because as we move forward, investments are what it's about: investing our way to prosperity, investing our way to opportunity, investing our way to a stronger tomorrow for all Americans. It's not going to come by cutting into situations that relieve the liability, the responsibility of those who have been most profitable here. That didn't work, and that is not going to be the formula for a comeback for most Americans.

What we need is to be sensitive to the investments in education, higher education, in sounder tax policy, reforms of tax policy, and certainly investment in research because, as we invest in research, that equals jobs, and that's still the highest priority of America's general public out there. We need jobs, and the dignity of work is what ought to be front and center for the work that we do here in public policy format or in resource advocacy so as to go forward and herald the need of the middle class.

Mr. GARAMENDI. Thank you so much.

The experiences that we have as we return to our districts and talk to our constituents and share with our families, these are the stories of life. These are the stories of real Americans that are out there. Not that we're not real. We've got a very special task as their Representatives to represent them here, and they do want jobs. They want to go back to work. We know that many of them are unable to find jobs.

In American Jobs Act, in addition to the tax issues I just talked about—and I must say we actually got something done just before the Thanksgiving recess—there was another provision, and that was for the veterans. This was part of the President's proposal that actually did become law. What he wanted to do—and we agreed with him—was to give veterans, those men and women that are out there fighting for this country in Iraq and in Afghanistan and even way back into the Vietnam War and the first Gulf War, a chance for a job. There's a very special tax provision that's totally paid for, not borrowed, that we actually voted out of here so that employers got a tax credit, which is a reduction in their taxes, for every veteran they hired—\$5,600 for an unemployed veteran or \$9,600 for a disabled veteran. I'm very, very pleased that we were able to do that for the veterans.

□ 1930

That's one very important slice of the American public that is facing unemployment; but there are many,

many more. And if I can just pick up for a second on a couple of words you said; you talked about investment. In the American Jobs Act, there is a very, very important investment, and you mentioned it. It's the education investment. The President proposed that we spend about \$30 billion to keep teachers in the classroom now so that our kids would be able to continue to learn. That's the future; and if they miss a year of learning, they're going to be behind the rest of their lives. And so he proposed that. It's still out there. It's open, and it hasn't had a chance to come forward yet. We'll see, maybe we can get that one done. That's a critical investment in our children. What's more important than our children.

Mr. TONKO. Representative GARAMENDI, as you talk about the loss in any given year where a student may lose the opportunity in the classroom because of these cuts that are significant to education, that is one measurement; but let me suggest another. We see aggressive investment going on around the world in emerging powers out there, nations competing with us in that global marketplace on clean energy, innovation, an ideas economy. An ideas economy is a robust opportunity for a sophisticated Nation like ours; but it requires commitment, commitment to investment, investment in education. We take that intellectual capacity, and we make it work.

We did that in the space race of the 1960s. President Kennedy, a rather youthful President in his time, offered a challenge to America, offered a challenge in a way that enabled us to invest in research, that enabled us to win the global race in space. That was an unleashing of technology in all told sectors of the economy and from every perspective of quality of life that was enhanced by the investments that were made.

Mr. GARAMENDI. Mr. TONKO, you were talking about the need for investment; and, indeed, in the area of education and research, critical functions, I do want to stay with that subject for a while.

Our colleague from the great State of Ohio, Ms. BETTY SUTTON, has joined us. Thank you very much for being with us this evening. I know you, too, had a family and a constituency to work with this last week, so please share with us your thoughts.

Ms. SUTTON. I thank the gentleman. Representative GARAMENDI, you have done a tremendous job in leading the way and showing the American people, because we all know that things don't have to be the way that they are. We all know that we can invest in the things that have always made our country strong, things like education, that we know not only strengthens the individual but is key to the success of our future, investing in policies that will enable us to make it in America.

And when we talk about make it in America, Representative GARAMENDI and Representative TONKO, I know that we are often talking about manufacturing. And coming from Ohio, manufacturing of course is not just a part of our past and our history. It is a strong part of what is going to make us successful in the future.

I will tell you, I'm excited because in the coming days I'll be introducing a number of bills that are all related to how we can strengthen U.S. manufacturing and bolster U.S. manufacturing for our workers and our productivity right here in the United States. So I'm grateful to be down here with you. I can just tell you, I went out and talked to our folks and there is a growing belief that there is a better way. There's a comprehensive understanding that things have not been fair, that the deck has been stacked, and that there are still those here who are trying to protect the wealthiest and the most privileged at the expense of the others. And that's why I'm so grateful to have the chance to be here and fight alongside you and Representative TONKO and others, like Representative JACKSON LEE from Texas who has just joined us.

In the last election, we heard over and over again the refrain that people don't want a government on their back. And I agree, and I know you do, too, that people don't want a government on their back. But they do want a government on their side, and that's what we're here to make sure that they get, because that is not what they're getting with the Republican legislature as it exists today.

So carry on, Representative GARAMENDI, and count me in as somebody who supports those investments in education and in making it in America.

Mr. GARAMENDI. Well, indeed, you are carrying many pieces of legislation. I like your one—what was it, don't flush America down the drain—having to do with rebuilding our sanitation systems here in the United States.

Ms. SUTTON. Representative GARAMENDI, if you'll yield just a moment, the name of the bill, just to set the record very clear, is Stop American Jobs from Going Down the Drain Act. The whole point of that bill is when we are building our infrastructure, our water and sewer systems, as you point out, that really need to be built in this country, and of course it would put people to work, it would help our communities, spur our economy; and if we do it using U.S.-manufactured goods and iron and steel, which is what the bill would require, then we put even more people to work while we're strengthening our community. So it's the Stop American Jobs from Going Down the Drain Act.

Mr. GARAMENDI. I appreciate your correction of my characterization of

the bill. Nonetheless, it's a great piece of legislation; and it's part of the Make It In America agenda, using our tax money, in this case to build the sanitation systems, the water systems, and requiring that that money be used to buy American-made equipment.

I have a bill that would do the same thing for solar and wind programs—wind turbines and solar, as well as for trains, buses and the like. It's our tax money; use it to buy American-made equipment. That's part of the Democratic agenda. And it works. I can give some examples a little later. I do want to thank you because there is nobody working harder in this entire Capitol building—Democrat, Republican, or the Senate—than you are in rebuilding the manufacturing center of America, the great State of Ohio.

Now, Texas is a little far from Ohio, but you've got a few things going for you in Texas. Let me introduce SHEILA JACKSON LEE. Thank you for joining us once again.

Ms. JACKSON LEE of Texas. It is a delight to have been here with the gentlelady from Ohio. We have worked together closely, as I have with the gentleman from New York. I always want to ask him how his fair constituents are dealing. They have some serious mountains to climb, if you will, with their recent hurricane, a very unusual set of circumstances. We joined together to allow those communities to come back. Wouldn't that be a perfect investment of rebuilding infrastructure.

Mr. GARAMENDI, let me thank you for your long-standing history of putting things back together. I'm not going to call you the Humpty-Dumpty man, but recognizing that we can put America back together and make it in America. Let me share some anecdotal uniqueness to this whole question of make it in America. I hope everybody had a wonderful Thanksgiving. It's a special holiday where we find time to say thanks. I heard that the gentleman from New York might have been giving away a ham, made in America. And I know the people who received the ham were grateful for it.

I had the opportunity to work with those, we had over 800 turkeys—made in America—to be able to give to seniors and families. The joy was, of course, that it was in the giving. But more importantly, it was a product that we made from start to finish. Yes, it's food. As we went down the aisles of many grocery stores, since the highlight of that season is eating, people were buying goods in most instances that were made in America. And they bought them.

And then, of course, that famous Friday that we can now tout to be the best Friday over a number of years, certainly 2010; \$52 billion was spent by Americans in many instances on the electronic goods that were made in

America. Steve Jobs is no longer with us, but he created that infrastructure of technology and software and the sophistication of pretty things that many Americans went to buy, some \$7 billion over 2010. And the studies indicated that—and that's all right to my good friends out there—that Americans were buying first for themselves those electronic items that they wanted to have for this holiday season.

□ 1940

As I begin to look at legislation to talk about jobs, I'm going to try to make the energy industry a little bit more friendly. And we'll be introducing legislation that talks about creating jobs in that industry, but working in the environmental aspect of it—fixing the coastline, for example.

As you well know, we have suffered through Hurricanes Rita, Katrina, Ike and the deterioration of the coastline, so if somebody wants to stop us from going down the drain, I want to stop us from a disappearing coastline. I want you to have the beautiful beaches, whether it is in Alabama and Louisiana and Texas, Florida. Those coastlines have been deteriorating. We can find work. Individuals can have work in fixing the beautiful coastlines. Even in South Carolina, I know that the gentleman wants the coastline to be fixed. So there is not a lack of opportunity-to-fix work.

I just heard my good friend from Massachusetts in the Rules Committee indicate that there are bridges in the State of Massachusetts—my good friend, Mr. MCGOVERN—that are older than some States and that they need to be fixed. And that would be a sharing of the wealth to many, many different districts and States if we were to engage, as the President wanted us to do, to look at how we do the infrastructure.

But making it in America is happening. Right now, in the Carolinas, a young lady is bringing her company back from Sri Lanka, and she is using the textile industries—I don't have its full name, but it begins with "Mic"—using the textile industry to now make her product.

So I came today to say that I have hope. I'm an optimist, and many of the economists that we've been listening to—Jeffrey Sachs, for example, and Mr. Spence, who I think I heard in the last couple of days, has indicated that we worry too much about the deficit and the debt, not to ignore it but we really should be worrying about investing in America, rebuilding, make it in America, investing in infrastructure, creating jobs. And Americans will do what they did on last Friday, November 25, and they went out and they bought goods, by and large, made in America.

Let's do more of that. Let's have the incentives that they need. And, by the way, let's add the small business com-

ponent to it. We had the buy from a small business on Saturday. These small businesses are in America. And if you support a small business, you support one or two or three or four employees.

So I am grateful, as I said. I'm going to do this coastline bill. I can see just persons for eons being put to work. I can see moneys going in to reduce the deficit. We'll join that with the drain, if you will, or the infrastructure for our sewage and wastewater. It comes under homeland security, by the way. We have to protect that. The infrastructure of security provides jobs as well.

I want to close on this note, which sound as if it's not tied in, but it is. It really is tied in. We have, in the Thanksgiving backdrop, was the acknowledgment—I'm not going to call it failure—by the supercommittee that they could not complete their task. Let me, on the record—I have said it in public settings—thank the colleagues that accepted the challenge. But I want to say to my colleagues, let us not be nonoptimistic. Let us not be unhappy or disappointed or sad. Frankly, the job of the Congress is to formulate the vision going forward on behalf of the American people.

Let me tell you why I see we have been given an opportunity. Some people only talk about defense. I talk about 46 million Americans that are on SNAP. Here's our chance. We can take the works of a Jeffrey Sachs. We can take the works of Mr. Spence, who talks about infrastructure investment. We can find these long-term cuts of a trillion dollars, leaving out Medicare and Social Security and Medicaid, and we can find them in a way that talks about Bush tax cuts but has a thoughtful way of looking at tax reform, and then we can put our vision forward that includes making it in America.

My friends, we make defense products in America. I don't want to be a war promoter—I want our troops home—but I believe in military preparedness. Those are jobs. We have a year to do it. We can throw off the shackles of partisanship and thoughtfully put forward a legislative initiative which the President will not veto if there is a plan that includes deficit reduction. Don't be afraid of doing it on jobs.

So I'm willing to say we have been given an opportunity, just like my Cougars are being given an opportunity for a championship this coming weekend at the University of Houston, which will, by the way, create a lot of revenue with folks coming in from all over.

But we have been given an opportunity. And I am glad that we're here on the floor to point out that it is not the end, but it is the beginning. I simply ask there be friends on the other side of the aisle that will join us in rev-

enue, job creation, deficit reduction, revenue, job creation. We can pass these bills. We can join the Senate. We can do the payroll tax relief for a little bit and the unemployment, but we can create jobs.

I thank the gentleman for allowing me to participate with you. I'm excited about the legislation that my colleagues have. I know I have worked with Mr. TONKO for all that he has done in the legislative initiative and, also, you. Thank you so very much.

Mr. GARAMENDI. Thank you very much. You are always on top of the issues and you're always so very, very correct. SHEILA JACKSON LEE, thank you for the enormous amount of work you have done for your constituents in the city of Houston.

You mentioned the supercommittee. We ought to spend at least a few moments on that. Everybody says it was a failure and they did not achieve the goal that was set out; however, the public needs to know that the legislation that set up the supercommittee actually reduced the deficit of the United States by \$2.1 trillion. A \$2.1 trillion reduction in the deficit in the legislation that established the supercommittee. One trillion of that is already going into place. The other \$1.1 trillion, it was the specific task of the supercommittee to try to find out if there was a better way to make the cuts, or adding revenue. They were unable to put the revenue together, but the cuts remain, and those are going to go forward.

You're quite correct, Ms. JACKSON LEE, that we do have the next 13 months, almost 14 months, to figure out a better way. Maybe it's revenue or less cuts. Maybe it's different cuts that are currently across the board in the Defense Department as well as in the discretionary funding. But we have a chance to do that. We have time to do that. It's not all lost. The deficit has been reduced. Now we need to do it in a smarter way, one that actually promotes American jobs, puts people to work, and creates more jobs and manufacturing in America.

Mr. TONKO, you come from a State that really started the great American Industrial Revolution and an area in which it actually began, the Hudson River Valley, so why don't we carry on our conversation here. You were talking about research, or take it wherever you would like to go.

Mr. TONKO. Absolutely. Let me just respond to the absolute clear focus of our friend, the gentlewoman from Texas, and for the strength of Texas. Representative JACKSON LEE is constantly talking about the opportunities to make it in America, but she cited, also, the flood damage in my district, in the Mohawk Valley, the Schoharie Valley of upstate New York.

Sometimes we will sit around and try to tout the effect of infrastructure for

our job growth. There are different ways to express the economic development quotient related to infrastructure, the traditional roads and bridges, but then broadband and our grid system for our electric utilities, what role does it play?

□ 1950

Well, sometimes the best expression is done when that is taken from you. And when roads and bridges were washed away, we saw immediately what the effect was on the regional economy—and therefore the State economy—and then we're all connected one to another so that the national economy hurts through the ravages of flood waters that impacted this district, some would say with 500-year storm impact.

What did that mean? It meant that you couldn't haul milk that was processed, produced on these farms; and you could not ship products being manufactured. It stopped the economic viability of a district and of a region. So it's important for us to look at those bridges that measure in deficient form. We need to make certain that we have state-of-the-art infrastructure and broadband. We began to talk about this with the space race of the sixties; we unleashed untold amounts of investment in technology that enabled us to stretch opportunity here. Think of the rotary phone that's now moved all the way up to what is a changing telephone by the week. And that all happened because of an investment in the intellect of this Nation.

So the intellectual capacity of this Nation has been an inspiration to not only this country but to folks around the world where the quality of life was raised simply by the inventive qualities of American workers. And so that's what we're calling for here. The Democrats of the House of Representatives believe in investing in the worker and in research. Research equals jobs, and research equals opportunities. The intellectual capacity that was developed here, I'm told by the most recent former energy minister of Denmark, influenced the turnaround of thinking in Denmark where they transitioned their economy, created energy-innovative outcomes, all inspired by patents coming from the United States of America. So we have that intellect.

We talk about manufacturing as a base. We saw the exodus of manufacturing jobs to the millions—to the millions. We're still perched highest on the list for manufacturing jobs; but if we allow that trend where we were disinterested, paid no attention to manufacturing and agriculture, if we allow that to continue, we will sink as an economy. What we need to do is now bring the focus back to manufacturing and to agriculture. The focus was totally on the service economy, and there more narrowly to the financial services. We know what happened.

Ms. JACKSON LEE of Texas. Would the gentleman pause for just a moment.

Mr. TONKO. Absolutely.

Ms. JACKSON LEE of Texas. You're saying something that is just so inspirational, and I just want to add these two points: one, we are still the greatest and largest economic engine in the world in spite of China, in spite of Russia and in spite of India, our good friends. We're the largest, still percolating along.

Second, when we've had our difficulties in the past, there have been recessions in the fifties, post-World War II, on into our good friends both former Presidents Ford and Carter, as you well know for those who read the history books we had some moments, but the reason why we are in troubling waters that people can't seem to comprehend, they just need to read, we never had a euro.

We never had Europe in the state that it is presently in. And when the markets were troubled on Monday—it was Monday, even post—I think Monday they percolated, but when they were troubled, they were looking at Europe. And so if we get obsessed with other than what you're saying about how we can get back in the game at the peak that we want to be, we don't take in the great picture. And that great picture is our markets are not necessarily troubled about how we're percolating on.

We need to do better. We need to create jobs. But they're international markets, and they're troubled by the euro, which I never agreed with. I would just say, let's understand that so we can do our business here in the United States and focus on the American people, tend to the markets, but go ahead and invest and realize that the markets are interrelated. We can overcome that by doing exactly what the gentleman from New York has said, make it in America.

Mr. GARAMENDI. Ms. JACKSON LEE, you've talked about the investments; you've talked about the international aspects of our economy. Mr. TONKO, you were so correct when you talk about what happens when those infrastructures are not there.

Now, in the American Jobs Act, which we ought to be working on and passing, there is \$50 billion over and above the ongoing money. This is new money, additional money, that would be immediately available to restore the coastal areas of the United States, to rebuild the infrastructure and those areas that have been hard hit by the floods of this year, to improve the 100-year-old-plus bridges in America. Those are all things that we need to move our economy.

Ms. SUTTON from Ohio talked earlier about the sanitation and water systems. Each and every one of these should be framed in such a way as to

create American jobs, not just the construction jobs but the rest of the story, which is the concrete, the steel, the bolts, the pumps. All of those things that go into the infrastructure can and should be American made if we have a policy.

Now, on the floor here 3 weeks ago, we were talking about this; and our colleague from Illinois (Ms. SCHAKOWSKY) brought something to the floor that just blew me away. She brought a document that was prepared in 1788 by George Washington, and it was a manufacturing policy for America. He told Hamilton, who was then the Secretary of the Treasury, to go out and to develop eight steps for an American manufacturing policy.

So this is not new in America, folks. We need a manufacturing policy in America. We call it Make It in America. It's a tax policy, an educational policy, an infrastructure policy, and it is an international trade policy where we don't give it away, but we require fair trade—not free trade—fair trade. These are American manufacturing policies of today. Thank you, George Washington, for setting us on the course. We need to continue it.

Mr. TONKO. Absolutely. I hear in your statement the wisdom of sound planning. We need that for a government to be smart and efficient, which is the call by the general public. We want smart investment from our government. Ask any competitor out there in the global economy. They are competing against industries that are being co-invested in by their native lands. There are co-investments with governments and their private sector, and we're moving in the other direction.

So a couple of things come to mind here. I participated this past weekend in Small Business Saturday. And the spirit I detected was a leap of faith, a sound leap of faith, by many small business leaders who said, I want to offer a service, I'm going to put my creative genius to work. I'm going to make my commitment to community a response here that's tangible.

I saw a lot of belief in the American public, a belief in the American system; and it offers a warm and fuzzy, cozy personalized relationship. People come in; they're known when they walk into the shop; they see the creative flair that's been introduced into that small business. I also see more technically savvy qualities that are engaged in the district I represent with a lot of start-ups, incubators, again, another leap of good faith but needing an investment, a co-partnering with government, especially in a very tenuous economy where there's still a lot of guesswork. We need to be there to remove some of that risk. That is so critically important.

Representative GARAMENDI, you mentioned earlier the fact that my district

is that donor district to the Erie Canal/Barge Canal, which was the westward movement that triggered an industrial revolution. These mill towns that were given birth to by the canal became the epicenters of invention and innovation—manufacturing towns and mill towns that had blue collar workers coming up with tremendously clever ideas.

And for people to throw up their arms and say manufacturing then is what it was, it was our greatness, it's gone today, nothing could be farther from the truth. What is the challenge today to a sophisticated society like the American society is that while we have a number of product lines that we developed through our decades of manufacturing, the challenge to a sophisticated society is to build the products that are in demand today.

And if we believe that every product that's ever required by society has been conceived, engineered, designed and manufactured, then the story is over. But if we believe, as so many of us do believe, that we can be the wizards of those new products and we develop it by investing in ideas and investing in research, then we build those products that are now the step up, if you will.

□ 2000

That's where we are with our policy initiatives as a Democratic Caucus in the House of Representatives. Make it in America by embracing the intellectual capacity of this Nation and holding fast to innovation, entrepreneurs, and the manufacturing of today, spun up to a new level, that's America at her greatest moment.

Mr. GARAMENDI. If I might interrupt you for just a moment. Every hour we're here we're joined by men and women who are working hard on behalf of the American people. The stenographers taking down our words here deserve a praise of thanksgiving; not that our words are so worthwhile to put into the American RECORD, but they do it, nonetheless, and I want to thank them for their good work, and for the staff behind us as we go through this hour.

Mr. TONKO. Absolutely. Let me just, if you'll suffer an interruption, or yield, please, Representative GARAMENDI, I absolutely endorse what you just said. They are devoted. They are an essential part of this body to introduce all of the statements into the annals of history, making certain that statements that might inspire the sort of progress that is required by this Nation right now—they provide an awesome, awesome task.

Mr. GARAMENDI. If I might take up, after interrupting you, some of the things that you were talking about. Down through the years, from the very earliest days of this country, there has been a joining of the government and the private sector to accomplish, real-

ly, the building of America. And it's been done in many, many ways.

I was startled and surprised and frankly, very, very happy when Ms. SCHAKOWSKY brought that document in from George Washington's administration about the establishment of industrial policy that placed the American government in synchronization with the then-new manufacturing program industries in America.

You talked about the mill towns. They didn't just happen. They happened because there was a government policy working with them, those entrepreneurs, to create these new businesses, these new jobs. And down through the centuries, more than 2½, almost 2½ now, we have been able to use this synergy, this government working with the American public, the private sector, to create this incredible country we call America and really, to create the American Dream that all of us possess or have participated in.

Today, we're in a discussion, if you will, with the American public about whether to continue that coordination of the public governments—State, local, Federal governments—working to achieve a goal in the private sector. There's a different vision out there that basically says, get out of the way. Get government away and things will go well. Eliminate all regulation, eliminate all of the programs, and let the free market do it.

It's never worked, and the proof of it is found in the first decade of this century. In the first decade of this century, that philosophy of push government aside, deregulate, reduce taxes, and get government out of the way actually created a situation of the Great Recession and no jobs; in fact, 8 million American jobs lost.

We need to go back to the policies that actually created growth in America, the policies of Franklin Roosevelt, carried out by Truman and Eisenhower. Even Ronald Reagan and Lyndon Johnson carried out the very basic policies that, working together, we can build a great country.

Mr. TONKO. You're absolutely right. And I believe, as you just indicated, our history, our American history is replete with the soundness of government planning and policies that incorporated investments from the public sector. And it made us strong. It retained our strength. It was a sustainable outcome. And the way of the world today is other nations are doing that with their private sector co-investing with them.

And when you look at the scenario of threats to cut some very valuable programs, you know you're going to place our businesses at risk. And if there's anything I hear from my middle class that is disgruntled with Washington is that they're not against people making money. They're not against that.

They're concerned, and they're deeply upset by the undue influence that a

few, a growing few, most powerful have on the process. They see it as insatiable greed. They see it as a rejection of what worked in the past, where people shared the wealth, shared by investing in America's middle class, which is that intellectual capacity, is that innovative spirit, is that potential for the next generation of jobs. And that's where our strength lies, and that's why they're upset. The undue influence has caused this insatiable greed that produces a drain on the middle class of this country and, therefore, reduces the number of jobs that we could possibly have in this Nation.

Mr. GARAMENDI. Before I turn to my colleague from Ohio (Ms. KAPTUR) who has just joined us, I want to pull up this chart. If only you had had this next to you while you just made this statement about the change in the nature of America's wealth. This chart has become, I think, rather famous—or infamous, I think, is a better word.

The blue line here is a chart that shows the growth in the wealth, the income of the top 1 percent of Americans. And down here is what the rest of Americans have had over the last 20 years or so. What we've seen is basically a flat-lining for the middle class, and certainly for the poor—no improvement, or very, very little improvement, in their situation. This is the 99 percent here. This is the 1 percent.

This is the anger that you now see on the streets of America, and it's exactly what you were talking about, Mr. TONKO, with a few, 1 percent of the American public, getting an ever increasing share of the American income and wealth, creating a bifurcated society, one with very few that are extremely wealthy, and the rest that are actually growing poorer.

With that, I'd like to turn to a woman from the great Midwest, the State of Ohio that is enduring this exact hollowing out of the American middle class.

MARCY KAPTUR, thank you so much for joining us, and thank you for years of work representing your part of what was once the great industrial strength of America. I know that you want to share with us tonight some thoughts that you shared with me earlier this day, as you went home, as you talked to the men and women in Cleveland. Please.

Ms. KAPTUR. Thank you very much, Congressman GARAMENDI, for your leadership in bringing us together so often. You are absolutely unrelenting, and that's the spirit that is America, so we thank you for your time tonight.

And Congressman TONKO of New York, your steadfast service here in representing a State that has some similar situations to Ohio's in the industrial and agricultural heartland of our country. It's really a special privilege to be here tonight with both of you.

This morning, one of my first visits was with a company in Avon Lake, Ohio, PolyOne. This is a company that makes products in America. Yes, it's a global player, but its innovation center is in Ohio. Hundreds and hundreds and hundreds and hundreds of jobs are associated with its plastic products, made both out of traditional petroleum-based inputs as well as the new carbohydrate economy that you can see developing, and it was really quite exciting.

We know that real wealth is created in our country when we make goods in America, when we make it in America. I think the problem over the last several years has been that if you travel to any city in America and you look at the tallest building, what are they? Are they the firms making things or are they merely, as I saw in Michigan recently, a gigantic bank whose headquarters is on Wall Street, a bank that just got bailed out by the American people?

I stopped my car and I looked at that building, and then I looked at the devastation of the communities around that particular part of Michigan, and I thought, what's wrong with this picture? Basically, this institution has sucked up the wealth of neighborhood after neighborhood and left rubble in its way.

They're not being held accountable. Yet I see companies like PolyOne trying to make it in a global economy with a very unfair set of trade practices—closed markets around the world, currency manipulation, intellectual property theft.

□ 2010

I look at what's happening with competitors, with competition to U.S. industry, and you have to say to those patriots who are making goods in America, we stand with you. We should be rewarding those companies. We should be making more goods in our country.

I wanted to just add a word about the automotive industry. There were those in this Chamber that voted against the refinancing of the automotive industry. Without that industry, this country would not have a defense base, and we would not be a great industrial power. And now I see in our region of the country—I was just at Chrysler Fiat. They announced billions of dollars of investment. There's going to be over a thousand more people hired at their main production facility in Toledo, Ohio. Chrysler Jeep makes the Wrangler and the Liberty and likely vehicles that will follow on.

The feeling inside that plant of people who have given their lives to keeping America competitive and to manufacturing a label that is known throughout the world, it was a wonderful day to be there. And I was reminded, and I said very frankly, You

know, there were 170 Members of Congress that didn't think you should be here and didn't think that this company should be here. And the company has paid back the loan that was made, and now we're going to have good jobs by making goods in America. So I wanted to share those experiences.

I feel bad that we have a country where certain financial firms that have, totally speculative, have brought us to this point. But I stand with those who have weathered the storm and who are now hiring and trying to move this economy back where we know it can be.

I was very proud to be a Member, as are those who are here with us tonight, to vote for that refinancing of the automotive industry and with its procurement from suppliers—whether it's plastics, whether it's glass, whether it's fibre, whether it's textiles, whatever, that's helping to lift this economy to where last week, on the day after Thanksgiving, retail sales in our country went up about 16.7 percent, I guess. It shows that people have more spending power. That's what we should be doing. We should be using our power here to lift those industries that can really make goods in our country and help recreate a strengthened middle class.

Mr. GARAMENDI. We have maybe 10 more minutes here.

You talked about the purchasing power of Americans. On January 1, unless we act, American workers will lose about \$1,500 of purchasing power. We must renew and continue the reduction in the Social Security tax that American workers are paying and businesses are paying. And by the way, it's totally paid for by those superwealthy—a 3.5 percent increase on their taxes over a million dollars a year. So it's totally paid for. It's part of the American Jobs Act.

I was just talking to the gentleman from New York, and it came about because of what you said about those men and women that have spent their lifetime working here in America. And I want to end on this between the three of us.

We Democrats have made a promise to America. It's not a contract. It is a promise. It's a pledge. And that pledge is to protect Social Security and Medicare, two of the most fundamental American programs, both of which are at risk of being significantly modified or, in the case of Medicare, destroyed by our Republican colleagues.

I want to make it very, very clear and get the comments from my two colleagues here about our commitment to these programs.

Social Security is the bedrock foundation for every American's retirement; and given the way the stock market gyrates because of those financial institutions and the games they play, you can't count on your 401(k).

But here's the promise to America from the Democrats: you will always be able to count on Social Security. If they want to fight about it, then this is the fight we will have and we will win.

On Medicare, millions of seniors are not in poverty today and alive today because they have Medicare insurance, a fundamental American program.

Mr. TONKO.

Mr. TONKO. I think you highlight some of the major differences and disagreements that have highlighted the debate on the Hill here in Washington between the two parties. And I would suggest it's probably some of the reasons that the supercommittee could not come to consensus, because we have called upon an outcome that is fair, balanced, and bold—that we will not allow for the price tag on further continuing tax cuts for millionaires and billionaires to be paid for by cuts to Medicare. There were those who fought Social Security at its inception and have fought it for 76 years and want to deny it.

It's about making certain that there is an underpinning of support for our elderly as they grow into what is a longer life span. We have to have measures in place that enable there to be a quality of life that provides economic vitality, economic balance for those who move into their retirement years.

I think that when we look at some of the measurements of Medicare, for instance, where it's about 5 percent of the GDP, much more modest than private sector health care is to GDP, and here's a program that has worked tremendously well. Can it be made better? Absolutely. That's where we stand. Make it better. Make it more secure. Make it more sustainable.

But do not deny the masses of this country who have prospered, who have been strengthened, who were lifted by programs like Medicare and Social Security. And I am proud to serve in the caucus that, as a conference, has said we stand for keeping these programs in place, strengthening them, not denying them, which I think is a major disagreement on the Hill.

Mr. GARAMENDI. Mr. TONKO, you are absolutely correct. This is where we stand. This is where we fight.

Ms. KAPTUR.

Ms. KAPTUR. Thank you so much, Congressman GARAMENDI and Congressman TONKO.

I just wanted to say on Social Security and Medicare, I'm proud to stand with my Democratic colleagues. Social Security is an earned benefit, and it's one that belongs to the American people. We all know its power, not just to allow seniors to live a decent life in their retirement years. But also it's power to lift the economy because seniors spend, mainly on their grandchildren. And they move those dollars into the economy. You watch with that cost-of-living increase, which I'm very

happy about, next year, and the fact that the Medicare offset will not be so great that seniors will have extra buying power and they will watch every penny.

I am just so proud to be a part of a tradition of the Democratic Party that has fought for Social Security and has fought for Medicare, not just for the few but for all. And we have made the country a better country as a result.

So I think it's fair to say that, yes, it is true the Republican Party has fought Social Security. Can't they find something else? I don't know what the problem is when the vast majority of the American people, I think like 99.99 percent of the American people, agree with this. I don't know what their problem is. Maybe they're not living in reality most of the time.

I am just very proud to be a part of this tradition along with my colleagues and to say to our senior citizens that next year will be a better year than this year.

My hat's off to Franklin Roosevelt and Frances Perkins and all of the people that fought back in the 1930s to make this program part of the American way of life.

Mr. GARAMENDI. And then carried on in the 1960s with Medicare.

We have much to be thankful for as Americans, don't we?

Mr. TONKO. We do.

Mr. GARAMENDI. We have much to be thankful for. We are thankful for those men and women that served here in this House over the years that brought us to where we are—the world's strongest, greatest country with the greatest opportunity. Even with all of the troubles we have today, it's still a country with great opportunity.

Mr. TONKO. Absolutely.

Mr. GARAMENDI. It's a country in which the American Dream lives, and we have the obligation to make sure that it's there for future generations.

Mr. TONKO, we're going to do a rapid 30 seconds around.

Mr. TONKO. We've had a wonderful hour of discussion, and I give thanks for the wonderful investments that have made us this strong Nation. In conclusion, if we invest in the middle class of this Nation, our greatest days lie ahead of us. We have a chance to be continually investing in a way that allows us to make it in America and allow for our intellectual capacity to reign supreme. It's been our history. It's our DNA. Let's make it happen. I'm optimistic about the tomorrows for this country with the appropriate investments.

Mr. GARAMENDI. Ms. KAPTUR.

Ms. KAPTUR. America has always been a Nation of great promise, a Nation of great hope; and I like to quote in my speeches the last four letters of the word "American" are "I can." It's positive energy. It's promise that we

all work toward, and the American people know it. It's great to be a part of a party of hope and promise for the American people.

I say what a pleasure it has been to join my colleagues here this evening.

Mr. GARAMENDI. With that, Mr. Speaker, I yield back with great thanks to my colleagues and for the opportunity to be a Member of Congress.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. WOODALL, from the Committee on Rules (during the Special Order of Mr. GARAMENDI), submitted a privileged report (Rept. No. 112-296) on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SUTTON (at the request of Ms. PELOSI) for today on account of travel delays.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 30, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3973. A letter from the Under Secretary, Department of Defense, transmitting Selected Acquisition Reports for the quarter ending June 30; to the Committee on Armed Services.

3974. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Fire-Resistant Fiber for Production of Military Uniforms (DFARS Case 2011-D021) (RIN: 0750-AH22) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3975. A letter from the Secretary, Department of Defense, transmitting first report on the Responsible Redeployment of U.S. Armed Forces from Iraq; to the Committee on Armed Services.

3976. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Simplified Acquisition Threshold for Humanitarian or Peacekeeping Operations (DFARS Case 2011-D032) (RIN: 0750-AH29) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3977. A letter from the Under Secretary, Department of Defense, transmitting a study pursuant to the Conference Report of the National Defense Authorization Act for Fiscal Year 2010; to the Committee on Armed Services.

3978. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Representation Relating to Compensation of Former DoD Officials (DFARS Case 2010-D020) (RIN: 0750-AG99) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3979. A letter from the Deputy Director, Office of Labor-Management Standards, Department of Labor, transmitting the Department's final rule — Labor Organization Officer and Employee Reports (RIN: 1215-AB74) (RIN: 1245-AA01) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3980. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Frequency Regulation Compensation in the Organized Wholesale Power Markets [Docket Nos.: RM11-7-000 and AD10-11-000; Order No. 755] received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3981. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-36, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3982. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-38, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3983. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3984. A letter from the Director, Defense Security Cooperation Agency, transmitting

Transmittal No. 11-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3985. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-74, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3986. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-71, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3987. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3988. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-27, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3989. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-17, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3990. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-26, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3991. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3992. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorizations in the People's Republic of China: National Semiconductor Corporation and Semiconductor Manufacturing International Corporation [Docket No.: 110804481-1527-01] (RIN: 0694-AF32) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3993. A letter from the Secretary, Department of Defense, transmitting a letter pursuant to the authority of section 1033 of the National Defense Authorization Act for Fiscal Year 1998; to the Committee on Foreign Affairs.

3994. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting the Report on Compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

3995. A letter from the Under Secretary, Department of Defense, transmitting the annual report on "The Worldwide Nuclear, Biological, and Chemical Weapons and Ballistic and Cruise Missile Threat"; to the Committee on Foreign Affairs.

3996. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Filing, Retention, and Return of Export Licenses and Filing of Export Information (RIN: 1400-AC91) received November 4, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Foreign Affairs.

3997. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d)(3) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Mexico (Transmittal No. DDTC-11-117); to the Committee on Foreign Affairs.

3998. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List all chemical toilets and their related components, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3999. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-064, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4000. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-121, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4001. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4002. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-122, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4003. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4004. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4005. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-098, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4006. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4007. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-066, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4008. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-111, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4009. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-086, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4010. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 11-069, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4011. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to section 81(d) of the Arms Export Control Act and Section 11C(d) of the Export Administration Act of 1979; to the Committee on Foreign Affairs.

4012. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 51th report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000; to the Committee on Foreign Affairs.

4013. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter responding to GAO report number GAO-11-431C; to the Committee on Foreign Affairs.

4014. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a signed determination pursuant to Section 620H of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

4015. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on CWC Compliance; to the Committee on Foreign Affairs.

4016. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Nebraska Advisory Committee; to the Committee on the Judiciary.

4017. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the California Advisory Committee; to the Committee on the Judiciary.

4018. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

4019. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bumpass, VA [Docket No.: FAA-2011-0377; Airspace Docket No. 11-AEA-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Gordonsville, VA [Docket No.: FAA-2011-0375; Airspace Docket No. 11-AEA-9] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Miles City, MT [Docket No.: FAA-2011-0515; Airspace Docket No. 11-

ANM-11] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Orangeburg, SC [Docket No.: FAA-2010-1325; Airspace Docket No. 10-ASO-40] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gary, IN [Docket No.: FAA-2011-0427; Airspace Docket No. 11-AGL-7] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Shelby, MT [Docket No.: FAA-2011-0536; Airspace Docket No. 11-ANM-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY [Docket No.: FAA-2011-0439; Airspace Docket No. 11-ANM-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Brunswick, ME [Docket No.: FAA-2011-0116; Airspace Docket No. 11-ANE-1] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Northway, AK [Docket No.: FAA-2011-0758; Airspace Docket No. 11-AAL-11] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, MS [Docket No.: FAA-2011-0102; Airspace Docket No. 11-ASO-39] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nahunta, GA [Docket No.: FAA-2011-0727; Airspace Docket No. 11-ASO-32] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Market, VA [Docket No.: FAA-2011-0380; Airspace Docket No. 11-AEA-12] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Description of VOR Federal Airway V-299; C [Docket No.: FAA-2011-1015; Airspace Docket No. 10-AWP-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4032. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a Statement of Actions with respect to the GAO report entitled, "Personal ID Verification: Agencies Should Set a Higher Priority on Using the Capabilities of Standardized Identification Cards"; to the Committee on Science, Space, and Technology.

4033. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a Congressional Notification; to the Committee on Intelligence (Permanent Select).

4034. A letter from the Acting Director of Congressional Affairs, Central Intelligence Agency, transmitting a Congressional Notification; to the Committee on Intelligence (Permanent Select).

4035. A letter from the Chairman, National Health Care Workforce Commission, transmitting a letter describing the status of the National Health Care Workforce Commission; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 477. Resolution providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (Rept. 112-296). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. Supplemental report on H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; Referred to the Committee of the Whole House on the state of the Union. (Rept. 112-289 Pt. 3).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Ms. ESHOO, Mr. MARKEY, Mr. DOYLE, Ms. MATSUI, Mrs. CHRISTENSEN, Mr. PALONE, Ms. DEGETTE, Mr. ENGEL, and Ms. SCHAKOWSKY):

H.R. 3509. A bill to provide for the creation of a public safety broadband network, to ensure a more efficient and innovative allocation of the electromagnetic spectrum, to permit the Federal Communications Commission to conduct incentive auctions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology,

and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIMM (for himself, Mr. PIERLUISI, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. KING of New York, Mr. TOWNS, Mr. DIAZ-BALART, Ms. BORDALLO, Mr. BACHUS, Mrs. MALONEY, Mr. BILBRAY, Mr. MORAN, Mr. CRENSHAW, Mr. MEEKS, Mr. FITZPATRICK, Mr. MARKEY, Mr. HANNA, Mr. SERRANO, Mr. POSEY, Ms. BROWN of Florida, Mr. TURNER of New York, Ms. MCCOLLUM, Mr. DOLD, Mr. SABLAN, Mr. GIBSON, Mr. REYES, Ms. NORTON, Ms. TSONGAS, Mr. CONNOLLY of Virginia, Mr. BLUMENAUER, Mr. FALCONE, and Ms. ROS-LEHTINEN):

H.R. 3510. A bill to reauthorize the Multi-national Species Conservation Funds Semipostal Stamp, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 3511. A bill to amend the Public Health Service Act to clarify liability protections regarding emergency use of automated external defibrillators; to the Committee on Energy and Commerce.

By Mr. NADLER:

H.R. 3512. A bill to amend the Abraham Lincoln Commemorative Coin Act to adjust how surcharges are distributed; to the Committee on Financial Services.

By Ms. BROWN of Florida (for herself, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. CLARKE of Michigan, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. MOORE, Mr. DAVID SCOTT of Georgia, Ms. WILSON of Florida, Ms. HANABUSA, Ms. SEWELL, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Ms. CLARKE of New York, Mr. PIERLUISI, Mr. TOWNS, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. MEEKS, Mr. HASTINGS of Florida, Ms. WATERS, Mr. RICHMOND, Mr. RUSH, Mr. RANGEL, Ms. NORTON, and Mr. CLEAVER):

H.R. 3513. A bill to require at least 10 percent of certain transportation funding to be made available for small business concerns owned and controlled by socially and economically disadvantaged individuals; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 3514. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 3515. A bill to save money and reduce tragedies through prevention grants; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself and Mr. LARSON of Connecticut):

H.R. 3516. A bill to amend title XVIII of the Social Security Act with respect to Medicare payment for long-term care hospital services; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 3517. A bill to amend the Passport Act of 1920 to waive the collection of passport fees to replace passports that were lost, damaged, or destroyed as a result of major disasters or emergencies; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan:

H.R. 3518. A bill to impose a regulatory moratorium and prevent taxes from being raised for 2 years; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. CLAY, Mr. CARSON of Indiana, Ms. HANABUSA, and Mr. HASTINGS of Florida):

H.R. 3519. A bill to amend to exempt the Medicare program from fallback sequestration under the Budget Control Act of 2011; to the Committee on the Budget.

By Mr. YOUNG of Alaska:

H.R. 3520. A bill to amend title 10, United States Code, to ensure that the retired pay benefits promised a person when they join the Armed Forces are not reduced; to the Committee on Armed Services.

By Mr. ROE of Tennessee (for himself, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. PALAZZO, Mr. BUCSHON, Mr. BARLETTA, Mr. BONNER, Mr. HARPER, Mr. BILIRAKIS, Mr. WOODALL, Mr. CRAWFORD, Mr. GOHMERT, Mr. BURGESS, Mr. ALEXANDER, Mr. MCCLINTOCK, and Mrs. MILLER of Michigan):

H. Res. 475. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. CAPUANO, Ms. BORDALLO, Mr. MORAN, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. SIRES, Mr. HASTINGS of Florida, Mr. KEATING, Mr. LEVIN, Mr. LEWIS of Georgia, and Ms. TSONGAS):

H. Res. 476. A resolution recognizing the 30th anniversary of Students Against Destructive Decisions (SADD); to the Committee on Education and the Workforce.

By Ms. NORTON:

H. Res. 478. A resolution expressing the sense of the House of Representatives that the Justices of the United States Supreme Court should make themselves subject to the existing and operative ethics guidelines set out in the Code of Conduct for United States Judges, most of which are already legally

binding on them; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WAXMAN:

H.R. 3509.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I, and clause 18 of section 8 of article I of the Constitution

By Mr. GRIMM:

H.R. 3510.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

By Mr. OLSON:

H.R. 3511.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes (Commerce Clause)

By Mr. NADLER:

H.R. 3512.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 1, and 18.

By Ms. BROWN of Florida:

H.R. 3513.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. CLAY:

H.R. 3514.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. LEWIS of Georgia:

H.R. 3515.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MURPHY of Connecticut:

H.R. 3516.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. OWENS:

H.R. 3517.

Congress has the power to enact this legislation pursuant to the following:

Article I, § 8, clause 3 (Commerce Clause).

By Mr. ROGERS of Michigan:

H.R. 3518.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. TOWNS:

H.R. 3519.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution, known as the "General Welfare Clause." This provision grants Congress the broad power "to pay the Debts and provide for the common defense and general welfare of the United States."¹

¹Please note, pursuant to Article I, section 8, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. YOUNG of Alaska:

H.R. 3520.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MURPHY of Connecticut.

H.R. 100: Mr. KING of Iowa and Mr. YOUNG of Alaska.

H.R. 115: Mr. MCGOVERN.

H.R. 190: Ms. MCCOLLUM and Mr. MCGOVERN.

H.R. 200: Mr. LEWIS of California.

H.R. 265: Mr. RANGEL and Mr. SCOTT of Virginia.

H.R. 363: Mr. SHERMAN.

H.R. 365: Mr. DANIEL E. LUNGREN of California.

H.R. 376: Mr. JACKSON of Illinois.

H.R. 452: Mrs. MYRICK and Mr. FRANK of Massachusetts.

H.R. 459: Mr. CRAVAACK and Mr. LANDRY.

H.R. 487: Ms. LEE of California.

H.R. 640: Mr. ENGEL, Mrs. MALONEY, and Mr. LEWIS of Georgia.

H.R. 719: Mr. ROE of Tennessee.

H.R. 721: Mr. CRAVAACK and Mrs. BLACKBURN.

H.R. 787: Mr. HUIZENGA of Michigan.

H.R. 807: Mr. LOEBACK.

H.R. 809: Mr. MORAN.

H.R. 835: Mr. PAYNE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 860: Mr. LAMBORN, Mr. DENT, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. TERRY, Mr. REYES, and Ms. EDWARDS.

H.R. 890: Ms. HIRONO and Mr. RUPPERSBERGER.

H.R. 891: Mr. WALZ of Minnesota.

H.R. 993: Mr. MILLER of Florida.

H.R. 996: Mr. RAHALL.

H.R. 1145: Mr. MCCOTTER.

H.R. 1148: Ms. JENKINS, Mr. HONDA, Mrs. HARTZLER, Mr. ISRAEL, Mr. SCHRADER, Mr. WOLF, Ms. MATSUI, Mr. SIRES, Ms. FUDGE, Mr. LANCE, Mr. RUPPERSBERGER, Mr. CICILLINE, Ms. CASTOR of Florida, Mr. GERLACH, Mr. DUNCAN of South Carolina, Mr. LABRADOR, Mrs. MYRICK, and Mr. STARK.

H.R. 1161: Mr. CARSON of Indiana.

H.R. 1164: Mr. LONG and Mr. THORNBERRY.

H.R. 1219: Mr. BARTON of Texas.

H.R. 1244: Mr. CARSON of Indiana and Mr. SENSENBRENNER.

H.R. 1295: Ms. CASTOR of Florida.

H.R. 1307: Mr. LONG.

H.R. 1350: Mr. JONES.

H.R. 1370: Mr. DUNCAN of Tennessee and Mr. JOHNSON of Ohio.

H.R. 1394: Ms. MATSUI, Mr. GUTIERREZ, Mr. LYNCH, Mr. WATT, Mr. BUTTERFIELD, Mr. PAYNE, Mrs. MALONEY, Mr. COSTA, Mr. HINOJOSA.

H.R. 1426: Ms. DEGETTE and Mr. TURNER of Ohio.

- H.R. 1449: Ms. CLARKE of New York and Ms. ROYBAL-ALLARD.
H.R. 1488: Ms. HAHN.
H.R. 1509: Mrs. MYRICK.
H.R. 1511: Mr. MCINTYRE.
H.R. 1513: Mrs. DAVIS of California, Mr. PAYNE, Mr. LANCE, Mr. WELCH, Mr. DOYLE, and Mr. DAVIS of Illinois.
H.R. 1558: Mr. BASS of New Hampshire.
H.R. 1621: Mr. AUSTIN SCOTT of Georgia.
H.R. 1653: Mr. BISHOP of Georgia and Mr. KINGSTON.
H.R. 1704: Ms. CASTOR of Florida.
H.R. 1718: Mr. ROSS of Florida.
H.R. 1744: Mrs. MYRICK, Mr. AMODEI, and Mr. YODER.
H.R. 1776: Mr. JOHNSON of Georgia.
H.R. 1792: Mr. JOHNSON of Ohio.
H.R. 1798: Mr. HURT.
H.R. 1809: Mr. BISHOP of New York.
H.R. 1815: Mrs. BONO MACK.
H.R. 1821: Mr. HOLT.
H.R. 1834: Mr. CASSIDY and Mr. WESTMORELAND.
H.R. 1903: Mr. HOLT and Mr. DOYLE.
H.R. 1905: Ms. PINGREE of Maine and Mr. RICHMOND.
H.R. 1956: Mr. LABRADOR and Mr. BERG.
H.R. 1988: Mr. VAN HOLLEN.
H.R. 2012: Mr. HONDA.
H.R. 2014: Mr. YOUNG of Alaska.
H.R. 2071: Ms. DEGETTE.
H.R. 2077: Mr. YOUNG of Indiana.
H.R. 2082: Mr. ROTHMAN of New Jersey.
H.R. 2139: Mr. BOUSTANY, Ms. JACKSON LEE of Texas, and Ms. DELAURO.
H.R. 2161: Mr. STARK.
H.R. 2185: Mr. STARK and Mr. HASTINGS of Florida.
H.R. 2248: Mr. KILDEE and Mr. PLATTS.
H.R. 2299: Mr. SIMPSON and Mr. SMITH of Nebraska.
H.R. 2342: Mr. RAHALL.
H.R. 2408: Mr. AMODEI.
H.R. 2412: Mrs. MALONEY and Ms. SCHAKOWSKY.
H.R. 2414: Mr. LONG, Mr. CRAVAACK, Mr. HANNA, Mr. COBLE, and Mr. BRADY of Texas.
H.R. 2459: Mr. SOUTHERLAND.
H.R. 2479: Mr. LARSON of Connecticut, Mr. NEAL, and Mr. BRALEY of Iowa.
H.R. 2513: Mrs. LOWEY.
H.R. 2528: Mr. DUNCAN of South Carolina.
H.R. 2569: Mr. REED, Mr. MARCHANT, Mr. MICHAUD, Ms. ESHOO, and Mr. CLEAVER.
H.R. 2580: Mr. HOLT, Mr. HIGGINS, and Mr. CROWLEY.
H.R. 2643: Mr. KUCINICH.
H.R. 2672: Mr. THOMPSON of Pennsylvania.
H.R. 2674: Mr. COHEN.
H.R. 2730: Mr. McDERMOTT and Mr. GUTIERREZ.
H.R. 2733: Mr. KISSELL.
H.R. 2735: Mr. LARSON of Connecticut.
H.R. 2742: Ms. RICHARDSON and Ms. SEWELL.
H.R. 2815: Ms. LEE of California.
H.R. 2827: Mr. QUAYLE, Mr. GARY G. MILLER of California, and Mrs. ELLMERS.
H.R. 2828: Mr. GARAMENDI.
H.R. 2866: Ms. SLAUGHTER.
H.R. 2885: Mr. AMODEI.
H.R. 2899: Mr. DUNCAN of South Carolina.
H.R. 2918: Mr. RANGEL.
H.R. 2948: Mr. MILLER of North Carolina and Mr. HIMES.
H.R. 2955: Ms. PINGREE of Maine.
H.R. 2966: Mr. KILDEE, Mr. COHEN, Mr. COURTNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TURNER of New York, and Mr. DAVIS of Illinois.
H.R. 2980: Mr. FILNER.
H.R. 2982: Mr. McCOTTER, Mr. NADLER, and Mr. POSEY.
H.R. 3032: Mr. MURPHY of Pennsylvania.
H.R. 3046: Ms. HAHN.
H.R. 3059: Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. HOLT, Mr. GARAMENDI, Mr. WALZ of Minnesota, and Mr. McCOTTER.
H.R. 3066: Mr. PETRI.
H.R. 3074: Mr. TURNER of New York.
H.R. 3083: Mr. DIAZ-BALART.
H.R. 3145: Mr. PALLONE, Mrs. NAPOLITANO, and Mr. PASCRELL.
H.R. 3154: Mr. PETRI.
H.R. 3158: Mr. KLINE.
H.R. 3178: Ms. NORTON, Mr. HINCHEY, and Ms. DELAURO.
H.R. 3180: Mr. MCGOVERN.
H.R. 3200: Mrs. MCCARTHY of New York.
H.R. 3244: Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. FLORES, Mr. RIBBLE, and Mr. POSEY.
H.R. 3271: Ms. MOORE, Ms. LEE of California, Ms. SLAUGHTER, and Mr. GRIJALVA.
H.R. 3278: Ms. RICHARDSON.
H.R. 3286: Ms. LINDA T. SANCHEZ of California, Mr. CLARKE of Michigan, Mr. CARSON of Indiana, and Mrs. MALONEY.
H.R. 3307: Mr. YOUNG of Alaska, Mr. BARTLETT, Mr. WELCH, and Ms. SEWELL.
H.R. 3308: Mr. DUNCAN of South Carolina and Mr. ROSS of Florida.
H.R. 3309: Mr. BARTON of Texas, Mr. TERRY, Mr. BASS of New Hampshire, Mrs. BLACKBURN, and Mr. SCALISE.
H.R. 3310: Mrs. BLACKBURN, Mr. BASS of New Hampshire, Mr. TERRY, Mr. LANCE, and Mr. KINZINGER of Illinois.
H.R. 3316: Mr. CLARKE of Michigan, Mr. POLIS, and Ms. JACKSON LEE of Texas.
H.R. 3317: Mr. CLARKE of Michigan, Mr. POLIS, and Ms. JACKSON LEE of Texas.
H.R. 3346: Mr. WAXMAN, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. CAPUANO, Mr. FATTAH, Mr. PIERLUISI, Mr. SRES, Mr. ELLISON, Ms. FUDGE and Mr. LARSON of Connecticut.
H.R. 3357: Mr. STARK, Mr. FARR, Mr. OLVER, and Mr. SHULER.
H.R. 3364: Mr. MORAN, Mr. ACKERMAN, Ms. ESHOO, and Mr. KING of Iowa.
H.R. 3365: Mr. DEFazio.
H.R. 3366: Mr. BOUSTANY and Mr. REICHERT.
H.R. 3368: Ms. SLAUGHTER, Mr. BRALEY of Iowa, and Mr. DEFazio.
H.R. 3371: Mr. MCINTYRE and Mr. JOHNSON of Georgia.
H.R. 3379: Mrs. McMORRIS RODGERS and Mr. PETERSON.
H.R. 3393: Ms. WASSERMAN SCHULTZ.
H.R. 3405: Mr. CARSON of Indiana, Mr. LOBBSACK, and Mr. RYAN of Ohio.
H.R. 3409: Mr. SHUSTER.
H.R. 3421: Mr. MEEHAN, Mr. FILNER, Mr. PRICE of Georgia, Mr. NADLER, Mr. KING of New York, Mrs. McMORRIS RODGERS, Mr. PAULSEN, Ms. MOORE, Mr. PRICE of North Carolina, Mr. PIERLUISI, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SCHWARTZ, Mrs. LUMMIS, Mr. FORTENBERRY, Mr. COLE, Mr. CULBERSON, Mr. COURTNEY, Ms. HERRERA BEUTLER, Mr. WOMACK, Ms. NORTON, Mr. TERRY, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FATTAH, Mr. SCHOCK, Mr. BOREN, Mr. RYAN of Wisconsin, Mr. DENT, Mr. RANGEL, Mr. TONKO, Mrs. ELLMERS, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. DIAZ-BALART, Mr. COHEN, Mrs. MILLER of Michigan, Mr. BARLETTA, Mr. REED, Mr. BOUSTANY, Mr. ROKITA, Mr. TOWNS, Mr. LONG, Mr. LARSON of Connecticut, Mr. RUSH, Mr. SESSIONS, Mr. DOLD, Mr. HULTGREN, Mr. MILLER of Florida, Mr. PITTS, Mr. GERLACH, Mr. JOHNSON of Ohio, Mr. LABRADOR, Mr. AUSTRIA, Mr. ELLISON, Mr. RENACCI, Mr. MANZULLO, Mr. QUIGLEY, Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, and Mr. DAVID SCOTT of Georgia.
H.R. 3437: Ms. SLAUGHTER, Mr. SABLAN, and Mr. CARNAHAN.
H.R. 3462: Mr. CONYERS.
H.R. 3466: Mr. JACKSON of Illinois.
H.R. 3476: Mr. BILIRAKIS and Mr. OWENS.
H.R. 3485: Mr. WAXMAN, Mr. PRICE of North Carolina, Ms. HAHN, and Ms. BERKLEY.
H.R. 3486: Mr. BOSWELL, Mr. CHABOT, Ms. DELAURO, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MCGOVERN, and Ms. NORTON.
H.R. 3490: Mr. GRIJALVA.
H.J. Res. 88: Mr. FILNER and Mr. BLUMENAUER.
H. Con. Res. 63: Mr. COLE.
H. Con. Res. 85: Mrs. NAPOLITANO and Mr. HONDA.
H. Res. 298: Mr. HONDA, Mr. HARPER, Mr. KISSELL, and Mr. SHIMKUS.
H. Res. 364: Mr. BILBRAY, Mr. VISCLOSKEY, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUPPERSBERGER, Ms. SEWELL, Mr. BOUSTANY, Mr. BURGESS, Mr. SCOTT of Virginia, Ms. VELAZQUEZ, Mr. NEAL, Mr. CRENshaw, Mr. GINGREY of Georgia, Mr. ROGERS of Kentucky, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. FLEISCHMANN, Mr. ROHRBACHER, Mr. LOBIONDO, Mr. SMITH of Texas, Mr. STEARNS, Mr. BUCHANAN, Mr. CRAVAACK, Mr. CANSECO, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. BUCSHON, Mr. LAMBORN, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. POSEY, Mr. DREIER, Mr. MULVANEY, and Mr. SMITH of Nebraska.
H. Res. 376: Mr. POE of Texas, Ms. BASS of California, Mr. ROYCE, Mr. MARINO, Mr. SHERMAN, Mr. PETERSON, Mr. MCGOVERN, Mr. SAM JOHNSON of Texas, and Mr. KELLY.
H. Res. 397: Mr. COHEN, Mrs. MALONEY, and Mr. FALCOMAYAGA.
H. Res. 433: Mr. YOUNG of Alaska.
H. Res. 474: Mr. SABLAN, Mr. ISRAEL, and Ms. BORDALLO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SENATE—Tuesday, November 29, 2011

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, source of all life, may Your power be felt today in the Senate. Strengthen our Senators with Your might, infusing them with faith to look beyond today's challenges with confidence that You are still in control. Impart them with knowledge that will enable them to find creative solutions to the problems that beset us. Keep Your hand upon all the citizens of this great land, protecting them from evil as You guide them along the pathway of life. Help us to remember that we should be one in purpose, seeking the best for our Republic.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, November 29, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following any leader remarks, the Senate will be in a period of

morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the Department of Defense Authorization Act.

The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

The filing deadline for all first-degree amendments to the Defense authorization bill is 2:30 p.m. today.

We will continue to work through the amendments. The managers of this bill, Senator LEVIN and Senator MCCAIN, are certainly experienced with this bill and the legislative processes, and they are going to do their best to move through this process as quickly as possible. We will notify Members when there are votes scheduled. We should be able to have a few votes today—at least I would hope so.

MEASURE PLACED ON THE CALENDAR—S. 1917

Mr. REID. Mr. President, I am told S. 1917 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1917) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

MIDDLE-CLASS TAX CUTS

Mr. REID. The Senate Democrats' No. 1 priority of this Congress is to pass commonsense legislation; for example, tax cuts and infrastructure investments, all these ideas we have to put Americans back to work and revive our economy. The Republicans in the House, on the other hand, are focused on gutting the safeguards to keep our air clean, make workplaces safe, and check the greed of big Wall Street firms.

Never mind that wholesale destruction of measures which save millions of lives and trillions of dollars each year have no chance of passing. Never mind that nonpartisan experts and economists on both sides of the aisle say the so-called jobs agenda will not create a single job. House Republicans have

complained we have not taken up and passed these policies, which would risk American lives while doing nothing to improve our economy. They insist we should waste weeks or months on legislation that is both dangerous and proven to fail.

But the Senate has too much work to do on legislation that would create jobs without risking American lives to waste time on these ineffectual, purely partisan measures. Our jobs agenda was designed to create jobs, not headlines.

In any case, the Senate has passed its own share of legislation—40 pieces, in fact—that have yet to be taken up by the House Republican leaders. The Senate has passed legislation that would stop China from cheating American workers by manipulating its currency, evening the playing field for American exporters and saving jobs.

We passed a bill to modernize the air travel system. The FAA reauthorization is so important, creating hundreds of thousands of jobs but would also keep passengers safer and save money on travel time.

We passed a measure that would protect lives by keeping our foods safe from contamination. The House Republicans are refusing to take up these, period. The House Republicans blocked many reasonable jobs proposals with a proven track record of success. They are simply too busy rooting for our economy to fail and pursuing an extreme social agenda to work with Democrats to create jobs. That will not stop the Democrats from doing everything in our power to get the economy back on track. That is why Senator CASEY has worked to put money back into the pockets of middle-class workers and small businesses by extending and expanding the payroll tax cut.

This legislation cuts taxes for 160 million American workers, saving the average family \$1,500 each year. Those families will have more money to spend on their local economy, grocery stores, pharmacies, and giving communities across the country a financial shot in the arm.

The proposal would give payroll tax cuts to businesses, including 50,000 businesses in Nevada. More than 1.2 million Nevada workers would benefit from the payroll tax cut this year. Under our proposal, they will get even greater tax relief next year.

Payroll tax cuts have been a boon to the economy in every State in the Nation. In Kentucky, for example, the home of my friend the minority leader, 2.1 million workers took home \$1.2 billion in payroll tax cuts this year alone.

That is why the minority leader said in 2009 that a payroll tax cut “would put a lot of money back in the hands of businesses and in the hands of individuals.” The average Kentucky family will keep \$1,330 of their hard-earned money next year under our expanded payroll tax credit, and 70,000 firms in Kentucky will benefit from these tax cuts.

Senator McCONNELL said in 2009: “Republicans, generally speaking, from Maine to Mississippi, like tax relief.” Yet the Republicans already appear poised to block this legislation.

Let’s be clear on what a “no” vote on this proposal means. It is a vote to deny tax relief to millions of businesses. It is a vote to raise taxes for 120 million families by nearly \$1,000. The Republicans who vote no will literally be taking money out of the pockets of middle-class families.

Once upon a time, Republicans rushed to cut taxes, regardless of which tax cut it was and whether it added trillions to the deficit. For example, the Bush tax cuts that we hear so much about added trillions of dollars to our deficit—and it is obvious what was going on during the Bush cuts—and now these tax cuts have not created jobs that amount to anything. Today, they are lining up against a new tax cut, my Republican friends, to put money back in the pockets of the middle class, ensure that businesses have more cash to hire new workers and get our economy moving immediately.

I hope Republicans will now start working with us to pass a tax cut for 160 million American workers and nearly every business in America. As my friend the Republican leader said: “Republicans, generally speaking, from Maine to Mississippi, like tax relief.” I hope they remember what the Republican leader said time and time again.

Will the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

TRIBUTE TO MAGGIE DALEY

Mr. DURBIN. Mr. President, I would like to take a few moments in the Sen-

ate to pay tribute to a remarkable woman. Maggie Daley served with dignity and grace for 22 years as Chicago’s first lady. She died on Thanksgiving evening after a nearly decade-long struggle with breast cancer. She was at home, surrounded by her loving family. There is a sad but fitting poignancy to the date. People in Chicago and far beyond have so many reasons to be thankful for the life of this exceptional woman. Maggie Daley was an adopted daughter of Chicago, but no native-born Chicagoan could have loved the city more or served it better.

Last May, as her husband Rich prepared to step down as Chicago’s mayor, the Chicago Tribune wrote an article about what Maggie Daley meant to Chicago. The first paragraph put it well: “There has never been and may never be a Chicago first lady of greater impact, influence and inspiration than Maggie Daley.”

Maggie was smart, funny, tireless, amazingly modest, and deeply compassionate. She was also a very private person. Yet she still managed to touch the lives of so many people. The love Chicagoans feel for Maggie Daley was reflected in the faces of the people who waited in a line over a block long, in the rain, this last Sunday, to attend her wake at the Chicago Cultural Center—incidentally, a building which she worked hard to restore.

I stood in that line and talked to many people. Some of them I knew from my public life and their public lives but many just private citizens, some of whom had met her briefly, some who had worked with her for years, but they all came to pay tribute to her. Among them was Hazel Holt, 74 years old. The Chicago Tribune described Mrs. Holt as a person who decided to drive:

... downtown in her church finery from the Gresham neighborhood on the South Side, absorbed the cost of parking, rode the bus and then walked on a damp, chilly November day to the wake.

Mrs. Holt said Maggie Daley “built connections to the city’s people with her commitment to charities assisting children, as well as her public poise in the face of cancer that would claim her life.” She went on to say to the reporter:

I just loved this lady. I wish I had one-quarter of her grace. She was a role model for a lot of us.

That is a feeling shared by many of us in Chicago and beyond. Upon hearing of Maggie’s death, Nancy Brinker, the founder and CEO of the Susan G. Komen Foundation for the Cure, said: “We’ve lost a real general.”

Loretta and I were blessed to have known Maggie personally, and Rich has been my friend, colleague, and even boss for decades. Yesterday morning, I attended Maggie’s funeral at the old St. Patrick’s Church in the neighborhood parish in Chicago. I remember the

last mass I attended there with Maggie and Rich Daley. It was St. Patrick’s Day. It is a big day in Chicago on St. Patrick’s Day and ground zero for the celebration of old St. Pat.

It was clear Maggie’s health was flagging. She had to sit through most of the service. She came to the front pew in a wheelchair. But all those struggles were quickly forgotten as her children and grandkids were seated next to her, and we heard from the back of the church, after the mass, that sound we all waited for, the famous Shannon Rovers bagpipe band from the Bridgeport section of Chicago. They came marching up the center aisle with those bagpipes blasting. It is a moment I will never forget. Maggie’s grandkids were nervously waiting, expectantly waiting for the sound of the bagpipes, scrambling all over the pew and all over Maggie and Rich to get to the point where they could peer out down the center aisle to watch the bagpipers come away.

I looked at Maggie and Rich at that moment and I saw them beaming with the kind of joy that loving parents and grandparents just live for. Maggie was a patron saint of social causes, but her deepest convictions were to God and family. Maggie and Rich Daley had been blessed with four children: Patrick, Nora, Kevin, and Lally. Years ago, she made her husband keep a promise to reserve Sundays exclusively for private family time. So the bottom line was this: One could ask Mayor Daley 6 days of the week to go anywhere in Chicago or anywhere else but Sunday, no way. He made a promise to Maggie that that was family day. It is a promise he always kept, and we respect him for it.

Two weeks ago, the family announced that their youngest daughter Lally had moved the date of her wedding from New Year’s Eve to late November so Maggie could attend. It was a signal that the end was near, but she was at that wedding. There she was in her wheelchair with that irrepressible smile, a beaming mother, celebrating her daughter’s happiness. It is quintessential Maggie.

Part of the reason Maggie Daley found such joy in life is that she understood what a fragile gift life can be. In 1981, her third child, Kevin, died from spina bifida just shy of his third birthday. After Kevin’s death, she found healing and meaning in reaching out to help others and especially in volunteering to work for kids with disabilities. Someone once called her the godmother of all Chicago’s children. Mayor Rahm Emanuel said on her passing that Mayor Rich Daley may have been the head of the city, but Maggie Daley was the heart of Chicago.

In 1991, Maggie and Lois Weisberg, Chicago’s long-time Commissioner of Cultural Affairs and an icon in her own right, began something called Gallery

37. There was an abandoned piece of real estate in the middle of downtown Chicago that had been lost in legal and court battles for decades. So Maggie and Lois decided to set up a tent on this old plot of land that was sitting vacant and create Gallery 37, which was an art gallery for kids. All across Chicago they invited kids—grade school and high school—to submit their artwork. We all went down there for the joy of that moment, of seeing the kids and the pride they had, and some of the magnificent artwork they produced, all because Maggie and Lois decided here was an opportunity they couldn't miss.

That program later morphed or matured into an amazing program called After School Matters. Maggie thought: If I can occupy these kids with art and music and drama and theater and chorus during the school year, let's do it after school—a vulnerable time for many kids. So over two decades, Maggie Daley nurtured the artistic talents of thousands of Chicago high school students and became a model for programs in many cities across the country and as far away as London and Australia.

The last time Maggie was in this building was in my office. She came upstairs to visit and to lobby me for money for After School Matters. Needless to say, she won my vote and my support.

Maggie Daley believed that art could change lives. She believed that artistic talent could exist in children from the Robert Taylor Homes in Chicago as surely as it could from children in better, more wealthy neighborhoods, and that all young people should have the opportunity to develop their talents together. That is why After School Matters has become such an amazing program.

Maggie Daley also served on the auxiliary board of the Art Institute and the Women's Board of the Rehabilitation Institute of Chicago. She was a very busy person.

It was a happy accident that Maggie Daley came to Chicago. Margaret Ann Corbett Daley was born and grew up in a suburb of Pittsburgh. She was the youngest of Patrick and Elizabeth Corbett's seven kids and their only girl. After graduating in 1965 from the University of Dayton, she entered a management training program for Xerox and her job took her to Chicago. She promised her dad she was going to stay in Chicago for 2 years and then come back to Pittsburgh. But in 1970 she met a young attorney named Rich Daley at a Christmas party. They decided to date, got engaged, and were married for nearly 40 years.

The average survival rate for Maggie's form of breast cancer that has spread beyond the breast and lymph nodes is very brief. Maggie Daley lived with this incurable illness for 9 years.

Her doctors called it a medical miracle. She endured years of painful treatments and faced her cancer with courage, dignity, grace, and good humor. As the cancer progressed, she relied on crutches, a walker, and eventually even a wheelchair, but the smile never quit.

She donated generously to help open the Maggie Daley Center for Women's Cancer Care at Northwestern Memorial Hospital last year. The center helps other women facing cancer by providing access to doctors and important support services.

Loretta and I obviously offer our deepest condolences to Rich Daley, his wonderful children and their families—all of the Daley children and grandchildren. We trust that time and treasured memories will ease the great sorrow they obviously feel. They can also take comfort in knowing that the legacy of Margaret Corbett Daley can be seen and felt all over her adopted city of Chicago.

Maggie Daley's dedication to the arts will continue in part through the work of her daughters, Nora Daley Conroy, who chairs Chicago's Cultural Affairs Advisory Committee, and, of course, Lally, who will continue in her mom's tradition. Her commitment to education will live on in the lives of the young people she has touched. Her courage will endure in women she inspired who can now find medical care at the center she helped establish.

Maggie Daley was a modest person. She didn't like to talk about herself; she preferred speaking of others. Two years after she was diagnosed with cancer, she gave an interview to the Chicago Sun Times in which she hinted about how she felt about the future. This is what she said:

I try not to waste any time. At the end of the day, what's important is if you think that the people around you have maybe had a better day because of some of the things you've done.

By that standard and so many others, Maggie Daley lived a good and full life. She did much good, and she will be greatly missed.

PAYROLL TAX CUT EXTENSION

Mr. DURBIN. Mr. President, I will only take a moment to say that we have an opportunity now, before we leave for Christmas, to not forget people across America who are struggling in this economy.

A payroll tax cut, instituted by President Obama and supported by Congress, basically gives more working families a little bit extra money each month. For the average working family in Illinois, it is about \$1,500 a year. For some of us in the Senate, that may not seem like an enormous sum of money, but for families struggling paycheck to paycheck it makes a big difference.

We need to make certain we restore this payroll tax cut which is going to

expire at the end of this year. How terrible it would be for us to impose an additional burden on working families, to impose a new payroll tax on working families when they are struggling in this economy that needs their spending power. Every economist taking a look at this has said the two best things Congress can do to help this economy move forward and not fall back is to make sure this payroll tax cut is protected and that this new payroll tax is not imposed on families; and, secondly, to extend unemployment benefits for the millions across America who are still struggling to find a job.

We need to call on our colleagues—Democrats and Republicans. For goodness sake, how can we in good conscience go home to celebrate the holiday season with our families and say to the millions of working families across America: Incidentally, on January 1, your taxes are going up. That is wrong. It is not fair. Whatever our rationale politically, it makes no sense in the family rooms and neighborhoods of America that we would impose a new payroll tax on working families who are working so hard to keep their heads above water. Before we leave, let us follow the lead of Senator BOB CASEY of Pennsylvania who is sponsoring this legislation. Let us extend this payroll tax cut to help working families and help our economy. We should not go home for Christmas without that extension and without some help when it comes to extending unemployment benefits.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

CLARIFYING CONGRESSIONAL INTENT

Mr. PRYOR. Mr. President, I come to the floor today to talk about CPT Samson Luke, 33 years old, who lived in Greenwood, AR.

Captain Luke was one of those people who had many options in life. Fortunately for us, he made the decision to serve his country, and he did so with distinction. He was a field artillery officer who served on active duty in the Army from 2000 to 2007. Afterwards, he served in the Arkansas National Guard where he was a commander of the HHB 1-142nd field artillery. Here is a photo of him with his family. His family was very important to him.

He had been to Iraq on two different deployments, after which he was awarded the Bronze Star. As I said, he elected to stay on with the Arkansas National Guard. He served with distinction there. He told his wife, who is pictured here, that he felt he was truly at his best when he was leading men.

I want to talk about him for a moment because, quite frankly, the bean counters over at the Pentagon are trying to save a little money at his family's expense. So I want to talk about

his passing away on January 10 of 2010—less than a year ago. It was a weekend where he was doing his required training weekend. He was authorized, because he lived so close to the post, to spend Saturday night with his wife and his four young children at his home instead of staying on the post. In fact, he wasn't authorized to stay on the post because he was so close to home. He had to be off post. The idea was he would return to the post the next morning and finish up his weekend on that Sunday, but he never woke up. While dealing with this tragedy, his wife was informed that her family would not receive his death benefits. From my standpoint, this is a classic case of getting pencil whipped by the government.

The Arkansas National Guard has stepped up. They have done everything they could do. They have run it through all the proper channels. They have been very supportive of making sure that Captain Luke's family gets his death benefits. I feel as though—and people in the Guard do as well—that they are entitled to have the death benefits, but it is out of their hands. The law states that death benefits are allocated if a soldier dies while remaining overnight at or “in the vicinity of the site of the inactive duty training.”

What I want to do with my amendment I am offering through the Defense authorization bill is clarify Congress's intent and make sure that the very tiny number of people who are in his shoes and his family will be entitled to these death benefits.

I spent a year working on this issue with the Army and with the Department of Defense and, again, the Arkansas National Guard has stepped up and they have been great, but we are at a standstill over the DOD's interpretation of “vicinity.”

This is an important point that I want my colleagues to understand: Had Captain Luke stayed on base or had he stayed at a hotel at the taxpayers' expense or had he been traveling to or from his post—his training—the family would receive these benefits. In fact, the Guard has a policy that if a guardsman lives within so many miles of the post, he or she cannot stay on the post, they have to go home. They don't have arrangements for a person to stay there. They want the person to go home. This saves the government money by not putting people up in a hotel or whatever else they may have to do. When a person is on a National Guard training weekend, as Captain Luke was, that person is under orders for 48 continuous hours. Wherever they are sleeping, wherever they are traveling, whatever they are doing, they are on orders; they are on duty.

Captain Luke was on duty when he died. In fact, if his colonel had called him at 1 o'clock in the morning and

said get over here, we need your help on something, he would have had to go over there. He was on duty. He was on orders. He would have done that. In fact, he would have gladly stayed on the post had they had provisions for him to do that, but it worked out in this case that he was able, because he lived so close, to stay with his wife and family.

Also, let me say this: Had he been on orders and gotten out—which, of course, would never have happened to him—but had a soldier like him gotten out and had he done something such as had a DUI that night, that soldier would have been subject to the code of military justice because he was on orders. But, nonetheless, Captain Luke died when he was on orders, and now the Pentagon is trying to deny him his death benefits.

What my amendment does is clarify congressional intent to ensure that servicemembers who live in the area or in the vicinity of their training site can return home to their families in the evening without losing benefits. Again, they are on orders; they remain on orders. This doesn't change anything along those lines; it just clarifies congressional intent. This is a gray area. We are trying to clarify the congressional intent.

This amendment will not bring back the Luke children's father and their mother's husband, but it will give them the benefits to which they are entitled.

I think we can do better for our soldiers' families. When we look at Miranda, Miller, Macklin, Larkin, and Landis Luke in this photograph, we know that this is a very patriotic family and this is a group of people who should be compensated for his loss.

Abraham Lincoln once said: “To care for him who shall have borne the battle and for his widow, and his orphan,” and those words apply in this instance. Captain Luke was serving his country to the fullest and his family should be granted the benefits associated with the death of a servicemember.

I am fighting on behalf of Captain Luke and his family and for others in a similarly situated circumstance to clarify that when a person is on orders when they are doing their National Guard training, they are entitled to death benefits wherever they happen to be laying their head at that particular time.

One last word on this. We don't know exactly how much this will cost, but it will not be very much money.

Someone estimated—I do not think it is an official CBO score, but someone estimated it would probably cost \$1 million—that is with an “m”—over 10 years. This is budget dust. This is so small, it is almost laughable, but it is so meaningful to this family and maybe others who in the future will find themselves in this situation.

So I would like to ask my colleagues to consider supporting the Pryor

amendment. That is amendment No. 1151. I would love to work with the bill managers to see if we might get it into a managers' package and/or, if we have to, request a rollcall vote.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

COLONEL RANDALL L. KOEHLMOOS

Mr. JOHANNES. Mr. President, I rise today to honor a great American military leader from Nebraska, Colonel Randall L. Koehlmoos, U.S. Army.

Colonel Koehlmoos died in Jakarta, Indonesia, where he was the Chief of the Office of Defense Cooperation at our U.S. Embassy.

Officers in the U.S. Army have many roles. We most often recognize those who lead soldiers in combat. Others are assigned to protecting and promoting vital American interests throughout the world. During a notable career, Colonel Koehlmoos served with equal skill and commitment in both roles.

His life of public service began early when a high school art teacher invited him to attend a National Guard drill. Randy was hooked. After joining the Nebraska Army National Guard, he attended the University of Nebraska and earned an officer's commission through the ROTC program. He spent much of his early career with the famed 82nd Airborne Division, where he became a master parachutist with over 100 jumps. He led a platoon during the 1991 gulf war and later a company during NATO operations in Bosnia-Herzegovina.

The diplomatic side of the colonel's career emerged in the 1990s. Not satisfied with what many consider easy assignments in U.S. Embassies, he immersed himself in history, culture, and language. He would become fluent in four foreign languages and attend the Pakistan Army Staff College. A crowning achievement for Colonel Koehlmoos—beyond leading soldiers in combat—was writing a major article about relations between the United States and Pakistan. His article, titled “Positive Perceptions to Sustain the U.S.-Pakistan Relationship,” was published in the prestigious Army War College quarterly *Parameters*.

The decorations and badges earned during his distinguished service speak to his dedication and his skill: Defense Superior Service Medal, Bronze Star, NATO Medal, Army Commendation Medal, Armed Forces Expeditionary

Medal, Global War on Terrorism, Meritorious Unit Citation, and several foreign nation awards. He was perhaps most proud of having earned the Master Parachutist Badge.

Colonel Koehlmoos was known to be a no-nonsense individual. He was always focused on the mission. But Randy had a soft spot. An unrelenting spiritual love of family dwelled inside this stoic, professional Army officer. His wife Tracey and his sons Robert and Michael and David meant absolutely everything to him. The colonel's larger family extended through his parents Larry and Karen Koehlmoos of Norfolk, Nebraska, to friends and colleagues around the world who revered his strength, compassion and leadership.

Today, I ask that God be with the family of Colonel Randall Koehlmoos. Their faith is strong, and I pray it brings them peace at this very difficult time. And may God bless all those serving in uniform and bless their families.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING CONSTITUTIONAL LIBERTIES

Mr. PAUL. Mr. President, James Madison, the father of the Constitution, warned:

The means of defense against foreign danger historically have become instruments of tyranny at home.

Abraham Lincoln had similar thoughts saying:

America will never be destroyed from the outside. If we falter, and lose our freedoms, it will be because we destroyed ourselves.

During war there has always been a struggle to preserve constitutional liberties. During the Civil War, the right of habeas corpus was suspended. Newspapers were closed down. Fortunately, these rights were restored after the war. The discussion now to suspend certain rights of due process is especially worrisome given that we are engaged in a war that appears to have no end. Rights given up now cannot be expected to return.

So we do well to contemplate the diminishment of due process knowing that these rights we give up now may never be restored. My well-intentioned colleagues' admonitions in defending provisions of this Defense bill say we should give up certain rights: the right to due process. Their legislation would arm the military with the authority to detain indefinitely, without due process or trial, people suspected of asso-

ciation with terrorism. These would include American citizens apprehended on American soil.

I want to repeat that. We are talking about people who are merely suspected of terrorism or suspected of committing a crime and have been judged by no court. We are talking about American citizens who could be taken from the United States and sent to a camp at Guantanamo Bay and held indefinitely.

This should be alarming to everyone watching this proceeding today because it puts every single American citizen at risk. There is one thing and one thing only that is protecting American citizens, and that is our Constitution, the checks we put on government power. Should we err today and remove some of the most important checks on State power in the name of fighting terrorism, well, then, the terrorists have won.

Detaining citizens without a court trial is not American. In fact, this alarming arbitrary power is reminiscent of what Egypt did with its permanent emergency law. This permanent emergency law allowed them to detain their own citizens without a court trial. Egyptians became so alarmed at that last spring that they overthrew their government.

Recently, Justice Scalia affirmed this idea in his dissent in the Hamdi case saying:

Where the government accuses a citizen of waging war against it, our constitutional tradition has been to prosecute him in Federal court for treason or another crime.

Scalia concluded by saying:

The very core of liberty secured by our Anglo Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive.

Justice Scalia was, as he often does, following the wisdom of our Founding Fathers. As Franklin wisely warned:

Those who give up their liberty for security may wind up with neither.

Really, what security does this indefinite detention of Americans give us? The first and flawed premise, both here and in the badly misnamed PATRIOT Act, is that our pre-9/11 police powers were insufficient to stop terrorism. This is simply not borne out by the facts. Congress long ago made it a crime to provide or conspire to provide material assistance to al-Qaida or other foreign terrorist organizations.

Material assistance includes virtually anything of value: legal, political advice, education, books, newspapers, lodging, or otherwise. The Supreme Court sustained the constitutionality of this sweeping prohibition. We have laws on the books that can prosecute terrorists before they commit acts of terrorism. Al-Qaida adherents may be detained, prosecuted, and convicted for conspiring to violate the material assistance prohibition. In fact, we have already done this.

Jose Padilla, for instance, was convicted and sentenced to 17 years in prison for conspiring to provide material assistance to al-Qaida. The criminal law does require and can prevent crimes from occurring before they do occur. Indeed, conspiracy laws and prosecutions in civilian courts have been routinely invoked after 9/11 to thwart embryonic international terrorism. In fact, in the Bush administration, Michael Chertoff, then head of the Justice Department's Criminal Division and later Secretary of the Department of Homeland Security, testified shortly after 9/11. He underscored:

The history of this government in prosecuting terrorists in domestic courts has been one of unmitigated success, and one in which the judges have done a superb job of managing the courtroom and not compromising our concerns about security and our concerns about classified information.

We can prosecute terrorists in our courts, and have done so. It is the wonderful thing about our country, that even with the most despicable criminal, murderer, rapist, or terrorist our court systems do work. We can have constitutional liberty and prosecute terrorists. There is no evidence that the criminal justice procedures have frustrated intelligence collection about international terrorism.

Suspected terrorist have repeatedly waived both the right to an attorney and the right to silence. Additionally, Miranda warnings are not required at all when the purpose of the interrogation is public safety. The authors of this bill errantly maintain that the bill would not enlarge the universe of detainees, people held indefinitely. I believe this is simply not the case.

The current authorization for the use of military force confines the universe to persons implicated in 9/11 or who harbored those who were. This new detainee provision will expand the universe to include any person said to be part of or substantially supportive of al-Qaida or the Taliban. But, remember, this is not someone who has been concluded at trial to be part of al-Qaida. This is someone who is suspected.

If someone is a suspect in our country they are usually accorded due process. They go to court. They are not automatically guilty. They are accused of a crime. But now we are saying someone accused of a crime can be taken from American soil. An American citizen accused of a crime, a suspect of a crime, could be taken to Guantanamo Bay. These terms are dangerously vague.

More than a decade after 9/11 the military has been unable to define the earmarks of membership in or affiliation to either al-Qaida or other terrorist organizations. It is an accusation and sometimes difficult to prove.

Some say to prevent another 9/11 attack we must fight terrorism with a

war mentality and not treat potential attackers as criminals. For combatants captured on the battlefield, I agree. But these are people captured or detained in America, American citizens. Mr. President, 9/11 did not succeed because we granted terrorists due process. In fact, 9/11 did not succeed because al-Qaida was so formidable but because of human error. The Defense Department withheld intelligence from the FBI. No warrants were denied. The warrants were not even requested. The FBI failed to act on repeated pleas from its field agents who were in possession of a laptop that may well have had information that may well have prevented 9/11. But no judge ever turned down a warrant.

Our criminal system did not fail. No one ever asked for a warrant to look at Moussaoui's computer in August, a month before 9/11. These are not failures of our law. These are not failures of our Constitution. These are not reasons we should scrap our Constitution and simply send people accused of terrorism to Guantanamo Bay—American citizens. These are failures of imperfect men and women in bloated bureaucracies. No amount of liberty sacrificed at the altar of the state will ever change that.

A full accounting of our human failures by the 9/11 Commission has proven that enhanced cooperation between law enforcement and the intelligence community, not military action or not giving up our liberty at home, is the key to thwarting international terrorism. We should not have to sacrifice our liberty to be safe.

We cannot allow the rules to change to fit the whims of those in power. The rules, the binding chains of the Constitution, were written so it did not matter who was in power. In fact, they were written to protect us and our rights from those who hold power with good intentions. We are not governed by saints or angels. Occasionally, we will elect people, and there have been times in history when those who come into power are not angels. That is why we have laws and rules that restrain what the government can do. That is why we have laws that protect us and say we are innocent until proven guilty. That is why we have laws that say we should have a trial before a judge and a jury of our peers before we are sent off to some prison indefinitely.

Finally, the detainee provisions of the Defense authorization bill do another grave harm to freedom. They imply perpetual war for the first time in the history of the United States. No benchmarks are established that would ever terminate the conflict with al-Qaida, the Taliban, or other foreign terrorist organizations. In fact, this bill explicitly says that no part of this bill is to imply any restriction on the authorization of force.

When will the wars ever end? When will these provisions end? No congres-

sional view is allowed or imagined. No victory is defined. No peace is possible if victory is made impossible by definition. To disavow the idea that the exclusive congressional power to declare war somehow allows the President to continue war forever, at whim, I will offer an amendment to this bill that will deauthorize the war in Iraq. We are bringing the troops home in January. Is there any reason why we should have an open-ended commitment to war in Iraq when the war is ending?

If we need to go to war in Iraq again, we should debate on it and vote on it. It is an important enough matter that we should not have an open-ended commitment to the war in Iraq. The use of military force must begin in Congress. Our Founding Fathers separated those powers and said Congress has the power to declare war, and it is a precious and important power. We should not give that up to the President. We should not allow the President to unilaterally engage in war.

Congress should not be ignored or be an afterthought in these matters and must reclaim its constitutional duties. These are important points of fact. Know good and well that someday there could be a government in power that is shipping its citizens off for disagreements. There are laws on the books now that characterize who might be a terrorist: someone missing fingers on their hands is a suspect according to the Department of Justice, someone who has guns, someone who has ammunition that is weatherproofed, someone who has more than 7 days of food in their house can be considered a potential terrorist.

If someone is suspected by these activities, do we want the government to have the ability to send them to Guantanamo Bay for indefinite detention? A suspect? We are not talking about someone who has been tried and found guilty; we are talking about someone suspected of activities. But some of the things that make us suspicious of terrorism are having more than 7 days' worth of food, missing fingers on their hand, having weatherproofed ammunition, having several guns at their house. Is that enough? Are we willing to sacrifice our freedom for liberty?

I would argue that we should strike these detainee provisions from this bill because we are giving up our liberty. We are giving up the constitutional right to have due process before we are sent to a prison. This is very important. I think this is a constitutional liberty we should not look at and blithely sign away to the Executive power or to the military.

So I would call for support of the amendment that will strike the provisions on keeping detainees indefinitely, particularly the fact that we can now, for the first time, send American citizens to prisons abroad. I think that is a grave danger to our constitutional

liberty. I advise a vote to strike those provisions from the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I listened to the discussion by Senator RAND PAUL, and I understand his theory. Facts are stubborn things, and 27 percent of those who have been released have been back in the fight. That is fact. That is fact. Some of them have assumed leadership positions with al-Qaida. That is fact.

The Senator from Kentucky wants to have a situation prevail where people are released and go back in the fight and kill Americans. That is his right. He is entitled to that opinion. But facts are stubborn things. The fact is 27 percent of detainees who were released went back into the fight to try to kill Americans.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. With regard to releasing prisoners, I am not asking that we release them. I think there probably have been some mistakes with people who have been let go. What I am asking only is for due process, and we released some of those people without any kind of process and a flawed process. So we did make a mistake.

Due process does not mean, and believing in the process does not mean necessarily that we would release these people. Due process often convicts. Jose Padilla was given 17 years in prison with due process. So I do not think it necessarily follows that I am arguing for releasing prisoners. I am simply arguing that people, particularly American citizens in the United States, not be sent to a foreign prison without due process.

Mr. MCCAIN. Mr. President, in response to that, we are not arguing that they be sent to a foreign prison. What we are arguing is that they are designated as enemy combatants. When they are enemy combatants, then they are subject to the rules and the laws of war. Again, I point out the fact that there have been a number who have been released who have reentered the fight, and that kind of situation is not something we want to prevail.

So as I said, facts are stubborn things, and they are designated as enemy combatants and will be treated as such during the period of conflict.

Mr. PAUL. My question would be, under the provisions, would it be possible that an American citizen then could be declared an enemy combatant and sent to Guantanamo Bay and detained indefinitely?

Mr. MCCAIN. I take it that as long as the individual, no matter who they are—if they pose a threat to the security of the United States of America, they should not be allowed to continue that threat. I think that is the opinion of the American public, especially in

light of the facts I continue to repeat to the Senator from Kentucky—that 27 percent of the detainees who were released got back in the fight and were responsible for the deaths of Americans. We need to take every step necessary to prevent that from happening. That is for the safety and security of the men and women who are putting their lives on the line in the armed services.

I yield the floor.

Mr. DURBIN. Mr. President, is morning business time still pending?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DURBIN. I ask unanimous consent that all morning business time be yielded back unless there is a request on the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeited electronic parts.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall (CO) amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the Reserve components, a member or former member of a Reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf-Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship Program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shahen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and post-traumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at U.S. Naval Station Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counterimprovised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed U.S.-built multirole fighter aircraft to

strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between Active Duty and full-time National Guard duty without a break in Active service.

McCain (for Brown (MA)) amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall (NM) amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall (NM) amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall (NM)/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or U.S. allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for

the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of Reserve components of the Armed Forces ordered to Active Duty in support of a contingency operation, members returning from such Active Duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry Scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon.

Wyden amendment No. 1253, to provide for the retention of members of the Reserve components on Active Duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the U.S. Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the U.S. force posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cyber security collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense

implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short takeoff, vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the U.S. European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a Reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) amendment No. 1260, to strike 846, relating to a waiver of "Buy American" requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States.

Levin (for Brown (OH)) amendment No. 1261, to extend treatment of base closure

areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown (OH)) amendment No. 1262, to clarify the meaning of "produced" for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States.

Levin (for Brown (OH)) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive-duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the Reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

Levin (for Nelson (FL)) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

Levin (for Nelson (FL)) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson (FL)) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

Levin (for Menendez/Kirk) amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that the time between now and 12:15 be equally divided

between myself, working with Senator MCCAIN in opposition to the Udall amendment, and controlled by Senator UDALL.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. I understand there is a pending UC that Senator UDALL is to be recognized.

The ACTING PRESIDENT pro tempore. Yes. Under the previous order, the Senator from Colorado is recognized.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, I rise this morning to speak in favor of amendment 1107. First, let me say that I know how hard Chairman LEVIN and Ranking Member MCCAIN have worked to craft a Defense Authorization Act to provide our Armed Forces with the equipment, services, and support they need to keep us safe. I also thank my colleagues from the Armed Services Committee, a number of whom I see on the floor this morning, for their diligence and dedication to this important work.

With that, let me turn to the amendment itself. I want to start by thanking the cosponsors of the amendment. They include the chairwoman of the Intelligence Committee, Senator FEINSTEIN; the chairman of the Judiciary Committee, Senator LEAHY; and Senator WEBB, a former Secretary of the Navy, someone whom I think we all respect when it comes to national security issues.

I also point out that this amendment is bipartisan. Senator RAND PAUL joined as a cosponsor this morning and gave a very compelling floor speech a few minutes ago. Senators WYDEN and DURBIN have also recently cosponsored it. I recognize their leadership as well.

Let me turn to the amendment itself. A growing number of our colleagues have strong concerns about the detainee provisions in this bill. At the heart of our concern is the concern that we have not taken enough time to listen to our counterterrorism community and have not heeded the warnings of the Secretary of Defense, Director of National Intelligence, and the Director of the FBI, who all oppose these provisions. Equally concerning, we have not had a single hearing on the detainee matters to fully understand the implications of our actions.

My amendment would take out these provisions and give us in the Congress an opportunity to take a hard look at the needs of our counterterrorism professionals and respond in a measured way that reflects the input of those who are actually fighting our enemies. Specifically, the amendment would require that our Defense intelligence and law enforcement agencies report to Congress with recommendations for any additional authorities or flexibility they need in order to detain and

prosecute terrorists. My amendment would then ask for hearings to be held so we can fully understand the views of relevant national security experts.

In other words, I am saying let's ask our dedicated men and women who are actually fighting to protect Americans what they actually need to keep us safe. This is a marked departure, in my opinion, from the current language in the bill, which was developed without hearings, and seeks to make changes to the law that our national security professionals do not want and even oppose, as I pointed out.

Like other challenging issues we face here in the Senate, we should identify the problem, hold hearings, gather input from those affected by our actions, and then seek to find the most prudent solution. Instead, we have language in the bill, which, while well intended—of that there is no doubt—was developed behind closed doors and is being moved rather quickly through our Congress. The Secretary of Defense is warning us we may be making mistakes that will hurt our capacity to fight terrorism at home and abroad. The Director of National Intelligence is telling us this language will create more problems than it solves. The Director of the FBI is telling Congress these provisions will erect hurdles that will make it more difficult for our law enforcement officials to collaborate in their effort to protect American citizens. And the President's national security staff is recommending a veto of the entire Defense authorization bill if these provisions remain in the bill.

With this full spectrum of highly respected officials and top counterterrorism professionals warning Congress not to pass these provisions, we are being asked to reject their advice and pass them anyway—again, without any hearings or further deliberation. I don't know what others think, but I don't think this is what the people of Colorado expect us to do, and it is not how I envision the Senate operating.

The provisions would dramatically change broad counterterrorism efforts by requiring law enforcement officials to step aside and ask the Department of Defense to take on a new role they are not fully equipped for and do not want. And by taking away the flexible decisionmaking capacity of our national security team, by forcing the military to now act as police, judge, and jailer, these provisions could effectively rebuild walls between our military law enforcement and intelligence communities that we have spent a decade tearing down.

The provisions that are in the bill—to me and many others—appear to require the DOD to shift significant resources away from their mission to serve on all fronts all over the world. This has real consequences, because we have limited resources and limited manpower. Again, I want to say that I

don't think we would lose anything by taking a little more time to discuss and debate these provisions, but we could do real harm to our national security efforts by allowing this language to pass, and that is exactly what our highest ranking national security officers are warning us against doing.

You will note I am speaking in the broadest terms here, but I did want to speak to one particular area of concern, to give viewers and my colleagues a sense of what we face.

The provisions authorize the indefinite military detention of American citizens who are suspected of involvement in terrorism—even those captured here in our own country, in the United States—which I think should concern each and every one of us. These provisions could well represent an unprecedented threat to our constitutional liberties. Let me explain why I think that is the case.

Look, I agree if an American citizen joins al-Qaida and takes up arms against the United States that person should be subject to the same process as any other enemy combatant. But what is not clear is what we do with someone arrested in his home because of suspected terrorist ties. These detainee provisions would authorize that person's indefinite detention, but it misses a critical point. How do we know a citizen has committed these crimes unless they are tried and convicted? Do we want to open the door to domestic military police powers and possibly deny U.S. citizens their due process rights? If we do, I think that is at least something that is worthy of a hearing, and the American people should be made aware of the changes that will be forthcoming in the way we approach civil liberties. But since our counterterrorism officials are telling us these provisions are a mistake, I am not willing to both potentially limit our fight against terrorism and simultaneously threaten the constitutional freedoms Americans hold dear.

As I begin my remarks, I hope I have projected my belief we have a solemn obligation to pass the National Defense Authorization Act, but we also have a solemn obligation to make sure those who are fighting the war on terror have the best, most flexible, most powerful tools possible. To be perfectly frank, I am worried these provisions will disrupt our ability to combat terrorism and inject untested legal ambiguity into our military's operations and detention practices.

We will hear some of our colleagues tell us not to worry because the detainee provisions are designed not to hurt our counterterrorism efforts. We all know the best laid plans can have unintended consequences. While I am sure the drafters of this language intended the provisions to be interpreted in a way that does not cause problems,

the counterterrorism community disagrees and has outlined some very serious real world concerns. Stating in the language there will not be any adverse effects on national security doesn't make it so. These are not just words in a proposed law. And those who will be chartered to actually carry out these provisions are urging us to reject them. Shouldn't we listen to their serious concerns? Shouldn't we think twice about passing these provisions?

I have not received a single phone call from a counterterrorism expert, a professional in the field, or a senior military official urging us to pass these provisions. We have heard a wide range of concerns expressed about the unintended consequences of enacting these detainee provisions but not a single voice outside of Congress telling us this will help us protect Americans or make us safer.

In addition to our national security team, which is urging us to oppose these provisions, other important voices are also asking us to stop, to slow down, and to consider them more thoroughly. The American Bar Association, the ACLU, the International Red Cross, the American Legion, and a number of other groups have also expressed a wide range of serious concerns.

Again, I want to underline, although the language was crafted with the best of intentions, there are simply too many questions about the unintended consequences of these provisions to allow them to move forward without further input from national security experts through holding hearings and engaging in further debate.

I am privileged to be a member of the Armed Services Committee. I am truly honored. As I have implied, and I want to be explicit, I understand the importance of this bill. I understand what it does for our military, which is why, in sum, what I am going to propose with my amendment is that we pass the NDAA without these troubling provisions but with a mechanism by which we can consider in depth what is proposed and, at a later date, include any applicable changes in the law. It is not only the right thing to do policywise, it may very well protect this bill from a veto. The clearest path toward giving our men and women in uniform the tools they need is to pass this amendment and then send a clean National Defense Authorization Act to the President.

In the Statement of Administration Policy, the President says the following—and I should again mention in the Statement of Administration Policy there is a recommendation the President veto the bill.

We have spent 10 years since September 11, 2001, breaking down the walls between intelligence, military and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job

of preventing terrorist attacks more difficult.

These are striking words. They should give us all pause as we face what seems to be a bit of a rush to pass these untested and legally controversial restrictions on our ability to prosecute terrorists.

I want to begin to close, and in so doing I urge my colleagues to think about the precedent we would set by passing these provisions. We are being told these detainee provisions are so important we must pass them right away, without a hearing or further deliberation. However, the Secretary of Defense, at the same time, along with the Director of National Intelligence and the Director of the FBI, are all urging us to reject the provisions and take a closer look. Do we want to neglect the advice of our trusted national security professionals? I can't think of another instance where we would rebuff those who are chartered with keeping us safe.

If we in the Congress want to constrain the military and give our servicemembers new responsibilities, as these provisions would do, I believe we should listen to what the Secretary of Defense has had to say about it. Secretary Panetta is strongly opposed to these changes, and I think we all know before he held the job he has now, Secretary of Defense Panetta was the Director of the CIA. He knows very well the threats facing our country, and he knows we cannot afford to make any mistakes when it comes to keeping our citizens safe. We have to be right every time. The bad guys only have to be right once.

This is a debate we need to have. It is a healthy debate. But we ought to be armed with all the facts and expertise before we move forward. The least we can do is take our time, be diligent, and hear from those who will be affected by these new and significant changes in how we interrogate and prosecute terrorists. As I have said before, it concerns me we would tell our national security leadership—a bipartisan national security leadership, by the way—that we will not listen to them and that Congress knows better than they do. It doesn't strike me that is the best way to secure and protect the American people.

That is why I filed amendment No. 1107. I think my amendment is a commonsense alternative that will protect our constitutional principles and beliefs while continuing to keep our Nation safe. The amendment has a clear aim, which is to ensure we follow a thorough process and hear all views before rushing forward with new laws that could be harmful to our national security. It is straightforward, it is common sense, and I urge my colleagues to support the amendment.

Mr. President, I thank you for your attention, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, we have approximately a half hour on each side. I am wondering how much time Senator GRAHAM needs?

Mr. GRAHAM. Ten minutes. Is that too much? Five minutes.

Mr. LEVIN. Could you do 5 minutes?

Mr. GRAHAM. Seven?

Mr. LEVIN. We have, I think, seven speakers on this side.

Mr. GRAHAM. I will try to be quick.

Mr. LEVIN. Can you try to do 8 minutes?

Mr. GRAHAM. I will try to do it as quickly as I can.

Mr. LEVIN. I yield 8 minutes.

Mr. MCCAIN. I object. We have had a long time from the sponsor of the amendment, the chief proponent; we are going to have 10 minutes from the Senator of Illinois. So I yield to the Senator from South Carolina 10 minutes.

Mr. LEVIN. The Senator from Arizona will control, if this is all right with the Senator, half of our time. Will that be all right?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. If the Chair will let me know when 5 minutes has passed, because there are a lot of voices to be heard on this issue, and I want them to be heard. I am just one.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. GRAHAM. Let me start with my good friend from Colorado. I respect the Senator; I know his concerns. I don't agree.

I can remember being told by the Bush administration: We don't need the Detainee Treatment Act. Everybody said we didn't need it, but they were wrong. I remember being told by the Vice President's office during the Bush administration: It is OK to take classified evidence, show it to the jury, the finder of fact, and not share it with the accused, but you can share it with his lawyer.

How would you like an American soldier tried in a foreign land, where they are sitting there in the chair wondering what the jury is talking about and can't even comment to their own lawyer about the allegations against them?

I have been down this road with administrations and we worked in a bipartisan fashion to change some things the Bush administration wanted to do and I am glad we did it. We are working in a bipartisan fashion to change some things this administration is doing, and I hope we are successful, because if we fail, we are all going to be worse for it.

Here are the facts: Under this provision of mandatory military custody, for someone captured in the United

States, if they are an American citizen, that provision does not apply to them. But here is the law of the land right now: If they are an American citizen suspected of joining al-Qaida, being a member of al-Qaida, they can be held as an enemy combatant.

The Padilla case in South Carolina, where the man was held 5 years as an enemy combatant, went to the Fourth Circuit Court of Appeals, and here is what that court said: You can interrogate that person in an intelligence-gathering situation. The only thing you have to do is provide them a lawyer for their habeas appeal review.

So here are the due process rights: If our intelligence community or military believe an American citizen is suspected of being a member of al-Qaida, the law of the land the way it is today, an American citizen can be held as an enemy combatant and questioned about what role they play in helping al-Qaida, and they do get due process. Everybody held as an enemy here, at Guantanamo Bay, captured in the United States, goes before the Federal judge, and the government has to prove, by a preponderance of the evidence, that the person is, in fact, an enemy combatant. There is due process. We don't hold someone and say: Good luck. They have to go before a judge—a Federal court—and prove their case as the government.

Here is the question for the country. Is it OK to hold, under military control, an American citizen who is suspected of helping al-Qaida? You had better believe it is OK.

My good friend from Colorado said this repeals the Posse Comitatus Act. The Posse Comitatus Act is a prohibition on our military being used for law enforcement functions, and it goes back to reconstruction.

This is the central difference between us. I don't believe fighting al-Qaida is a law enforcement function. I believe our military should be deeply involved in fighting these guys at home and abroad. The idea of somehow allowing our military to hold someone captured in the United States is a repeal of the Posse Comitatus Act, you would have to conclude that you view that as a law enforcement function, where the military has no reason or right to be there. That is the big difference between us. I don't want to criminalize the war.

To Senator LEVIN, thank you for helping us this time around craft a bipartisan solution to a very real problem. The enemy is all over the world and here at home. When people take up arms against the United States and are captured within the United States, why should we not be able to use our military and intelligence community to question that person as to what they know about enemy activity? The only way we can do that is hold them in military custody, and this provision can be waived. It doesn't apply to

American citizens. But the idea that an American citizen helping al-Qaida doesn't get due process is a lie. They go before a Federal court and the government has to prove they are part of al-Qaida.

Let me ask this to my colleagues on the other side. What if the judge agrees with the military or the intelligence community making the case? Are you going to require us to shut down the intelligence-gathering process, read them their rights, and put them in Federal court? That is exactly what you want, and that will destroy our ability to make us safe. If an American citizen is held by the intelligence community or the military and a Federal judge agrees they were, in fact, a part of the enemy force, that American citizen should be interrogated to find out what they know about the enemy, in a lawful way, and you should not require this country to criminalize what is an act of war against the people of the United States. They should not be read their Miranda rights. They should not be given a lawyer. They should be held humanely in military custody and interrogated about why they joined al-Qaida and what they were going to do to all of us. So this provision not only is necessary to deal with real-world events; it is written in the most flexible way possible.

To this administration, the reason we are on the floor today is it was your idea to take Khalid Shaikh Mohammed and put him in New York City and give him the rights of an American citizen and criminalize the war by taking the mastermind of 9/11 and making it a crime and not an act of war.

The ACTING PRESIDENT pro tempore. The Senator has spoken for 5 minutes.

Mr. GRAHAM. Thank you. I will wrap up.

To Senator LEVIN and Senator MCCAIN, what they are accusing the Senators of doing is not true. They are codifying a process that will allow us to intelligently and rationally deal with people who are part of al-Qaida, not political dissidents.

If someone doesn't like President Obama, we are not going to arrest them. I am getting phone calls about that. That is a bunch of garbage. A person can say anything they want about the President or me, they just can't join al-Qaida and expect to be treated as if it were a common crime. When someone joins al-Qaida, they haven't joined the Mafia. They are not joining a gang. They are joining people who are bent on our destruction, and they are a military threat. If you don't believe they are a military threat, vote for Senator UDALL. If you believe al-Qaida represents a threat to us at home and abroad, give our intelligence and military agencies statutory guidance and authority to do things that need to be clear rather than uncertain.

We are 10 years into this war. Congress needs to speak. This is your chance to speak. I am speaking today. Here is what I am saying to my colleagues on the other side and to the world at large: If you join al-Qaida, you suffer the consequences of being killed or captured. If you are an American citizen and you betray your country, you are going to be held in military custody and you are going to be questioned about what you know. You are not going to be given a lawyer if our national security interests dictate that you not be given a lawyer and go into the criminal justice system because we are not fighting a crime, we are fighting a war.

There is more due process in this bill than at any other time in any other war. I am proud of the work product. There are checks and balances in this bill that we have been working on for 10 years. The mandatory provisions do not apply to American citizens. They can be waived if they impede in an investigation. We are trying to provide tools and clarity that have been missing for 10 years. This is your chance to speak on the central issue 10 years after the attacks of 9/11. Are we at war or are we fighting a crime? I believe we are at war, and the due process rights associated with war are in abundance and beyond anything ever known in any other war.

What this amendment does is it destroys the central concept that we are trying to present to the body and to the country; that we are facing an enemy—and not a common criminal organization—that will do anything and everything possible to destroy our way of life. Let's give our law enforcement and military community the clarity they have been seeking and I think now they will have.

To the administration, with all due respect, you have engaged in one episode after another to run away from the fact that we are fighting a war and not a crime. When the Bush administration tried to pass policies that undercut our ability to fight this war and maintain our values, I pushed back. I am not asking any more of the people on the other side than I ask of myself. When the Bush administration asked me, and others, to do things that I thought undercut our values, I said no. Now we have an opportunity to tell this administration we respect their input, but what we are trying to do needs to be done, not for just this time but for the future.

Ladies and gentlemen, either we are going to fight this war to win it and to keep us safe or we are going to lose the concept that there is a difference between taking up arms against the United States and being a common criminal.

In conclusion, Khalid Shaikh Mohammed and all those who buy into what he is selling present a threat to

us far different than any common criminal, and our laws should reflect that.

Senators LEVIN and MCCAIN have created a legal system for the first time in 10 years that recognizes we are fighting a war within our values. I hope we get a strong bipartisan vote for the tools in this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 15½ minutes.

Mr. UDALL of Colorado. Before I recognize Senator DURBIN for 8 minutes, I just wish to respond to my friend, the Senator from South Carolina.

Mr. MCCAIN. Mr. President, how much time is on this side?

The ACTING PRESIDENT pro tempore. There is 5 minutes remaining.

Mr. UDALL of Colorado. The Senator from South Carolina is broadly admired in the Senate. If I am ever in court, I want him to be my lawyer.

I would point out, however, that what I am proposing wouldn't destroy the system we have in place—a system, by the way, that has resulted in the convictions of numerous terrorists with life sentences. What I am asking is to listen to those who are on the frontlines who are fighting against terrorists and terrorism who have said they have concerns about this new proposal and would like a greater amount of time to vet it and consider it.

I yield 8 minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have the greatest respect for Senator CARL LEVIN and Senator JOHN MCCAIN. They have done an extraordinary job on the Defense authorization bill. I would say, by and large, this bill would not have engendered the controversy that brings us to the floor today but for this provision, because it is a critically important provision which has drawn the attention not just of those in the military community—which they, of course, would expect in a Defense authorization bill—but also the attention of those in the intelligence community and the law enforcement community across the United States, as well as the President of the United States.

The provision which they include in this bill is a substantial and dramatic departure in American law when it comes to fighting terrorism. I salute Senator UDALL for bringing it to the attention of the committee and now to the floor; that before we take this step forward, we should reflect and pass the Udall amendment which calls for the necessary agencies of government—law enforcement, intelligence, and military—to reflect on the impact of this

decision, not just on the impact of America's security but on America's commitment to constitutional principles. This is a fundamental issue which is being raised, and it should be considered ever so seriously. We need to ask ourselves, 10 years after 9/11, why are we prepared to engage in a rewrite of the laws on fighting terrorism?

Thank God we meet in this Chamber today with no repeat of 9/11. Through President George Bush and President Barack Obama, America has been safe. Yes, there are people who threaten us, and they always will, but we have risen to that challenge with the best military in the world, with effective law enforcement, and without giving away our basic values and principles as Americans.

Take a look at the provision in this bill which Senator UDALL is addressing. Who opposes this provision? I will tell you who opposes it. Secretary of Defense Leon Panetta, who passed out of this Chamber with a 100-to-0 vote of confidence in his leadership, has told us don't do this; this is a mistake in this provision.

Secondly, the law enforcement community, from Attorney General Eric Holder to the Director of the Federal Bureau of Investigation, has told us it is a mistake to pass this measure, to limit our ability to fight terrorism. And the intelligence community as well; the Director of National Intelligence tells us this is a mistake.

Is it any wonder Senator UDALL comes to the floor and others join him from both sides of the aisle saying, before we make this serious change in policy in America, ask ourselves: Have we considered the impact this will have on our Nation's security, our ability to interrogate witnesses, and our commitment to constitutional principles?

When I take a look at the letter that was sent to us by the Director of the Federal Bureau of Investigation, Robert Mueller, I have to reflect on the fact that Director Mueller was appointed by President George W. Bush and reappointed by President Barack Obama. I respect him very much. He has warned this Senate: Do not pass this provision in the Defense authorization bill. It may adversely impact "our ability to continue ongoing international terrorism investigation."

If this provision had been offered by a Democrat under Republican George W. Bush, the critics would have come to the floor and said: How could you possibly tie the hands of the President when he is trying to keep America safe?

The Director of the Federal Bureau of Investigation has made it clear the passage of this provision in this bill will limit the flexibility of the administration to combat terrorism. It will create uncertainty for law enforcement, intelligence, and defense officials regarding how they handle sus-

pected terrorists and raise serious constitutional concerns. Listen, all those things are worthy of debate were it not for the record that for 10 years America has been safe. It has been safe because of a Republican President and a Democratic President using the forces at hand to keep us safe. If we were coming here with some record of failure when it comes to keeping America safe, it is one thing, but we have a record of positive success. This notion that there is no way to keep America safe without military tribunals and commissions defies logic and defies experience.

Since 9/11, over 300 suspected terrorists have been successfully prosecuted in article III criminal courts in America. Yes, they have been read the Miranda rights, and, yes, they have been prosecuted and sent to prison, the most recent being the Underwear Bomber, who pled guilty just weeks ago in the article III criminal courts. During this same period of time, when it comes to military commissions and tribunals, how many alleged terrorists have been convicted? Six. The score, my friends, if you are paying attention, is 300 to 6. President Bush and President Obama used our article III criminal courts effectively to keep America safe, and in those instances where they felt military tribunals could do it best, they turned to them with some success.

I might add, to those who want to just change the law again when it comes to military tribunals, this is the third try. Twice we have tried to write the language on military tribunals and commissions. It has been sent ultimately across the street to the Supreme Court and rejected. They told us to start over. Do we want to risk that again? Do we want to jeopardize the prosecution of an alleged terrorist because we want to test out a new legal and constitutional theory? I hope not.

I ask unanimous consent to have printed in the RECORD the letter from the Director of the FBI.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, November 28, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express concerns regarding the impact of certain aspects of the current version of Section 1032 of the National Defense Authorization Act for Fiscal Year 2012. Because the proposed legislation applies to certain persons detained in the United States, the legislation may adversely impact our ability to continue ongoing international terrorism investigations before or after arrest, derive intelligence from those investigations, and may raise extraneous issues in any future prosecution of a person covered by Section 1032.

The legislation as currently proposed raises two principal concerns. First, by establishing a presumption of military detention for covered individuals within the

United States, the legislation introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States. Even before the decision to arrest is made, the question of whether a Secretary of Defense waiver is necessary for the investigation to proceed will inject uncertainty as to the appropriate course for further investigation up to and beyond the moment when the determination is made that there is probable cause for an arrest.

Section 1032 may be read to divest the FBI and other domestic law enforcement agencies of jurisdiction to continue to investigate those persons who are known to fall within the mandatory strictures of section 1032, absent the Secretary's waiver. The legislation may call into question the FBI's continued use or scope of its criminal investigative or national security authorities in further investigation of the subject. The legislation may restrict the FBI from using the grand jury to gather records relating to the covered person's communication or financial records, or to subpoena witnesses having information on the matter. Absent a statutory basis for further domestic investigation, Section 1032 may be interpreted by the courts as foreclosing the FBI from conducting any further investigation of the covered individual or his associates.

Second, the legislation as currently drafted will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence. The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation against a covered person. Over the past decade we have had numerous arrestees, several of whom would arguably have been covered by the statute, who have provided important intelligence immediately after they have been arrested, and in some instances for days and weeks thereafter. In the context of the arrest, they have been persuaded that it was in their best interests to provide essential information while the information was current and useful to the arresting authorities.

Nonetheless, at this crucial juncture, in order for the arresting agents to proceed to obtain the desired cooperation, the statute requires that a waiver be obtained from the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, with certification by the Secretary to Congress that the waiver was in the national security interests of the United States. The proposed statute acknowledges that this is a significant point in an ongoing investigation. It provides that surveillance and intelligence gathering on the arrestee's associates should not be interrupted. Likewise, the statute provides that an ongoing interrogation session should not be interrupted.

These limited exceptions, however, fail to recognize the reality of a counterterrorism investigation. Building rapport with, and convincing a covered individual to cooperate once arrested, is a delicate and time sensitive skill that transcends any one interrogation session. It requires coordination with other aspects of the investigation. Coordination with the prosecutor's office is also often an essential component of obtaining a defendant's cooperation. To halt this process while the Secretary of Defense undertakes the mandated consultation, and the required certification is drafted and provided to Congress, would set back our efforts to develop intelligence from the subject.

We appreciate that Congress has sought to address our concerns in the latest version of the bill, but believe that the legislation as currently drafted remains problematic for the reasons set forth above. We respectfully ask that you take into account these concerns as Congress continues to consider Section 1032.

Sincerely,

ROBERT S. MUELLER III,
Director.

Mr. DURBIN. Let me also say that section 1031 of this bill is one that definitely needs to be changed, if not eliminated. It will, for the first time in the history of the United States of America, authorize the indefinite detention of American citizens in the United States. I have spoken to the chairman of the committee, who said he is open to language that would try to protect us from that outcome. But the language as written in the bill, unfortunately, will allow for the indefinite detention of American citizens for the first time. The administration takes this seriously. We should too. They have said they will veto the bill without changes in this particular provision.

I hope we will step back and look at a record of success in keeping America safe and not try to reinvent our Constitution on the floor of the Senate. I believe we ought to give to every President, Democratic and Republican, all of the tools and all of the weapons they need to keep America safe. Tying their hands may give us some satisfaction on the floor of the Senate for a moment, but it won't keep America safe.

I reserve the remainder of my time.

I yield the floor.

THE PRESIDING OFFICER (Mr. MERKLEY). The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. There have been so many misstatements and facts that have been made, it is hard to keep up with them. Let me just take the last statement the Senator from Illinois made about changing military tribunal law. There is no change in military tribunal law whatsoever made in this bill. I am going to address the other misstatements that have been made by my friends and colleagues, but that was the most recent, so I just want to take on that one first.

In terms of constitutional provisions, the ultimate authority on the Constitution of the United States is the Supreme Court of the United States. Here is what they have said in the Hamdi case about the issue both of our friends have raised about American citizens being subject to the law of war.

A citizen—the Supreme Court said this in 2004—no less than an alien can be part of supporting forces hostile to the United States and engaged in armed conflict against the United

States. Such a citizen—referring to an American citizen—if released, would pose the same threat of returning to the front during the ongoing conflict. And here is the bottom line for the Supreme Court. If we just take this one line out of this whole debate, it would be a breath of fresh air to cut through some of the words that have been used here this morning—one line. "There is no bar to this Nation's holding one of its own citizens as an enemy combatant." That is not me, that is not Senator GRAHAM, and that is not Senator MCCAIN. That is the Supreme Court of the United States recently. "There is no bar to this Nation's holding one of its own citizens as an enemy combatant."

Mr. GRAHAM. Would the Senator yield for a question?

Mr. LEVIN. I would rather not at this point.

There are a number of sections in this bill. My dear friend Senator UDALL says "these sections" as though there are a whole bunch of sections that are at issue. There is really only one section that is at issue here, and that is section 1032, and that is the so-called mandatory detention section which has a waiver in it.

Section 1031 was written and approved by the administration. Section 1031, which my friend from Illinois has just said is an abomination, was written and approved by the administration. Now, section 1031 is the authority section. This authorizes. It doesn't mandate anything with the waiver; section 1032 does. Section 1031—and now I am going to use the words in the administration's own so-called SAP, or Statement of Administration Policy. This is what the administration says about section 1031: The authorities codified in this section already exist. So they don't think it is necessary—1031—but they don't object to it. Those are their words—the authorities in 1031 already exist. They do. What this does is incorporate already existing authorities from section 1031—unnecessary in the view of the administration, yes, but they helped write it and they approved it. We made changes in it.

We have made so many changes in this language to satisfy the administration, I think it all comes down to one section: 1032. Section 1032 is the issue, not all of the sections, by the way, that would be stricken by the Udall amendment. The Udall amendment would strike all the sections, but it really comes down to section 1032.

In 1032 is the so-called mandatory provision, which, by the way, does not apply to American citizens. I better say that again. Senator GRAHAM said it, but let me say it again. The most controversial provision—probably the only one in this bill—is section 1032. Section 1032 says: The requirement to detain a person in military custody under this section does not extend to

the citizens of the United States. I guess that is the second thing I would like for colleagues to take away from what I say, is that section—and Senator GRAHAM said the same thing. Section 1032—the mandatory section that has the waiver in it—does not, by its own words, apply to citizens of the United States. It has a waiver provision in it to make this flexible.

The way in which 1032 operates is it says that if it is determined that a person is a member of al-Qaida, then that person will be held in military detention. They are at war with us, folks. Al-Qaida is at war with us. They brought that war to our shores. This is not just a foreign war. They brought that war to our shores on 9/11. They are at war with us. The Supreme Court said—and I will read these words again—that there is no bar to this Nation holding one of its own citizens as an enemy combatant. They brought this war to us, and if it is determined that even an American citizen is a member of al-Qaida, then you can apply the law of war, according to the Supreme Court. That is not according to the Armed Services Committee, our bill, or any one of us; that is the Supreme Court speaking.

Who determines it? We say, to give the administration the flexibility that they want, the administration makes that determination. The procedures to make that determination—who writes those procedures? We don't write them. Explicitly, the executive branch writes those procedures. Can those procedures interfere with an ongoing interrogation or investigation? No. By our own language, it says they shall not interfere with interrogation or intelligence gathering. That is all in here. The only way this could interfere with an operation of the executive branch is if they themselves decided to interfere in their own operation. They are explicitly given the authority to write the procedures.

I think we ought to debate about what is in the bill, and what is in the bill is very different from what our colleagues who support the Udall amendment have described. Yes, we are at war, and, yes, we should codify how we handle detention, and this is an effort to do that. And as the administration itself says, we are not changing anything here in terms of section 1031. We are simply codifying existing law.

The issue really relates to 1032, and that is what we ought to debate. Should somebody—when it has been determined by procedures adopted by the executive branch—who has been determined to be a member of an enemy force who has come to this Nation or is in this Nation to attack us as a member of a foreign enemy, should that person be treated according to the laws of war? The answer is yes. But should flexibility be in here so the administration can provide a waiver even in that case? Yes.

Finally, as far as civilian trials, I happen to agree with my friend from Illinois, and he is a dear friend of mine. Civilian trials work. There is nothing in this provision that says civilian trials won't be used even if it is determined that somebody is a member of al-Qaida. Not only doesn't it prevent civilian trials from being used, we explicitly provide that civilian trials are available in all cases. It is written right in here. I happen to like civilian trials a lot. I participated in a lot of them, and they are very appropriate, and we have a good record. In the case the Senator from Illinois mentioned, that case was a Michigan case. I know a lot about that case. It was the right way to go. I prefer civilian trials in many, many cases. This bill does not say we are going to be using military commissions in lieu of civilian trials. That is a decision we leave where it belongs—in the executive branch.

But we do one thing in this bill in section 1031 that needs to be said. We are at war with al-Qaida, and people determined to be part of al-Qaida should be treated as people who are at war with us. But even with that statement, we give the administration a waiver. That is how much flexibility we give to the executive branch.

Mr. President, how much time have I used?

THE PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEVIN. I yield the floor.

Mr. MCCAIN. Mr. President, how much time remains on both sides?

THE PRESIDING OFFICER. The Senator from Arizona has just over 5 minutes. The Senator from Colorado has 8 minutes.

THE PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I want to clarify for the record before I recognize Senator WEBB for 5 minutes that some here have claimed that the Supreme Court's Hamdi decision upheld the indefinite detention of U.S. citizens captured in the United States.

It did no such thing. Hamdi was captured in Afghanistan, not the United States. Justice O'Connor, the author of the opinion, was very careful to say that the Hamdi decision was limited to "individuals who fought against the United States in Afghanistan as part of the Taliban." I think that is important to be included in the RECORD.

I yield to Senator WEBB for 5 minutes.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to say that I believe the Senator from Colorado has a good point. I say that as someone who is a strong supporter of military commissions, who in many cases has aligned himself with my good friend the Senator from South Carolina and Senator MCCAIN as well

on these issues. To me, this is not a jurisdictional issue, and it is not an issue about whether we should be holding people under military commissions under the right cases or under military detention under the right cases.

My difficulty and the reason I support what Senator UDALL is doing is in the statutory language itself. I say this as someone who spent a number of years drafting this kind of legislation as a committee counsel. I have gone back over the last 2 days again and again, reading these sections against each other—1031 and 1032 particularly—and I am very concerned about how this language would be interpreted, not in the here and now, as we see the stability we have brought to our country since 9/11, but what if something were to happen and we would be under more of a sense of national emergency and this language would be interpreted for broader action.

The reason I have this concern is we are talking here about the conditions under which our military would be sent into action inside our own borders. In that type of situation, we need to be very clear and we must very narrowly define how they would be used and, quite frankly, if they should be used at all inside our borders. I think that is the concern we are hearing from people such as the Director of the FBI and the Secretary of Defense.

I am also very concerned about the notion of the protection of our own citizens and our legal residents from military action inside our own country. I think these protections should be very clearly stated. There is a lot of vagueness in this language.

What the Senator from Colorado is proposing is that we clarify these concepts—that we take this provision out and clarify the concepts. Protections are in place in our country. We are not leaving our country vulnerable. In fact, I think we are going to make it a much more healthy legal system if we do clarify these provisions.

That is the reason I am here on the floor to support what Senator UDALL is saying. I know the emotion and the energy Senator LEVIN has put into this, and I respect him greatly. I happen to believe we need to do a better job of clarifying our language.

I spent 16 years, on and off, writing in Hollywood. One of the things that came to me when I was comparing these sections is that this is kind of the danger we get in when we get to the fourth or the fifth screenwriter involved in a story. We want to fix one thing and we are not fixing the whole thing.

I greatly respect the legitimacy of the effort that is put into this. But when we read section 1031 against section 1032, there are questions about what would happen to American citizens under an emergency. Let's take, for instance, what happened in this

country after Hurricane Katrina. It is not a direct parallel, but we can see the extremes people went to under a feeling of emergency and vulnerability. We had people who were deputized as U.S. marshals in New Orleans, and we could see them on CNN putting rifles inside people's cars, stopping them on the street, going into people's houses, making a decision—which later was rescinded—that they were going to take people's guns away from them. The vagueness in a lot of this language will not guarantee against these types of conduct on a larger scale if a situation were more difficult and dangerous than it is today.

Section 1031, which Senator LEVIN mentioned, may be clear to the administration but it is not that clear to me, when they talk about a covered person. This isn't simply al-Qaida, depending on how one wants to interpret it, in a time of national emergency. It is a person who is a part of or who substantially supported al-Qaida, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act. We might be able to agree to what that means here on the Senate floor today, but we don't know how that might be interpreted in a time of national emergency. I am not predicting that it will; I am saying we should have the certainty that it will not.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. WEBB. OK. Similar concerns also revolve around the definitions in terms of the applicability of U.S. citizens and lawful resident aliens when we go to the words "requirement does not extend." What about an option? These are the types of concerns I have. We should have language that very clearly makes everyone understand the conditions under which we would be using the U.S. military inside the borders of the United States.

I yield the floor.

Mr. LEAHY. Mr. President, the Udall-Webb-Leahy-Feinstein-Durbin-Paul-Wyden amendment would remove the very troubling detention subtitle from the National Defense Authorization Act for Fiscal Year 2012. I am a co-sponsor of this amendment because I believe the detention subtitle is deeply flawed. We should hear from the Pentagon and other agencies about what they believe to be the appropriate role of the Armed Forces in detaining and prosecuting terrorism suspects. Unfortunately, the language in the bill before us blatantly disregards the concerns of these agencies.

Contrary to statements by the bill's authors, the current version of the detention subtitle, considered by the Senate Armed Services Committee, SASC on November 15, contains virtually all of the same concerns as the earlier

version of the bill. The changes made by SASC do not correct the problems that have been raised by the administration.

Since the SASC marked up the new version, we have received several letters from the administration in opposition to the new language. Secretary Panetta, Director of National Intelligence Clapper, and FBI Director Mueller, have all written to Senate leaders in opposition of the language. That means this language is opposed by each of the agencies whose officers in the field will be directly affected by it.

Just yesterday, Director Mueller wrote that the "legislation introduces a substantial element of uncertainty" into terrorism investigations. Secretary Panetta wrote that the legislation "may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence." Director Clapper wrote that "the various detention provisions . . . would introduce unnecessary rigidity" into investigations. And we have a Statement of Administration Policy raising very strong objections to some of these provisions. I ask unanimous consent to place these letters and the Statement of Administration Policy in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, Nov. 15, 2011.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section 1032. However, it continues to be the case that any advantages to the Department of Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline

law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to "associated force"—"that acts in coordination with or pursuant to the direction of al-Qaeda." In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

LEON E. PANETTA.

DIRECTOR OF
NATIONAL INTELLIGENCE,
Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing in response to your letter requesting my views on the effect that the detention provisions in the National Defense Authorization Act for Fiscal Year 2012 could have on the ability of the Intelligence Community to gather counterterrorism information. In my view, some of these provisions could limit the effectiveness of our intelligence and law enforcement professionals at a time when we need the utmost flexibility to defend the nation from terrorist threats. The Executive Branch should have maximum flexibility in these areas, consistent with our law and values, rather than face limitations on our options to acquire intelligence information. As stated in the November 17, 2011, Statement of Administration Policy for S. 1867, "[a]ny

bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the nation would prompt the President's senior advisers to recommend a veto."

Our principal objective upon the capture of a potential terrorist is to obtain intelligence information and to prevent future attacks, yet the provision that mandates military custody for a certain class of terrorism suspects could restrict the ability of our nation's intelligence professionals to acquire valuable intelligence and prevent future terrorist attacks. The best method for securing vital intelligence from suspected terrorists varies depending on the facts and circumstances of each case. In the years since September 11, 2001, the Intelligence Community has worked successfully with our military and law enforcement partners to gather vital intelligence in a wide variety of circumstances at home and abroad and I am concerned that some of these provisions will make it more difficult to continue to have these successes in the future.

Taken together, the various detention provisions, even with the proposed waivers, would introduce unnecessary rigidity at a time when our intelligence, military, and law enforcement professionals are working more closely than ever to defend our nation effectively and quickly from terrorist attacks. These limitations could deny our nation the ability to respond flexibly and appropriately to unfolding events—including the capture of terrorism suspects—and restrict a process that currently encourages intelligence collection through the preservation of all lawful avenues of detention and interrogation.

Our intelligence professionals are best served when they have the greatest flexibility to collect intelligence from suspected terrorists. I am concerned that the detention provisions in the National Defense Authorization Act could reduce this flexibility.

Sincerely,

JAMES R. CLAPPER.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, November 28, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express concerns regarding the impact of certain aspects of the current version of Section 1032 of the National Defense Authorization Act for Fiscal Year 2012. Because the proposed legislation applies to certain persons detained in the United States, the legislation may adversely impact our ability to continue ongoing international terrorism investigations before or after arrest, derive intelligence from those investigations, and may raise extraneous issues in any future prosecution of a person covered by Section 1032.

The legislation as currently proposed raises two principal concerns. First, by establishing a presumption of military detention for covered individuals within the United States, the legislation introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States. Even before the decision to arrest is made, the question of whether a Secretary of Defense waiver is necessary for the investigation to proceed will inject uncertainty as to the appropriate course for further investigation up to and beyond the moment when the determination is made that there is probable cause for an arrest.

Section 1032 may be read to divest the FBI and other domestic law enforcement agencies of jurisdiction to continue to investigate those persons who are known to fall within the mandatory strictures of section 1032, absent the Secretary's waiver. The legislation may call into question the FBI's continued use or scope of its criminal investigative or national security authorities in further investigation of the subject. The legislation may restrict the FBI from using the grand jury to gather records relating to the covered person's communication or financial records, or to subpoena witnesses having information on the matter. Absent a statutory basis for further domestic investigation, Section 1032 may be interpreted by the courts as foreclosing the FBI from conducting any further investigation of the covered individual or his associates.

Second, the legislation as currently drafted will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence. The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation against a covered person. Over the past decade we have had numerous arrestees, several of whom would arguably have been covered by the statute, who have provided important intelligence immediately after they have been arrested, and in some instances for days and weeks thereafter. In the context of the arrest, they have been persuaded that it was in their best interests to provide essential information while the information was current and useful to the arresting authorities.

Nonetheless, at this crucial juncture, in order for the arresting agents to proceed to obtain the desired cooperation, the statute requires that a waiver be obtained from the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, with certification by the Secretary to Congress that the waiver was in the national security interests of the United States. The proposed statute acknowledges that this is a significant point in an ongoing investigation. It provides that surveillance and intelligence gathering on the arrestee's associates should not be interrupted. Likewise, the statute provides that an ongoing interrogation session should not be interrupted.

These limited exceptions, however, fail to recognize the reality of a counterterrorism investigation. Building rapport with, and convincing a covered individual to cooperate once arrested, is a delicate and time sensitive skill that transcends any one interrogation session. It requires coordination with other aspects of the investigation. Coordination with the prosecutor's office is also often an essential component of obtaining a defendant's cooperation. To halt this process while the Secretary of Defense undertakes the mandated consultation, and the required certification is drafted and provided to Congress, would set back our efforts to develop intelligence from the subject.

We appreciate that Congress has sought to address our concerns in the latest version of the bill, but believe that the legislation as currently drafted remains problematic for the reasons set forth above. We respectfully ask that you take into account these concerns as Congress continues to consider Section 1032.

Sincerely,

ROBERT S. MUELLER III,
Director.

STATEMENT OF ADMINISTRATION POLICY
S. 1867—NATIONAL DEFENSE AUTHORIZATION ACT
FOR FY 2012

(Sen. Levin, D-MI, Nov. 17, 2011)

The Administration supports Senate passage of S. 1867, the National Defense Authorization Act for Fiscal Year (FY) 2012. The Administration appreciates the Senate Armed Services Committee's continued support of our national defense, including its support for both the base budget and for overseas contingency operations and for most of the Administration's initiatives to control spiraling health costs of the Department of Defense (DoD).

The Administration appreciates the support of the Committee for authorities that assist the ability of the warfighter to operate in unconventional and irregular warfare, authorities that are important to field commanders, such as the Commanders' Emergency Response Program, Global Train and Equip Authority, and other programs that provide commanders with the resources and flexibility to counter unconventional threats or support contingency or stability operations. The Administration looks forward to reviewing a classified annex and working with the Congress to address any concerns on classified programs as the legislative process moves forward.

While there are many areas of agreement with the Committee, the Administration would have serious concerns with provisions that would: (1) constrain the ability of the Armed Forces to carry out their missions; (2) impede the Secretary of Defense's ability to make and implement decisions that eliminate unnecessary overhead or programs to ensure scarce resources are directed to the highest priorities for the warfighter; or (3) depart from the decisions reflected in the President's FY 2012 Budget Request. The Administration looks forward to working with the Congress to address these and other concerns, a number of which are outlined in more detail below.

Detainee Matters: The Administration objects to and has serious legal and policy concerns about many of the detainee provisions in the bill. In their current form, some of these provisions disrupt the Executive branch's ability to enforce the law and impose unwise and unwarranted restrictions on the U.S. Government's ability to aggressively combat international terrorism; other provisions inject legal uncertainty and ambiguity that may only complicate the military's operations and detention practices.

Section 1031 attempts to expressly codify the detention authority that exists under the Authorization for Use of Military Force (Public Law 107-40) (the "AUMF"). The authorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qa'ida and its associated forces, and have enabled us to confront the full range of threats this country faces from those organizations and individuals. Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk. After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country. While the current language minimizes many of those risks, future legislative action must ensure that the codification in statute of express military detention authority does not carry unintended consequences that could compromise our ability to protect the American people.

The Administration strongly objects to the military custody provision of section 1032, which would appear to mandate military custody for a certain class of terrorism suspects. This unnecessary, untested, and legally controversial restriction of the President's authority to defend the Nation from terrorist threats would tie the hands of our intelligence and law enforcement professionals. Moreover, applying this military custody requirement to individuals inside the United States, as some Members of Congress have suggested is their intention, would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets. We have spent ten years since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult. Specifically, the provision would limit the flexibility of our national security professionals to choose, based on the evidence and the facts and circumstances of each case, which tool for incapacitating dangerous terrorists best serves our national security interests. The waiver provision fails to address these concerns, particularly in time-sensitive operations in which law enforcement personnel have traditionally played the leading role. These problems are all the more acute because the section defines the category of individuals who would be subject to mandatory military custody by substituting new and untested legislative criteria for the criteria the Executive and Judicial branches are currently using for detention under the AUMF in both habeas litigation and military operations. Such confusion threatens our ability to act swiftly and decisively to capture, detain, and interrogate terrorism suspects, and could disrupt the collection of vital intelligence about threats to the American people.

Rather than fix the fundamental defects of section 1032 or remove it entirely, as the Administration and the chairs of several congressional committees with jurisdiction over these matters have advocated, the revised text merely directs the President to develop procedures to ensure the myriad problems that would result from such a requirement do not come to fruition. Requiring the President to devise such procedures concedes the substantial risks created by mandating military custody, without providing an adequate solution. As a result, it is likely that implementing such procedures would inject significant confusion into counterterrorism operations.

The certification and waiver, required by section 1033 before a detainee may be transferred from Guantánamo Bay to a foreign country, continue to hinder the Executive branch's ability to exercise its military, national security, and foreign relations activities. While these provisions may be intended to be somewhat less restrictive than the analogous provisions in current law, they continue to pose unnecessary obstacles, effectively blocking transfers that would advance our national security interests, and would, in certain circumstances, violate constitutional separation of powers principles. The Executive branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers. Section 1034's ban on the use of funds to construct or modify a detention facility in the United States is an unwise intrusion on the mili-

tary's ability to transfer its detainees as operational needs dictate. Section 1035 conflicts with the consensus-based interagency approach to detainee reviews required under Executive Order No. 13567, which establishes procedures to ensure that periodic review decisions are informed by the most comprehensive information and the considered views of all relevant agencies. Section 1036, in addition to imposing onerous requirements, conflicts with procedures for detainee reviews in the field that have been developed based on many years of experience by military officers and the Department of Defense. In short, the matters addressed in these provisions are already well regulated by existing procedures and have traditionally been left to the discretion of the Executive branch.

Broadly speaking, the detention provisions in this bill micromanage the work of our experienced counterterrorism professionals, including our military commanders, intelligence professionals, seasoned counterterrorism prosecutors, or other operatives in the field. These professionals have successfully led a Government-wide effort to disrupt, dismantle, and defeat al-Qa'ida and its affiliates and adherents over two consecutive Administrations. The Administration believes strongly that it would be a mistake for Congress to overrule or limit the tactical flexibility of our Nation's counterterrorism professionals.

Any bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto.

Joint Strike Fighter Aircraft (JSF): The Administration also appreciates the Committee's inclusion in the bill of a prohibition on using funds authorized by S. 1867 to be used for the development of the F136 JSF alternate engine. As the Administration has stated, continued development of the F136 engine is an unnecessary diversion of scarce resources.

Medium Extended Air Defense Systems (MEADS): The Administration appreciates the Committee's support for the Department's air and missile defense programs; however, it strongly objects to the lack of authorization of appropriations for continued development of the MEADS program. This lack of authorization could trigger unilateral withdrawal by the United States from the MEADS Memorandum of Understanding (MOU) with Germany and Italy, which could further lead to a DoD obligation to pay all contract costs—a scenario that would likely exceed the cost of satisfying DoD's commitment under the MOU. Further, this lack of authorization could also call into question DoD's ability to honor its financial commitments in other binding cooperative MOUs and have adverse consequences for other international cooperative programs.

Overseas Construction Funding for Guam and Bahrain: The Administration has serious concerns with the limitation on execution of the United States and Government of Japan funds to implement the realignment of United States Marine Forces from Okinawa to Guam. The bill would unnecessarily restrict the ability and flexibility of the President to execute our foreign and defense policies with our ally, Japan. The Administration also has concerns over the lack of authorization of appropriations for military construction projects in Guam and Bahrain. Deferring or eliminating these projects could send the unintended message that the United

States does not stand by its allies or its agreements.

Provisions Authorizing Activities with Partner Nations: The Administration appreciates the support of the Committee to improve capabilities of other nations to support counterterrorism efforts and other U.S. interests, and urges the inclusion of DoD's requested proposals, which balance U.S. national security and broader foreign policy interests. The Administration would prefer only an annual extension of the support to foreign nation counter-drug activities authority in line with its request. While the inclusion of section 1207 (Global Security Contingency Fund) is welcome, several provisions may affect Executive branch agility in the implementation of this authority. Section 1204 (relating to Yemen) would require a 60-day notify and wait period not only for Yemen, but for all other countries as well, which would impose an excessive delay and seriously impede the Executive branch's ability to respond to emerging requirements.

Unrequested Authorization Increases: Although not the only examples in S. 1867, the Administration notes and objects to the addition of \$240 million and \$200 million, respectively, in unrequested authorization for unneeded upgrades to M-1 Abrams tanks and Rapid Innovation Program research and development in this fiscally constrained environment. The Administration believes the amounts appropriated in FY 2011 and requested in FY 2012 fully fund DoD's requirements in these areas.

Advance Appropriations for Acquisition: The Administration objects to section 131, which would provide only incremental funding—undermining stability and cost discipline—rather than the advance appropriations that the Administration requested for the procurement of Advanced Extremely High Frequency satellites and certain classified programs.

Authority to Extend Deadline for Completion of a Limited Number of Base Closure and Realignment (BRAC) Recommendations: The Administration requests inclusion of its proposed authority for the Secretary or Deputy Secretary of Defense to extend the 2005 BRAC implementation deadline for up to ten (10) recommendations for a period of no more than one year in order to ensure no disruption to the full and complete implementation of each of these recommendations, as well as continuity of operations. Section 2904 of the Defense Base Closure and Realignment Act imposes on DoD a legal obligation to close and realign all installations so recommended by the BRAC Commission to the President and to complete all such closures and realignments no later than September 15, 2011. DoD has a handful of recommendations with schedules that complete implementation close to the statutory deadline.

TRICARE Providers: The Administration is currently undertaking a review with relevant agencies, including the Departments of Defense, Labor, and Justice, to clarify the responsibility of health care providers under civil and workers' rights laws. The Administration therefore objects to section 702, which categorically excludes TRICARE network providers from being considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.

Troops to Teachers Program: The Administration urges the Senate's support for the transfer of the Troops to Teachers Program to DoD in FY 2012, as reflected in the President's Budget and DoD's legislative proposal to amend the Elementary and Secondary Education Act of 1965 and Title 10 of the U.S.

Code in lieu of section 1048. The move to Defense will help ensure that this important program supporting members of the military as teachers is retained and provide better oversight of 6 program outcomes by simplifying and streamlining program management. The Administration looks forward to keeping the Congress abreast of this transfer, to ensure it runs smoothly and has no adverse impact on program enrollees.

Constitutional concerns: A number of the bill's provisions raise additional constitutional concerns, such as sections 233 and 1241, which could intrude on the President's constitutional authority to maintain the confidentiality of sensitive diplomatic communications. The Administration looks forward to working with the Congress to address these and other concerns.

Mr. LEAHY. So, contrary to what the bill sponsors claim, they have not incorporated the administration's requests, and the current language does not remove the risk of impeding intelligence investigations or prosecutions of terrorist suspects.

As currently written, the language in this bill would authorize the military to indefinitely detain individuals—including U.S. citizens—without charge or trial. I am fundamentally opposed to indefinite detention, and certainly when the detainee is a U.S. citizen held without charge. It contradicts the most basic principles of law that I subscribed to when I was a prosecutor, and it severely weakens our credibility when we criticize other governments for engaging in similar conduct.

I fought against the Bush administration policies that left us in the situation we face now, with indefinite detention being the de facto administration policy, and I strongly opposed President Obama's Executive order on detention when it was announced last March because it contemplated, if not outright endorsed, indefinite detention.

I am also deeply troubled by the mandatory military detention requirements included in this bill, which I believe dangerously undermine our national security. In the fight against al-Qaida and other terrorist threats, we should be giving our intelligence, military, and law enforcement professionals all the tools they need—not limiting those tools. But limiting them is exactly what this bill does. Secretary Panetta has stated unequivocally that “[t]his provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.” Requiring terrorism suspects to be held only in military custody, and limiting the available options in the field, is unwise and unnecessary.

The language in the detention subtitle of this bill is the product of a process that has lacked transparency from the start. These measures directly affect law enforcement, detention, and terrorism matters that have traditionally been subject to the jurisdiction of the Senate Judiciary Com-

mittee and the Senate Select Committee on Intelligence, but neither committee was consulted about these provisions in July when the bill was first marked up, or earlier this month when it was modified.

The administration proposed revisions to significantly improve the detention provisions. However, rather than negotiate with the administration in good faith, the Armed Services Committee drafted a new version of the language behind closed doors and claimed that it had solved all of the issues raised by the administration. It is obvious from the letters we have received that this is not the case.

I can see no reason why these provisions were rushed through the Committee without the input of the Defense Department and Federal intelligence and law enforcement agencies that will be directly affected if this language is enacted.

We must allow a thorough review to determine the legal and practical consequences that these changes will have on future counterterrorism and national security operations to ensure they are not hindered. That is what the Udall amendment does. I urge all Senators to support this amendment.

Ms. COLLINS. Mr. President, it is imperative that American citizens detained on U.S. soil be entitled to every protection guaranteed by the Constitution. I am concerned, therefore, that not all of the detainee provisions in the bill provide explicit exemptions for U.S. citizens who might be detained in the United States.

Had the amendment been more narrowly tailored to address that concern, I would support it. However, I unfortunately cannot support the amendment as a whole because it is too sweeping and would eliminate provisions that are important to preserve because they undoubtedly make our country safer. For instance, if this amendment were to pass, the Administration would be free to transfer detainees to countries where there are confirmed cases of detainees who have been released returning to fight against the United States. In addition, the amendment would eliminate a provision that would prevent foreign fighters captured overseas from taking advantage of the very constitutional rights I want to ensure for American citizens.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Michigan has 4 minutes remaining.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to yield 2 minutes to the Senator from New Hampshire, followed by time from Senator LEVIN for the Senator from Connecticut, and then what time I have remaining for the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, I wish to thank Chairman LEVIN and Ranking Member MCCAIN and remind everyone that this particular amendment addressing detainee provisions passed overwhelmingly on a bipartisan basis in the Armed Services Committee.

The reason we addressed this issue was because we heard witness after witness in a series of months before the Armed Services Committee from our Department of Defense tell us—for example, when I asked the commander of Africa Command, saying he needs some lawyerly help on how to answer what to do with a member of al-Qaida who is captured in Africa. This is an area that cried out for clarification, and that is the genesis of this amendment, which is a very important amendment.

Briefly, two issues. No. 1, the arguments that have been raised about section 1031, including the statement of authority, this is a red herring. This provision was drafted, as Senator LEVIN said very clearly, based upon what the administration wanted, and also codifies existing law on what the statement authority is in terms of the fact that we are at war with al-Qaida. If people want to disagree with that, that is certainly a policy discussion we can have. But we were attacked on our soil on 9/11, and this codifies the fact that we are at war with members of al-Qaida.

Section 1032 is the military custody provision. Let's be clear on what it does and what it does not do. No. 1, it is very clear on who it applies to. It only applies to members of al-Qaida or an associated force who are planning or carrying out an attack or attempted attack against the United States or its coalition partners. It does not apply to American citizens. We are only saying that if a person is a member of al-Qaida and they want to attack the United States, we are going to hold them in military custody. Why? I prosecuted cases in the criminal system. We don't want to have to—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. We don't ever want to have to read a terrorist their right to remain silent. That is the issue here.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 3 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend, the chairman of the Armed Services Committee. I rise respectfully to oppose the amendment the Senator from Colorado has offered, though in some measure I thank him for offering it because this has been an important and good debate.

My own position, stated briefly, is this: As Senator LEVIN has said, we are

a nation at war. As such we were attacked on 9/11. We adopted in this Chamber the authorization for military force. That is about as close to a declaration of war as we have done since the Second World War. The comparison is exact because what happened to us on 9/11 was in some ways even worse than what happened in December of 1941 when we were attacked at Pearl Harbor.

A nation at war that seizes those who have declared themselves to be part of enemy forces and have attempted to attack the American people, or America, should be treated as enemy combatants, as prisoners of war, according to the law of war. To me, that is a matter of principle. Regardless of what statistics one can cite about how well prosecutions have gone in article III courts, that is, to me, not ultimately the point. If we are at war, the people who are fighting against us ought to be treated as prisoners of war.

In fact, we are without a policy now, as Senator AYOTTE said. The main reason I oppose what Senator UDALL is proposing is that he would remove the sections of the current bill that create a policy and send us back to where we are now, where our forces in the field don't know what to do if they capture a member of al-Qaida.

If I had my way, the provisions in this proposal on detainees would not have the waivers the President has. It would simply say, if you are apprehended—if you are a foreign member of al-Qaida, and you are captured planning or executing attacks against Americans or our allies in this war, you are put in military custody and you are tried in a military tribunal. This is not the law of the jungle; this is according to American law. These are the same courts in which American soldiers are tried when charges are brought against them, and, of course, we accept and abide by all of the provisions of the Geneva Conventions.

But that was not the will of the Armed Services Committee. The Armed Services Committee, in a good, reasonable, bipartisan compromise, has created a system here where the default position—the initial position is to transfer these enemy combatants to military custody. It is a good compromise. It is the kind of compromise that—

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mr. LIEBERMAN.—doesn't happen around here enough. I didn't get everything I wanted out of it, but it is a lot better than the status quo. Therefore, I support the language in the bill and oppose the Udall amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to urge my colleagues to oppose the Udall amendment, which would

eliminate the bipartisan detainee provision that the chairman, the ranking member, and committee members worked so hard to craft. These provisions are necessary to provide some certainty for our intelligence professionals in how our government will handle terrorist detainees and how long detainees can be questioned for intelligence-gathering purposes.

We have heard quite a lot over the past few days from administration officials about how our intelligence and law enforcement professionals need flexibility. In fact, Director of National Intelligence Clapper wrote to the Intelligence Committee arguing for flexibility and stressing the need for a process that, as he said, "encourages intelligence collection through the preservation of all lawful avenues of detention and interrogation." With that, I agree wholeheartedly. The problem with the status quo, however, is that the administration refuses to use all of its lawful avenues of detention and interrogation available to it, choosing instead only to use one, and that is article III courts.

For nearly 3 years, Members of Congress have pressed the administration to establish an effective and unambiguous long-term detention policy, but they have refused. The intent behind these bipartisan provisions is simple: We must hold detainees for as long as it takes to gather information our intelligence and law enforcement professionals need to take down terror networks and to stop attacks.

Frankly, the best place, in my opinion, for this is Guantanamo Bay. But when it comes to Gitmo, the administration is no longer concerned about "flexibility." Instead, we hear that Guantanamo is "off the table."

In fact, in a hearing, when I asked the current Secretary of Defense, prior to the SEAL Team 6 takedown of Osama bin Laden: If you captured him, what would you do with him, he quizzically looked back and said: Well, I guess we would send him to Guantanamo. Well, we know that would not have happened had we not taken him down.

This is unfortunate because intelligence and law enforcement professionals, including some at high levels in the administration, acknowledge privately that what hampers intelligence collection from detainees is the administration's unwillingness to take new detainees to Guantanamo for questioning. When our operators overseas are unsure about where they would hold captured detainees, it causes delay, sometimes missed opportunities, and sometimes capture operations become kill operations.

We cannot afford this kind of uncertainty and the Udall amendment simply kicks the can down the road with a report about a problem we already understand. The time to act is now.

Without Guantanamo, long-term military detention elsewhere is the next best option and is the appropriate option for terrorists with whom we are at war. The detainee provisions in the Defense Authorization Act will ensure that the administration uses all of the detention options it says it wants, not just article III courts, and offer the flexibility the administration says it needs. I urge my colleagues to oppose the Udall amendment and give our intelligence professionals and military operators some certainty as they fight the war on terror.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. Mr. President, I urge a "no" vote on the Udall amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to thank all of my colleagues who have engaged in a very important debate.

I would also like to say to my friend from Michigan, the chairman, I have observed him for many years debate various issues on the floor of the Senate and in the Armed Services Committee. I have never seen him more eloquent than I have observed in his statements today and throughout this debate. I also appreciate the fact that there are many in his conference who do not agree with the position taken by the chairman, and I especially am admiring of that.

I yield.

Mr. LEVIN. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Michigan has 45 seconds. The Senator from Colorado has 1 minute.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Colorado be allowed—

Mr. LEVIN. He only needs 2 minutes.

Mr. MCCAIN. Two minutes, at least.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Such time as he may need.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank, again, the ranking member and the chairman of the Armed Services Committee for their hard work.

I want to close with a couple points. I want to, in the interest of clarifying the record, point out, on the heels of the chairman's comments about the Statement of Administration Policy, when it comes to section 1031, the full statement reads:

Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk. After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country.

Second, there are questions that continue to be raised. I want to mention section 1033. The chairman said it is only section 1032 that is the focus of our attention, but there have been questions raised about section 1033. There is language in section 1033 that makes it clear that—we think it makes it clear that there is a provision that requires any receiving country is taking actions “to ensure that the [detainee] cannot engage . . . in any terrorist activity.” This is if we are releasing or transferring somebody who is detained.

I was in Afghanistan recently, at Bagram prison. We have 20,000 detainees there. There are some who believe section 1033 would restrict us from releasing those prisoners at Bagram as we begin to draw down our efforts in Afghanistan. That is just one of the many questions that are asked.

Finally, I listened to the passion that my friend from South Carolina Senator GRAHAM exhibited on the Senate floor. We are all in this together. We are going to prevail. The bad guys in the world are not going to win. We do have, however—and this is what makes our country strong—different points of view on how we prosecute this war. I believe the intent of what is being suggested in these provisions is well and good and at the highest level. But there are many people we trust and respect—including the FBI Director, the Secretary of Defense, the Secretary of Homeland Security—who believe what will happen, if we interpret the language, will not actually reflect our intent.

Therefore, let's set this aside, pass the NDA, send it to the President, and take the next 90 days to hold hearings and thoroughly vet what is in this set of provisions. I will be the first person to come to the floor if all of those individuals and our own experts tell us this is the right way to proceed, to say: Let's put this into the law.

But let's not rush to take these steps. We have something that is working. We have over 300 terrorists who have been prosecuted through our civil system who are in jail, many of them for life sentences, sentences that will outlast their lifespans. Let's not fix something that is not broken until we really understand what the consequences are.

I thank, again, my colleagues on the Senate Armed Services Committee. This has been a helpful and important debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me also thank our friend from Colorado for his contributions to the committee. He is a valuable member of our committee, and he is no less valuable because he is offering an amendment with which I happen to disagree.

Two quick factual points. One is, the language the Senator mentioned from

section 1033 is exactly the same language as was in last year's bill and is in current law. The only difference is we have given greater flexibility this year to the President by making it waivable. So our language is more flexible than the current law.

Finally, in terms of the Hamdi case, the Senator is correct. I believe it was Senator UDALL who said this was an American citizen who was captured in Afghanistan. That is true. But the Supreme Court, in Hamdi, relied on the Quirin case—which was an American citizen captured on Long Island and—quoted that case with approval when saying:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

That was the Quirin language—an American citizen captured on Long Island.

Mr. President, if I have any time left, I will yield it and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the pending amendment is the Udall amendment.

Am I correct, I ask the chairman, in that we would intend, depending on—there are several things that have to be resolved—but we would intend to have this vote at around 2:15 p.m., if things work out? Is that correct?

Mr. LEVIN. I wonder if Senator UDALL also heard that. I believe, and I think it is the intention of all of us, that we vote on this as soon as possible after 2:15.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1230 AND 1281, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending McCain amendments Nos. 1230 and 1281 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 1230, AS MODIFIED

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

“(C) ANNUAL ADJUSTMENT IN ENROLLMENT FEE.—(1) Whenever after September 30, 2012, and before October 1, 2013, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of

such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

“(2) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

“(3) Any increase under this subsection in the fee payable for enrollment shall be effective as of January 1 following the date on which such increase is made.

“(4) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.”.

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under subsection (c)(1) of section 1097a of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

- (1) \$260 for individual enrollment.
- (2) \$520 for family enrollment.

AMENDMENT NO. 1281, AS MODIFIED

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader

NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

The PRESIDING OFFICER. In my capacity as a Senator from Virginia, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent there be 2 minutes of debate, equally divided, prior to a vote in relation to the Udall of Colorado amendment No. 1107; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, with no amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, this amendment strikes controversial detainee provisions that have been inserted in the National Defense Authorization Act. It would require that the Defense intelligence and law enforcement agencies report to Congress with recommendations for any additional authorities they need in

order to detain and prosecute terrorists. The amendment would then ask for hearings to be held so we can fully understand the opposition to these provisions by our national security experts—bipartisan opposition, I might add—and hopefully avoid a veto of the Defense authorization bill.

In short, we are ignoring the advice and the input of the Director of the FBI, the Director of our intelligence community, the Attorney General of the United States, the Secretary of Defense, and the White House, who are all saying there are significant concerns with these provisions; that we ought to move slowly.

We have been successful in prosecuting over 300 terrorists through our civil justice system. Let's not fix what isn't broken until we fully understand the ramifications.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 30 seconds to Senator GRAHAM.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, section 1031 is a congressional statement of authority of already existing law. It reaffirms the fact this body believes al-Qaida and affiliated groups are a military threat to the United States and they can be held under the law of war indefinitely to make sure we find out what they are up to; and they can be questioned in a humane manner consistent with the law of war.

Section 1032 says if you are captured on the homeland, you will be held in military custody so we can gather intelligence. That provision can be waived if it interferes with the investigation.

These are needed changes. These are changes that reaffirm what is already in law.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the Supreme Court has recently ruled—this is the Supreme Court talking:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant. A citizen, no less than an alien, can be part of the supporting forces hostile to the United States, and such a citizen, if released, would pose the same threat of returning to the front during the ongoing conflict.

That is the Supreme Court's statement. We can and must deal with an al-Qaida threat. We can do it properly. The administration helped to draft almost all of this bill. The provisions which would be struck—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Are provisions which even the administration has helped to draft. So I would hope we would deal with the al-Qaida threat in an appropriate way, in a bipartisan way. The

committee voted overwhelmingly for this language.

I yield the remainder of my time.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. How much time do I have remaining?

The PRESIDING OFFICER. Three seconds.

Mr. UDALL of Colorado. The Director of the FBI, the Secretary of Defense, the Attorney General, and the Director of Intelligence have all said let's go slow.

Pass the Udall amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—38

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Paul
Bennet	Harkin	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Kirk	Schumer
Brown (OH)	Klobuchar	Tester
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Wyden
Feinstein	Murray	

NAYS—60

Alexander	Grassley	McCaskill
Ayotte	Hagan	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Nelson (NE)
Boozman	Hoeben	Portman
Brown (MA)	Hutchison	Pryor
Burr	Inhofe	Reed
Casey	Inouye	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kohl	Shaheen
Collins	Kyl	Shelby
Conrad	Landrieu	Snowe
Corker	Lee	Stabenow
Cornyn	Levin	Thune
Crapo	Lieberman	Toomey
DeMint	Lugar	Vitter
Enzi	Manchin	Whitehouse
Graham	McCain	Wicker

NOT VOTING—2

Begich
Murkowski

The amendment (No. 1107) was rejected.

CHANGE OF VOTE

Mr. MENENDEZ. Mr. President, on rollcall vote 210, I voted "nay." It was my intention to vote "yea." Therefore,

I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if I could have Senator MCCAIN's attention as well, what we are trying to do next is to move to two amendments, if we can. Both are next on the pending list. One is the Paul amendment No. 1064, repeal the authorization for use of military force against Iraq. The second one is not directly after his but follows after two Feinstein amendments. Senator FEINSTEIN told me she could not be here early this afternoon. I told her if hers could be made part of a unanimous consent agreement, that could come later because this afternoon we have other things we can do. So the second amendment on this list is another nongermane amendment by Senator LANDRIEU, No. 1115, relative to small business research grants.

What we are trying to do is work out a unanimous consent agreement. There will be 60-vote thresholds on those two amendments. Neither one of them, I believe, is germane. As part of that agreement, we would also next move to approximately 40 cleared amendments which we would then ask be passed as cleared. That would all be part of a unanimous consent agreement we are currently drafting.

So I want to alert our colleagues—

Mr. MCCAIN. For the benefit of our colleagues, could I add also the agreement of a half hour time limit on the Paul amendment? He would agree to that. I am sure Senator LANDRIEU would agree to a short time agreement on her amendment.

Mr. LEVIN. I am sure she told me that would be OK. When we prepare our unanimous consent agreement, we will doublecheck that.

So that is where we stand. We hope in the next few minutes to be able to bring to the body a unanimous consent agreement. In the meantime, unless there is someone else who seeks recognition, I would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I have cleared with Senator LEVIN to be able to speak about a topic but not offer an amendment. I understand we are working on a unanimous consent agreement. I do have an amendment that at the appropriate time hopefully will be able to be brought up, but I wish to discuss it now. I think it is a way for us to save \$1.1 billion over the next 5 years in the Defense Department, give children of on-base military schools a better education, help the local school districts through Impact Aid by \$12,000 per student per year, and actually do what we are intending to do in terms of education.

We have 64 schools right now on 18 military bases within the United States. There are 26,000 students taught by 2,300 teachers. That is 1 teacher for every 11 students. The average cost per student per year is \$51,000 in a military school—\$51,000. That is 250 percent higher than the highest cost district anywhere in the United States—2½ times.

This amendment says let's use local schools, let's help local schools through these military bases, and let's give an exemption if we need to, if it is not available. If we were to do that, three positive things would happen. The first one is probably a better education. According to the teachers, conditions are so bad that some of the educators at base schools envy the civilian public schools off base, which admittedly have their own challenges. "Some of the new schools in town make our schools look like a prison," said David Primer, who uses a trailer as a classroom to teach students German at Marine Corps headquarters in Quantico, VA. In other words, what they are looking at, what they are doing, and for the cost of it, the value can be higher. That is No. 1.

Second, it will help the local school districts because they will not only get Impact Aid, but they will be given up to \$12,000 per year per student off a military base.

Then, finally, third, it will, over the next 5 years, save \$220 million a year out of the military's budget that they would not be spending. That is after the \$12,000 and the Impact Aid. So it is a way to save \$1.1 billion and give a better education with better facilities to the children of our military service bases, these 26,000 students at 16 military installations. It is a win-win-win.

My hope is we will be able to call up this amendment and make it pending in the future.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I had a number of amendments that I was just going to discuss, unless the chairman is planning to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. It is fine, if my colleague wishes to discuss amendments without attempting to offer any amendments.

Mr. INHOFE. No, that is not my intention. I just want the chance to talk about them.

Mr. LEVIN. I appreciate that. If I could ask my friend about how long he needs?

Mr. INHOFE. Until the chairman is ready to speak.

Mr. LEVIN. That sounds good.

Mr. INHOFE. Mr. President, there are a number of amendments I think will probably not come up, but they should. We talked about this some time ago.

The Federal Aviation Administration has come up with a change for their SUB-S nonscheduled carriers that is going to make them comply with certain of the wage and hour—the crew rest requirements. Here is the problem we have. About 95 percent of the passengers who go into—this is our troops—Afghanistan today are carried by nonscheduled airlines as opposed to military and about 40 percent of the cargo that is going in.

Now, the problem we have is, with the 15-hour restriction on crew rest, they are unable to bring them in, leave them there, and then go back to their point of origin—someplace in Germany—without exceeding that 15-hour limitation. The only choice they would have is to leave them in Afghanistan, which they cannot do because that is a war zone.

So I want to have a way of working this out. We want to pursue this because the carriers understand what the problem is. These are the nonscheduled carriers. So it is something I think is very significant, and we need to be addressing it.

Another issue is, JIEDDO is the group that is the Joint Improvised Explosive Device Defeat Organization. They have done great work in their technology in stopping the various technologies over there, the IEDs that have been killing and causing damage to our troops and to our allies. The problem we have is it is set up just for Iraq and Afghanistan. When everything is through in Iraq and Afghanistan, that might put them in a position where they would cease to exist, and yet the technology and what they are doing right now is useful in the United States even though it is not designed

by the legislation to do that. I believe this is something that can be corrected.

Another area that needs to be addressed—and I have some ideas, and this is one I would like to get in the queue; it is not pending at this time, so there is a little bit of a problem there, but it might be something that could be addressed in conference—is the military bases should be able to benefit from the production of domestic energy and resources on those bases.

In the case of the McAlester depot, they could horizontally drill and come out with some pretty good royalties that would otherwise go to the general fund or go to the State of Oklahoma. It is kind of divided in that way. Well, the problem is there is a cost that is incurred by the military operation. We need to have something that is going to allow them to receive the benefits of the production that takes place under the military installations through horizontal drilling.

I think everyone is for doing this. But the problem is, it could be scored in that if we took all of the existing production, then that would be money that would not otherwise go to our general fund. So what I would propose is to have this in the form of an amendment, and then change it to say: Any operation from this point forward—that money, those royalties, could go back to the military base because what we all agree on is we do not want our bases to have to foot the bill for these things that are taking place.

I have an amendment, No. 1101, that would stop the transfer of the MC-12W ISR aircraft from the Air Force to the Army. I think it is something that is pretty significant. We are talking about intelligence and reconnaissance. The MC-12W is a King Air or a C-12. Right now it is under the jurisdiction of the Air Force, and this bill would change it from the Air Force to the Army. Well, neither the Air Force nor the Army wants to make that change, and there ought to be a way to support that.

There are several other amendments that will be coming forward that will be offered. One I feel very strongly about has to do with the sale of the F-16C/D models to Taiwan.

Then, lastly—and I feel very strongly about this—back in 2007, we changed the commands to create AFRICOM. AFRICOM, prior to this time, was part of three commands: Central Command, Pacific Command, and European Command. Well, it is so significant in terms of national security, in terms of our economy and the activity that is going on there right now.

For example, ever since 9/11, we have been working with the Africans to help develop in Africa our programs—our 1206 programs, our train-and-equip programs. More recently, we have been involved in the LRA issue in poor countries in Africa.

Well, there is an effort now—almost any Member I guess would feel the same way—to take that command that is now in Stuttgart, Germany, and put it in Texas or Florida or someplace in the United States. I think that would be something that would inure to the benefit maybe of a Member, a Senator, but, on the other hand, it creates certain problems.

When the African Command came into effect—and I think that is one of the few issues that I, probably, am more familiar with than most other Members—the obvious place would have been to have that command located in Africa itself. My choice at that time was Ethiopia. I think there is a lot of jurisdiction for that. But they said because of the political problem—if we go back historically in Africa, and we look at the colonialism, there is this thing embedded back in the minds of people in Africa, thinking that having a command, a U.S. command located in Africa, it might revert back to some of the colonial days. That is the concern people had.

So, anyway, I thought it would have been better to have it in Africa itself. But because of this—and, by the way, I have talked to many of the Presidents of countries over there—President Kikwete in Tanzania and President Kagame in Rwanda and President Kabila in the Congo, and several of the others—and they say: Yes, you are right. It would be better to have that command located somewhere in Africa, but we have the political problem with the people who would think that is a move back toward colonialism. So it is a complicated problem.

However, I do believe all of the generals pretty much believe that AFRICOM should remain where it is. At least Stuttgart is in the same time zone. It is easier to transport people and equipment back and forth. So I would support defeating any of the amendments that would change that situation.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST YEAR IN THE SENATE

Mr. KIRK. Mr. President, last week we celebrated Thanksgiving, the time of year when we look back and we give thanks for our blessings. We are all grateful for our family, our men and

women in uniform, and those who also defend our Nation in civilian life. I am particularly thankful this year, because 1 year ago today I had the honor of my life to be sworn in as the newest junior Senator for the State of Illinois to complete Senator Obama's term.

And what a year it has been. Coming from the House of Representatives, I had to adjust to the measured place and pace of the Senate. But while Americans may have a dim view of what we do here, I remain an optimist. Americans have always faced tough challenges but then rose to the occasion more successfully than any other people in history.

Although I believe there is much more to do to reduce debt, repeal burdensome regulations, and encourage job creation, I want to take a few minutes to lay out what my team has accomplished for the State of Illinois and the Nation in 1 year.

In my first 30 days in office we moved three times, we hired a staff, and then voted to prevent the largest tax increase in history, while Congress extended tax relief for millions of Americans in that legislation.

We also worked to block the transfer of al-Qaida terrorists from Guantanamo Bay to northwestern Illinois. Since then, Congress enacted the Budget Control Act, mandating about \$2 trillion in reduced Federal borrowing over the next 10 years, which in my view is only a first step in addressing Washington's out-of-control spending. No one here would say that we have come near to solving the problem, but I am heartened by the bipartisan and bicameral support of the Gang of Six proposal, and now with the probable support of 45 Republican and Democratic Senators, I hope we will soon go big with their recommendations to find \$4 trillion in savings.

The Congress approved three free-trade agreements to boost U.S. exports to South Korea, to Colombia, and Panama, as both President Obama and Speaker BOEHNER wanted. The action will open markets for Illinois farmers and boost exports for companies and employers such as John Deere in Moline, Caterpillar in Peoria, ADM in Decatur, and Navistar in suburban Warrenville.

Congress repealed the onerous requirement mandated by the health care law that required small businesses to document all payments over a few hundred dollars. This absurd 1099 rule was the first part of the health care law to be repealed, and it will soon be followed by the misnamed CLASS Act that even the Obama administration appears to have canceled by executive action.

Additionally, Congress reformed our patent system by moving to a first-to-file, instead of a first-to-invent, system. This signals to inventors that they should quickly file their invention

and allows us to innovate without endless and expensive litigation. Along with that effort, the Kirk amendment authorizing the patent office to have a small business fast lane became law.

My office published a Great Lakes report card that gave our largest body of fresh water a C grade to draw attention to invasive species, to poor water quality, and beach closures, demonstrating the need for our legislation by myself and Senator DURBIN to ban sewage dumping in the Great Lakes.

To create more construction jobs in Illinois, I introduced the Lincoln Legacy Infrastructure Development Act which would unlock more than \$100 billion in new revenue for roads, rail, transit, and airports, through more infrastructure funded by public-private partnerships. I have since met with Secretary LaHood, Chief of Staff Daley, and House Chairman MICA as a way to advance this legislation to restart our economy.

We have also had an active year in protecting our allies and America's interests overseas. On the floor today, we may consider the Menendez-Kirk amendment pending to the Defense Authorization Act which would impose crippling sanctions on the Central Bank of Iran. This is a result of a collaborative effort involving 92 Senators who signed the Schumer-Kirk letter calling for the United States to collapse Iran's terror-sponsoring bank.

In May, Senator GILLIBRAND and I introduced the Iran Human Rights and Democracy Promotion Act which establishes a special representative on human rights and democracy in Iran, imposing sanctions on companies that sell or service products that enable the Iranian regime to oppress its people. It would require a comprehensive strategy to promote Internet freedom in Iran and reauthorize the Iran Freedom Support Act. The bill is now part of the Iran, North Korea, and Syria Sanctions Consolidation Act.

In February, the Senate passed a Kirk resolution condemning human rights abuses in Iran, and we founded the Iranian Dissident Awareness Program to make dissidents such as Hossein Ronaghi-Maleki, a blogger and human rights activist, and Nasrin Sotoudeh, a lawyer and human rights activist, household names now in America.

We also fought for strict assurances that data collected from our new X-band radar in Turkey would be shared with our allies in Israel.

In total, my office introduced 18 bills and resolutions and 11 amendments. We cosponsored 132 pieces of legislation.

I am a member of four committees that have held more than 130 hearings and markups. This year we worked on the reform of No Child Left Behind, and those reforms passed the committee with bipartisan support. We also worked on legislation regarding

flood insurance funding bills under the Appropriations Committee.

Most Americans who watch cable news think all Democrats and all Republicans may hate each other. While Congress has grown more partisan, I am particularly proud of the bipartisan partnerships we have fostered in such a short time. I have continued a long-standing battle against the corrupt sugar program by working with Senator SHAHEEN of New Hampshire on S. 25 to Stop Unfair Giveaways and Restrictions Act, the SUGAR Act of 2011, which would eliminate sugar price supports and increased costs for consumers that destroy American manufacturing jobs.

Senator WYDEN and I introduced legislation targeting more than \$60 billion in Medicare fraud every year by issuing new identify theft-proof medical ID cards, offering the same ID card protection our troops have for our seniors.

I also joined Senator WYDEN in his efforts to ensure your constitutional rights are protected with regard to your GPS data and cell phone and other location information.

Senator CASEY and I worked together on antibullying legislation to keep our kids safe at school.

I joined Senator WHITEHOUSE in an effort to criminalize the pointing of lasers against civil aircraft to keep that industry safe.

In my capacity as the top Republican member of the Military Construction and Veterans Affairs Appropriations Subcommittee, we worked across the aisle with Chairman TIM JOHNSON to pass the first stand-alone appropriations bill out of the Senate since 2009. Since then, we have broken the logjam on appropriations bills, and I hope to quickly complete that legislation.

I especially wish to recognize one of my first friends in the Senate, Senator JOE MANCHIN of West Virginia, for our collaborative effort on many issues, the latest being a bipartisan resolution calling for the Congress to go big on deficit reduction. When we first came to the Senate together, we saw that there were few opportunities for Republicans and Democrats to interact outside the Senate floor. That is why we began to have an open lunch together each Thursday instead of the regularly scheduled partisan lunches, to discuss ways to bridge the political divide in the Senate and in Washington.

I also wish to highlight the partnership I have developed with my senior Senator from the State of Illinois. While we may not see eye to eye on many issues, Senator DURBIN and I have worked closely on a whole host of issues for Illinois. Following in the footsteps of the late Senator Paul Simon, Senator DURBIN and I have now held more than 25 joint constituent coffees here in Washington. It is like a townhall meeting, where we talk with

Illinois families about what is going on at home and in the Congress.

In March, Senator DURBIN and I worked with Secretary of Transportation Ray LaHood to help the city of Chicago, American, and United Airlines come to an agreement to keep the O'Hare Modernization Program moving forward. This is the single greatest job creation program in northern Illinois, and the agreement that we helped foster keeps thousands at work at O'Hare.

We worked closely to bring high-speed rail to the State of Illinois, and together introduced legislation to expand charter schools, to improve access to EpiPens at schools for children with severe allergies, to ensure military families in North Chicago continue to receive their Federal education assistance.

We fought to open a new Federal prison in Thompson, IL, but without al-Qaida detainees, to create jobs in northwestern Illinois, and address also flooding issues in southern Illinois and levee rehabilitation in the metro east area. We have also successfully confirmed four new judges for central and northern Illinois, and have an additional two nominations, one Democrat, one Republican, pending.

But legislation is not all we do here. In my opinion, one of the most important things a Member of Congress can focus on is constituent service. We formed advisory boards for African Americans, Latinos, small business, agriculture, health care, education, and students. Since I first came to the House of Representatives in 2001, I have worked diligently as an advocate for Illinois before the Federal Government. In 1 year now, my staff has held more than 3,440 meetings with constituents and other officials and dignitaries. To be as accessible as possible, I have visited 50 out of Illinois's 102 counties and held 20 townhall meetings throughout the State.

This month, my successor in the House of Representatives, Congressman BOB DOLD, and I held the first ever live Facebook townhall meeting and answered questions we received via the social networking site and Twitter.

My office has arranged 340 Capitol and White House tours for approximately 2,800 constituents. We received more than 85,000 phone calls and responded to 66,000 letters and e-mails. We have helped more than 4,000 constituents with casework details before the government, and written more than 200 letters in support of Illinois towns, counties, and organizations for Federal grants. I have convened eight constituent advisory boards and met a total of 18 times. My office helped process 122 passports and assisted 750 veterans and their concerns before the VA.

We have accomplished quite a bit this year. I remain optimistic about the long-term future of our Nation. We can outinnovate and outproduce any

nation on the planet if we create an environment that supports full job creation. But there is still a lot of work to do. The Illinois unemployment rate stands at over 10 percent. It seems each day we hear of a new company thinking of leaving our State.

The health care law threatens a further drag on our economy. We face a global sovereign debt crisis in Europe and fears of future credit devaluations for the United States.

U.S. troops continue to pursue enemies of freedom in Afghanistan and Iraq, and Iran continues its effort to develop nuclear weapons. Protests are accelerating in Egypt, and civil unrest in Syria. Piracy remains a concern off the coast of Somalia.

As I have for the past year, I will spend the next 5 years making sure that America remains the best place on Earth for any individual to rise to their full potential, a place where your rights are protected against the government, whose main mission should be to defend us, and to foster higher incomes for our families.

In these battles, I will advance the interests of the State of Illinois as the job engine at the center of the Nation's economy, protector of the Lake Michigan and Mississippi ecosystems, and the special place that sent Abraham Lincoln and hopefully future Lincolns for national leadership when America needs it most.

Of course, my heart and soul will always be with the troops—their care, their mission, and their spirit of defending a place that is the greatest force for human freedom and dignity ever designed.

I am truly grateful for the opportunity to serve my Nation twice—in the Navy and in the Senate. I thank the people of Illinois for this first year in the Senate and for the even bigger things we will do together in the years to come.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. FRANKEN. Mr. President, I have filed two amendments that I will offer at some time, and I will talk about them now.

I am strongly opposed to the detention provisions in the Defense bill before us. I am disappointed that Senator UDALL's amendment did not pass. Taken together, sections 1031 and 1032 would fundamentally alter how we investigate, arrest, and detain individuals suspected of terrorism.

Before I get into the details of why I oppose these detainee provisions, I

think it is important to recognize that September 11 irrevocably and unalterably changed our lives. I was in Minnesota on that terrible day. A number of Minnesotans died in the towers, in the air, and at the Pentagon. In New York, in the months following the attacks, I attended the funerals of brave firefighters and law enforcement officers who sacrificed their lives to help rescue folks from the towers. I cannot shake those images from my mind, and I am guessing, like many of you, I will never be able to erase the horrors of September 11 from my mind.

September 11 reminded us that we are vulnerable and that we are fighting an unusual enemy. It forced us to reassess our approach to counterterrorism, and it forced us to redouble our efforts to track down the people who aim to do us harm. But it is exactly in these difficult moments, in these periods of war when our country is under attack, that we must be doubly vigilant about projecting what makes us Americans.

The Founders who drafted our Constitution and Bill of Rights were careful to draft a Constitution of limited powers—one that would protect Americans' freedom and liberty at all times, both in war and in peace.

Today, as we contemplate fundamentally altering the criminal justice system our Founders developed in order to create a military detention system—a system that would permit the indefinite detention of U.S. citizens and lawful residents of the United States for acts committed in the United States—I think it is important to pause and remember some of the mistakes this country has made when we have been fearful of enemy attack.

Most notably, we made a grave and indefensible mistake during World War II when President Roosevelt ordered the incarceration of more than 110,000 people of Japanese origin, as well as approximately 11,000 German Americans and 3,000 Italian Americans. There is a memorial right across the street from the Capitol that should remind us all of this terrible mistake.

In 1971, President Richard Nixon signed into law the Nondetention Act to make sure the U.S. Government would never again subject any Americans to the unnecessary and unjustifiable imprisonment that so many Japanese Americans, German Americans, and Italian Americans had to endure.

It wasn't until 1988—46 years after the internment—that President Reagan signed the Civil Liberties Act, that the government formally acknowledged and apologized for the grave injustice that was done to citizens and permanent residents of Japanese ancestry.

These were dark periods in American history, and it is easy standing here today to think that is all behind us, that it is a distant memory. But I fear that the detention provisions in this

bill forget the lessons we learned from the mistakes we made when we interned thousands of innocent Japanese, Germans, and Italians or when we destroyed the lives of supposed Communist sympathizers with nary a shred of evidence of guilt.

In the weeks following September 11, the Justice Department made extraordinary use of its powers to arrest and detain individuals. We arrested hundreds of people for alleged immigration violations and dozens more under a material witness statute. None of these individuals were charged with a crime. All of this happened without the military detention scheme envisioned in this bill. This was also a mistake and one that should not be repeated.

But if we pass the Defense authorization bill with section 1031, Congress will, according to the arguments that were made on the floor last week, for the first time in 60 years, authorize the indefinite detention of U.S. citizens without charge or trial. This would be the first time Congress has deviated from President Nixon's Nondetention Act. What we are talking about is that Americans could be subjected to life imprisonment—think about that for just a moment—life imprisonment without ever being charged, tried, or convicted of a crime, without ever having an opportunity to prove your innocence to a judge and a jury of your peers, and without the government ever having to prove your guilt beyond a reasonable doubt. I believe that denigrates the very foundation of this country. It denigrates the Bill of Rights and what our Founders intended when they created a civilian, non-military justice system for trying and punishing people for crimes committed on U.S. soil. Our Founders were fearful of the military, and they purposely created a system of checks and balances to ensure that we did not become a country under military rule. If this bill passes, the Supreme Court should find these detention provisions unconstitutional.

Let's put that aside for now and focus on what we are currently doing right to fight terrorism. We are doing a heck of a lot of great things when it comes to national security. I think we actually need to remember that, and we need to remember that we are winning the fight against terrorists without trampling on our constitutional rights.

Just last May, under the tremendous leadership of President Obama and Secretary Panetta, head of the CIA, we hunted down and killed Osama bin Laden. A few days ago, the Washington Post reported that the al-Qaida core has contracted and weakened since then, and its leadership ranks have been reduced to two members. To be sure, that does not mean that al-Qaida is no longer a threat, particularly coming from groups outside the core, but it is a remarkable achievement. Our current counterterrorism strategy is not

broken. Indeed, just the opposite is true. We are winning the war against al-Qaida. There is no indication—none—that we need to fundamentally alter our approach to locating terrorists here or overseas.

Under Director Mueller's leadership, the FBI has turned itself inside out, and over the last 10 years, since September 11, it has become an intelligence-gathering counterterrorism machine. I can't say I have always agreed with 100 percent of the FBI's tactics, and there are times when I worry they may be overstepping, but make no mistake, if our goal is hunting down the bad guys, the FBI knows what they are doing. There is no reason to think we need to change course and create an entirely new system that would completely supplant the resources and expertise of the FBI.

For those who would argue that we need to shift these people out of our civilian criminal justice system and away from article III courts and into a military system, I have to ask why. Where is the sign that we have a problem that needs fixing? There is no reason to think we need to create an entirely different framework for a problem we have been dealing with for centuries. This enemy is not so different that we need to upend our criminal justice system.

I think this is a solution in search of a problem. There is no need to go down this path. We should be focused on doing what is best for this Nation and what is best for protecting Americans. We should be working together on this, not coming up with additional ways to divide and polarize this country. That is why, when the Secretary of Defense, the Director of National Intelligence, and the Director of the FBI express serious concerns about these provisions and when the President's top counterterrorism adviser, John Brennan, complains that these provisions will make it even harder for them to locate and detain terrorists in the United States and overseas, we should probably listen to them.

Section 1031 runs the risk of authorizing the indefinite detention without trial of Americans. Section 1032 is unnecessary and complicates our counterterrorism policy. They are bad policy.

In short, these provisions should not be passed. They are not well-considered terrorism policy, and they would authorize poorly understood and deeply troubling policies. That is why I have put forward amendments that would strike each of these two sections. That is why I cosponsored Senator MARK UDALL's amendment, the cousin of our Presiding Officer. That is why I cosponsored his amendment, and I would be happy to cosponsor amendments from our Presiding Officer as well, but that is why I cosponsored Senator MARK UDALL's amendment that would have sent these matters back to the admin-

istration and the relevant committees of Congress for the full consideration, discussion, and debate they deserve. Our national security and our freedom require nothing less.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1125 AND 1126

Mrs. FEINSTEIN. Mr. President, if I understand the procedure, it is now appropriate for me to speak on my pending amendments. I will not offer my two amendments for a vote now, but I would like to take the opportunity to speak about them at this time. I trust that is in order.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to express my continued opposition to the detention provisions in the Defense authorization bill.

I was on the Intelligence Committee prior to 9/11, and I have watched the transition since that time. I have watched America—to use a phrase—get its act together, and I am proud of where this country stands at this time with the procedures, the interrogation techniques, the custody issues, and the prosecutions that have been successful in the last 10 years. In my judgment, this country is safer now than we were before 9/11.

Before the recess, I laid out my views on why the detainee provisions in the Armed Services bill were detrimental to national security because they reduce the President's flexibility to make decisions on how best to detain and potentially interrogate and prosecute suspected terrorists. Today, I would like to speak to the two amendments I have filed, and I will describe them in a moment.

Let me also reference two letters in opposition to the detention provisions in the underlying bill: one written to me from the Director of National Intelligence, James Clapper, and the second written yesterday to Chairman LEVIN from Bob Mueller, the Director of the FBI.

These letters are in addition to the Statement of Administrative Policy, which includes a veto threat to the detention provisions and the letter from the Secretary of Defense, Leon Panetta, both of which were inserted into the RECORD before the recess.

So I note that the provisions in the bill we are considering are opposed by the White House, by the Secretary of Defense, the Director of National Intelligence, and the Director of the FBI. These top national security officials

are all concerned that the bill reduces the administration's flexibility to combat terrorism, both at home and abroad, and I would agree with that.

I will ask at the appropriate time for a vote on amendment No. 1125, which will limit mandatory military custody to terrorists captured outside the United States. This is a very simple amendment that only adds one word, "abroad," to section 1032 of the underlying bill.

Currently, this bill creates a presumption that members or parts of al-Qaida or "associated forces" will be held in the military detention system, and I disagree with that approach. I believe the President should have the flexibility to hold captured terrorists in the military or the criminal justice systems, and the decision of which system to use should be made based on the individual facts and evidence of each case.

Putting aside that general view, I am very concerned that creating a presumption for military custody—which this bill does—and requiring a cumbersome waiver process will jeopardize counterterrorism cases and intelligence gathering. This concern is not only mine, it has been raised by the White House, by Secretary Panetta, and very directly by Director Mueller in his letter.

So my amendment would clarify the situation and remove the confusion and delay that I believe this bill will cause. My amendment will make clear that under section 1032 of this bill the U.S. Armed Forces are only required to hold a suspected terrorist in military custody when that individual is captured abroad. All that amendment does is add that one word, "abroad," to make clear that the military will not be roaming our streets looking for suspected terrorists. My amendment does not remove the President's ability to use the option of military detention or prosecution inside the United States.

My amendment makes clear that inside the United States there is no presumption for military custody. Inside the United States, a Customs agent or local law enforcement officer could follow his or her standard process and turn a suspected terrorist over to the FBI for handling without having to worry about whether a waiver may apply or whether it is required.

The FBI has changed. There are 56 field offices, there is a national security branch, and it is staffed with thousands of agents inside the United States. The FBI is well equipped to handle a terrorist inside the United States, but the Department of Defense is not. Listen to what Director Mueller wrote. He notes, and I quote:

The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation. . . .

Now, I understand that the chairman and ranking member of the Armed Services Committee have included a waiver and have required that the administration issue procedures to lay out how the mandatory military custody provision will be carried out. But the administration is telling us, with a unanimous voice from all its senior counterterrorism officials, that this provision is harmful and unnecessary. But we say Congress knows better. I don't believe we do know better, and I think not to listen to those who are really responsible to carry out these missions in what is a very difficult field today, based on a careful assessment of national security, is a mistake.

The administration has threatened to veto this bill and said it "strongly objects to the military custody provision of section 1032" in its official Statement of Administration Policy because it would, and I quote, "tie the hands of our intelligence and law enforcement professionals." So here are the experts saying: Don't do this, it will tie our hands; and here is the political branch saying: We know better.

If something had gone wrong, if there had been mistakes, if there hadn't been over 400 cases tried successfully in civilian Federal criminal courts in the last 10 years and 6 cases and a muffed history of military prosecution in these cases, I might agree. But the march is on here in Congress: militarize this thing from stem to stern. And I disagree with that. When something isn't broke, don't fix it.

Mr. President, there are rapid reaction teams part of the HIG—or High-Value Interrogation Group—who can deploy on a moment's notice, who can rapidly assess a suspect, who can carry out a proper and effective interrogation, and the executive branch then has an opportunity to decide whether the facts and the evidence really are best suited for a Federal criminal prosecution in Article III courts, or the facts and the evidence are really best suited for a military commission prosecution.

This flexibility is what we are taking away from the executive branch under the provisions in this bill. It was well practiced during the Bush Presidency, and it has been well practiced by the Obama Presidency. Virtually every national security professional connected to the handling of terrorists and the intelligence obtained from them says to change it would be a mistake. So I believe the amendment I am offering—limiting mandatory military custody to detainees outside the United States—is a major improvement to the underlying bill. It removes the uncertainty that will occur if military custody is required for detainees captured inside the United States.

Frankly, I would prefer that the provision—section 1032—be struck in its entirety, as I don't believe we should

be creating a presumption of military custody over the law enforcement route. That is not what this country is about. There is the posse comitatus law on the books. The military isn't supposed to be roaming the streets of the United States. But if there is going to be this type of provision, it should at least do no harm to our ability to detain, interrogate, and prosecute terrorists. So I ask for my colleagues' support on this amendment.

While I am on the Senate floor, I would like to speak briefly to the second amendment I have filed and on which I also seek a vote, since the Udall amendment has failed; that is, amendment No. 1126, which would prohibit U.S. citizens from being held in indefinite detention without trial or charge.

As Members know, section 1031 of the underlying bill updates and restates the authorization for the use of military force that was passed on September 18, 2001, 10 years ago, 1 week after the attacks of 9/11. The provision updates the authority to detain terrorists who seek to harm the United States, an authority that I believe is consistent with the laws of armed conflict. However, I strongly believe that the U.S. Government should not have the ability to lock away its citizens for years, and perhaps decades, without charging them and providing a heightened level of due process. We shouldn't pick up citizens and incarcerate them for 10 or 15 or 20 years or until hostilities end—and no one knows when they will end—without giving them due process of law.

So my amendment simply adds the following language to section 1031 of the underlying bill:

The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of hostilities.

It is hard for me to understand how any Member of this body wouldn't vote for this amendment because, without it, Congress is essentially authorizing the indefinite imprisonment of American citizens without charge or trial.

As I said on the Senate floor previously, 40 years ago Congress passed the Non-Detention Act of 1971 that expressed the will of Congress and the President that America would never repeat the Japanese-American internment experience—something that I witnessed as a child up close and personal—and would never subject any other American to indefinite detention without charge or trial. In the 40 years since President Richard Nixon signed the Non-Detention Act into law, Congress has never made an exception to it.

A key issue in this bill is that this is the Congress making an explicit exception that has never been made before by the Congress, and what we are say-

ing is, it is OK to detain an American citizen without trial, ad infinitum. I don't think it is. I don't think that is what our Constitution is all about. Yet the provision in this bill would do just that.

I ask unanimous consent to have printed in the RECORD a column published yesterday in the San Jose Mercury News of California from Floyd Mori.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From MercuryNews.com, Nov. 27, 2011]

S. FLOYD MORI: INTERNMENT SPECTER RAISES UGLY HEAD IN FORGETFUL U.S. SENATE

(By S. Floyd Mori)

The oldest generation of Japanese-Americans, those whose earliest memories were of their lives and families being upended by internment without charge or trial in concentration camps during World War II, at least take comfort in the hope that America is now committed to never inflicting that experience on any other group of Americans or immigrants. But our trust in that commitment is being shaken by a bill poised to go to the Senate floor that could once again authorize indefinite detention without charge of American citizens and others now living peacefully in our country.

We have reason to believe in the commitment of Americans to say never again to indefinite detention. In 1988, the Civil Liberties Act officially declared that the Japanese-American internment had been a "grave injustice" that had been "carried out without adequate security reasons." In other words, the indefinite detention of Japanese-Americans during World War II was not only wrong, but unnecessary.

A bill on the Senate floor raises the question of whether the Senate has forgotten our history. S. 1253, the National Defense Authorization Act, has a provision in it, unfortunately drafted by Sens. Carl Levin, D-Mich., and John McCain, R-Ariz., that would let any U.S. president use the military to arrest and imprison without charge or trial anyone suspected of having any relationship with a terrorist organization. Although Sen. Dianne Feinstein, D-Calif., and more than a dozen of her colleagues are bravely calling for a halt to a damaging bill, they face significant opposition.

The troubling provision, Section 1031, would let the military lock up both Americans and noncitizens in the 50 states. There would be no charges, no trial, no proof beyond a reasonable doubt. All that would be required would be suspicion.

Although the details of the indefinite detentions of Japanese-Americans during World War II and the proposed indefinite detentions of terrorism suspects may differ, the principle remains the same: Indefinite detentions based on fear-driven and unlawfully substantiated national security grounds, where individuals are neither duly charged nor fairly tried, violate the essence of U.S. law and the most fundamental values upon which this country was built.

As the measures to indefinitely detain Japanese-Americans during World War II have been deemed a colossal wrong, the same should be true of modern indefinite detention of terrorism suspects. Our criminal justice system is more than equipped to ensure justice and security in terrorism cases, and we certainly should not design new systems to resurrect and codify tragic and illegitimate policies of the past.

As our history shows, acting on fear in these situations can lead to unnecessary and unfruitful sacrifices of the most basic of American values. In the 10 years since the 9/11 attacks, Congress has shown admirable restraint in not enacting indefinite detention without charge or trial legislation. Now with the president seeking to end the current wars, the Senate must avoid repeating the mistakes of the past and protect American values before they are compromised. We cannot let fear overshadow our commitment to our most basic American values.

The Senate can show that it has not forgotten the lessons of the Japanese-American internment. It should pass an amendment that has been offered by Sen. Mark Udall, D-Colo., that would remove Section 1031 from the act. This Senate should not stain that great body by bringing to the floor any detention provision that would surely be looked upon with shame and regret by future generations.

Mrs. FEINSTEIN. I know Mr. Mori well. He is the national executive director of the Japanese American Citizens League, which is the oldest and largest Asian-American civil rights organization in the United States. The Japanese American Citizens League—or JACL as we would say—has been an active voice on the wrongful internment of Japanese Americans during World War II, and I believe it is worth listening to what they have observed from that painful history.

The administration has threatened to veto this bill and said the following in its official Statement of Administration Policy:

After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole series of legal questions that will distract from our efforts to protect the country.

Yet by allowing the military to detain U.S. citizens indefinitely, Congress would be opening a great number of serious legal questions, in my judgment.

This amendment would restore the language that was in an earlier version of this bill that would have established a similar ban on the indefinite detention of U.S. citizens. It is also consistent with the way we have conducted the war on terror over the past 10 years. In cases where the United States has detained American citizens, including John Walker Lindh and Jose Padilla, they have eventually been transitioned from indefinite detention to the criminal justice system, and both have been convicted and are serving long prison sentences. John Walker Lindh pleaded guilty to terrorism charges and was given a 20-year sentence, and Jose Padilla was convicted of terrorism conspiracy and sentenced to a 17-year prison sentence.

So I believe this amendment is consistent with past practice and with traditional U.S. values of due process. We are not a nation that locks up its citizens without charge, prosecution, and conviction. My amendment reflects that view, I believe in that view, and I hope this body does as well. So I urge its adoption.

Mr. President, in conclusion, I ask my colleagues' support on these two amendments because I believe they will improve the legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Thank you, Mr. President. It is good to see the Senator in the chair.

I rise to speak on amendment No. 1145. I cannot call up this amendment at this point in time, but hopefully at some time during this debate we can deal with this issue of foreign base closures, which is what amendment No. 1145 does.

I have offered—along with my colleague from Texas, Senator HUTCHISON—to establish an overseas basing commission. We are joined on this amendment by Senators CONRAD, WYDEN, and SANDERS.

This commission would be charged with saving taxpayer money by identifying and reevaluating our overseas military base structure and investments. It is not a new discussion. This has been done before. In Washington, colleagues from both sides of the aisle have long advocated for issues similar to this one.

In Montana, Senator Mike Mansfield—a personal hero of mine and one of the truest statesmen of this body—advocated fiercely throughout his public service for a more commonsense approach to our overseas military commitment. Senator Mansfield's approach balanced our national security interests and decisions with decisions and investments that made sense fiscally. The time could not be more appropriate to renew this call. Given our budget outlook, we have a responsibility to exhaustively look for savings across our government. We need to be smart and we need to work together.

It makes a lot of sense to me that cutting overseas military construction projects that have minimal negative impacts on our national security and military readiness is the right idea. We know there is a significant higher cost associated with maintaining facilities and forces overseas, particularly in Europe, than here in the United States. We also know we need a more complete picture of the cost, the benefits, and the savings associated with overseas basing as we make tough budgetary decisions. Given our military's advanced capabilities, it is time for some responsible decisions about how to best secure our country while saving Amer-

ican taxpayers every penny we possibly can.

As Montana families examine their bottom line and as the country works to cut spending, it is past time to give our outdated military bases and installations a closer look. An overseas basing commission would independently address these issues firsthand and ensure that military construction spending and operational maintenance spending match our capabilities and our national security strategy.

As we move forward, I hope we will do so in the spirit of Senator Mansfield by working together and by making commonsense decisions that keep us both safe and spend our taxpayer dollars more wisely.

As I said when I opened these remarks, I think this is a no-brainer. We need to take a step back, look at the money we are spending on overseas bases, make sure we are getting the best bang for the buck and make sure it meets our national security needs. With a lot of these post-World War II installations, they can be shut down, we can save some money, and it is a win-win situation for everybody.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I was listening in the cloakroom to Senator TESTER's comments about his amendment, and I wish to tell everyone how right on point he is. I am focusing on overseas bases and the need to close some of those bases. We have another Defense bill coming up fairly soon, if we cannot get something done on this bill—and I hope we can—whether it is the sense of the Senate or otherwise to put our focus there, because we need to reduce our presence particularly in those bases, I believe, in Europe, where we simply no longer need those bases and cannot afford to maintain them. But whether we can get a commission done is a different issue because that could actually slow down the process, to appoint a BRAC-type commission.

I just wished to comment while he was still on the floor that I believe he is right. He is focused on that which is critically important for not just the Armed Services Committee but for this Senate to look at, which is to look at the huge number of overseas facilities we have and the fact that there are many we no longer need and we have to look there for some significant savings. I just wished to commend the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank Chairman LEVIN for his comments. As we look for opportunities to save money, as we look for opportunities to focus in on the war on terror, I think our time has come to take a hard look at our overseas basing and do what, quite frankly, will enhance our opportunities to fight the war on terror while saving the taxpayers dollars over the short term and the long haul.

I thank Chairman LEVIN for his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to address the Senate as if in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABOR RELATIONS BOARD

Mr. ISAKSON. Mr. President, I come to the floor of the Senate for the fifth time in the last 3 years to discuss this administration's relentless pursuit to modify and change the labor laws of this country that have served us well for in excess of 70 years. A particular instance that is going to take place tomorrow causes me to come one more time to discuss this subject.

A few days before Thanksgiving last week, the National Labor Relations Board posted a notice that they would meet at 10 a.m. on Wednesday morning to discuss passing a rule that will change a 75-year precedent in labor law, a rule that will reduce the time period between the filing of a petition for a union organization and a vote to as little as 10 days.

Historically, in our country, it has been an average of 38 days from the filing of the petition to the vote as to whether to organize. For no cause or reason, other than unleveling the playing field, NLRB has decided to rush this rule through in an ambush-type of event. If we pull the facts back and look, it is quite easy to see what they are trying to do.

Craig Becker, who is on the National Labor Relations Board as a recess appointment of the President of the United States, was denied approval in the confirmation process in the Senate. The President chose to appoint him in a recess appointment which expires at the end of this December. Therefore, in the waning hours of his service on the Board, at a time in which the majority has a 2-to-1 vote, they are going to rush through a change in an amendment to the labor laws in the United States of America that have served us for 70 years. It is not right. It is not fair. At a time of high unemployment and distress in our economy, the worst thing to do is change the rules of the game that have served the country so well.

I will fire a warning shot also. I think there is something else that will

probably happen before the end of the year, and that is there will probably be a posting of a rule to make micro-unionization possible. It has already been discussed by the NLRB. It is a process whereby we could take separate departments in the same company and let them unionize one at a time. Take a Home Depot, for example, or a Kroger grocery store. Let the butchers unionize and then let the bakers unionize and then let the detergent salesmen unionize and then let the janitors unionize and let the shop end up having 15, 20, 25 different union organizations in the same store. That has never been able to be possible and it is not right. It should be across the board within the company.

So I come to the floor to let everybody know at NLRB that I know what is going to happen tomorrow morning. I know it is a rush to judgment and it is a bad judgment and it is a mistake. We have great labor laws in this country. In fact, if we take this petition and change it down to 10 days, we are not recognizing the fact that of all the elections that have taken place in the last couple years, the unions have won 67 percent of the time. There is no problem with the organization laws, and there is no reason to compress the time from the filing of the petition to the vote. Fair is fair. A company that has an organization petition filed against it ought to have a reasonable period of time to assess the grievances that are advertised against them rather than compressing the vote period and having a rush to judgment.

I hope tomorrow the NLRB will recognize that a rush to judgment is wrong. It is not good for the country, it is not good for our economy, and it is not good for the American people. I will oppose it and do oppose it today, as I will oppose microunionization should they attempt to do the same before this year is out.

I yield back my time and notice the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, with the chairman's permission, I would like to speak on the Defense bill.

Mr. President, I wish to thank Chairman LEVIN. I wish to thank Senator MCCAIN. I wish to thank the entire Armed Services Committee and all the dedicated staff for their efforts in crafting this National Defense Authorization Act.

I am going to continue to work with all of my colleagues to resolve some of

the very challenging provisions, one of which we just voted on, having to do with what courts the detainees are going to be prosecuted in. I am hopeful compromises will be reached in the days ahead so this bill can be passed and signed into law.

There are five amendments I and others have offered that I wish to talk about. The first is amendment No. 1210. It has been crafted in consultation with the Government Accountability Office and it would require the Department of the Navy to evaluate the cost and benefits of stationing additional destroyers at Naval Station Mayport in Jacksonville, Fl. One may ask why.

Well, the frigates at Mayport that will all be decommissioned by 2015, but the ships that will replace them, the Littoral combat ships, will not arrive until 2016. Therefore, there is a hiatus of a year in which the ship repair industry, that was built up to take care of the Navy's fleet, will be without work. From the standpoint of keeping the maintenance and repair of the Navy's fleet, we need to determine if it will be more cost effective for the Navy to mitigate this problem by bringing additional destroyers to Mayport during that timeframe, extending the service lives of the existing frigates, or by boosting the industry by bringing ships from around the country to the Jacksonville ship repair industry for repair.

Doing nothing is not an option because the ship repair business would take too big of a hit. In order to provide some oversight of the Navy's methodology, so that we can get the greatest bang for the buck and keep the Navy fleet at the level of readiness it needs, I am asking for the GAO to assess and report independently on these measures. My colleague from Florida, Senator RUBIO, has joined as a cosponsor.

I urge support of this amendment. It should not be a controversial amendment. I hope the committee will be able to accept it.

I have also proposed amendment No. 1236, which requires the Department of the Air Force to further explain their plan to change the flag officer positions at the Air Force Materiel Command. Reducing oversight and eliminating officers with vital experience could damage the Air Force's weapons testing mission. So this amendment simply requires the Air Force to submit a report which would be assessed by the GAO. Again, this should not be a controversial amendment and ought to be accepted by the committee.

Senator SCHUMER of New York and I are working to ensure that the Department of Defense and the Veterans Affairs Department continue to study and evaluate the harmful effects of the garbage burn pits at our base in Balad in Iraq. This has gotten some attention in the press. It is horrible. What we are seeing is when our troops are exposed

to these toxic fumes from these open burn pits, we see the consequences in their health that turn up later. Obviously, it is not only a diminution of the health of our troops which we ought to first and foremost protect, but of course there is a continuing cost to the U.S. Government, because years later, what we are finding is—and this comes out of the first gulf war experience with those open burn pits—we have determined that serious health problems could be traced back to the breathing in of those toxic substances because the troops were exposed to the fumes coming out of those burn pits.

What this amendment does—and it should not be controversial—is it requires a study be designed to take a look at those burn pits and further focus on the serious medical effects on our troops. So far, the reports have been inconclusive, but troops are still getting sick and it needs to be understood; thus, the reason for that study. Next year we will work to have the actual study funded. But Senator SCHUMER and I want to get on with this study and we ask and it should be accepted by the committee as a non-controversial amendment. After all, it is what we all want, the protection of our troops.

Let me talk about amendment No. 1209. This addresses the longstanding problem faced by relatives of those who have been killed in action or whose death is related to service in the military, and that is the current law of a dollar-for-dollar reduction of Department of Defense Survivor Benefit Plan annuity offset, dollar for dollar, by the Dependency and Indemnity Compensation which comes from the Department of Veterans Affairs. The stand-alone bill, S. 260, filed by Senator INHOFE and myself, is cosponsored by—get this—49 Senators. The Senate has supported eliminating this offset for years. I hope that in the Senate, on this Defense authorization bill, we are going to remain steadfast in support of military widows and family members. Why? Because the Survivor Benefit Plan is an optional program for military retirees offered by the Defense Department. It is like an insurance plan. Military retirees pay premiums out of their retirement pay to ensure that their survivors will have adequate support when that retired military person passes away. For many retirees, reasonably priced insurance from the public marketplace is not available due to their service-related disabilities and their health issues; thus, the reason for this insurance plan, the Survivors Benefit Plan. SBP is a way for retirees to provide some income insurance for their survivors. It pays survivors 55 percent of the servicemember's retired pay. That is for the survivors of the retired military person when that person dies. It is an insurance policy.

The Dependency and Indemnity Compensation—DIC—is a completely dif-

ferent survivor benefit and it is administered by the Veterans' Administration. When a servicemember dies, either due to a service-related disability or illness or active-duty death, surviving spouses are entitled to monthly compensation of \$1,154 from the Veterans' Administration. But here is the rub:

Of the 270,000 survivors receiving the SBP—the insurance policy that the military retiree has paid for—about 54,000 are subject to the offset, meaning some of their SBP is taken away. According to the Defense Actuary, 31,000 survivors' SBP is completely offset by the VA's Dependency and Indemnity Compensation, meaning they only have \$1,154 a month to live on. These survivors are entitled to both under two different laws, but then there is a law that says you have to offset one from the other.

Military retirees in good faith bought into the insurance plan—the SBP. They were planning for the future for their families. The government now says we are going to take some of that money away. What it means is we are not taking care of those who were left behind in the same manner as these servicemembers thought they were going to get when they took care of our country. I know of no purchased annuity plan that would deny payout based on receipt of a different benefit. I say that having had some experience in insurance in my former life years and years ago as the elected insurance commissioner of the State of Florida.

It was said best by President Lincoln when he said in his second inaugural address that one of the greatest obligations in war is to “finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan.”

That is the whole intention of these two laws, but we are not doing it. We are not honoring our servicemembers. The government must take care of our veterans, their widows and their orphans. Almost every year in the Senate we have passed this, eliminating the offset. What happens is it goes down to the conference and they eliminate it because it is going to cost money. We have had a couple of times where important little steps were taken in the right direction with some lessening of the offset, but we must meet our obligations to military families with the same sense of honor their loved one rendered during their service to this country, so we must eliminate this offset.

Finally, there is an amendment to sanction the Central Bank of Iran. In just the previous 2 months, Iran has attempted a terrorist attack on U.S. soil, while continuing to develop its nuclear capability back home, and it has done so in complete disregard for the Non-Proliferation Treaty.

The United States has led the international community in enacting crippling sanctions against the Iranian regime. We need to tighten down the screws more. We have done so in 1996 with the Iran Sanctions Act and again in 2009 with the Comprehensive Iran Sanctions Accountability and Divestment Act.

So we must continue these efforts. By sanctioning the Central Bank of Iran, we will make it clear to Iran's religious leaders—and that is what we have to say—that there are real consequences to their support for terrorism and their attempts to develop nuclear weapons.

A nuclear Iran would be disastrous for the region. It would be disastrous for Europe. It clearly would be a threat against Israel, one of our strongest allies, and it clearly is a threat to the national security interests of the United States.

The cost of inaction is too great. That is why we ought to go after the Central Bank of Iran by sanctioning them.

I think I have offered a number of amendments along with and on behalf of our colleagues that should be able to be accepted, and I would implore the leadership of the committee to please consider these.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Levin-McCain amendment No. 1092, which is the regular order, be modified with the changes that are at the desk—that amendment addresses the issue of counterfeit parts in the Department of Defense supply chain; further, that the amendment, as modified, be agreed to; that upon disposition of the Levin-McCain amendment, the Senate resume consideration of the Paul amendment No. 1064; that there be 30 minutes of debate, equally divided in the usual form, on the Paul amendment; that upon the use or yielding back of time, the Senate resume consideration of the Landrieu amendment No. 1115; that there be up to 30 minutes of debate, equally divided in the usual form, on the Landrieu amendment; that upon the use or yielding back of time, the Senate proceed to votes in relation to the two amendments—the Paul and Landrieu amendments—in the following order: Paul amendment No. 1064 and Landrieu amendment No. 1115; that there be 2 minutes, equally divided, prior to each vote and there be no amendments in order to either amendment prior to the votes; and that both amendments be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1092), as modified, was agreed to, as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) REVISED REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor of subcontractor for delivery to, or

on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) INSPECTION OF IMPORTED ELECTRONIC PARTS.—

(1) INSPECTION PROGRAM.—The Secretary of Homeland Security shall establish a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(2) INFORMATION SHARING.—If United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Treasury is authorized to share information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging and labels, with the rightholders of the trademarks suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section.

(c) CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) ELEMENTS.—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.—In this subsection, the terms “covered contractor” and “covered contract” have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) DEPARTMENT OF DEFENSE RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures.

(e) TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(3) MILITARY GOODS OR SERVICES.—

“(A) IN GENERAL.—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

“(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

“(I) serious bodily injury or death;

“(II) disclosure of classified information;

“(III) impairment of combat operations; or

“(IV) other significant harm to a member of the Armed Forces or to national security; and

“(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

“(B) PENALTIES.—

“(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) shall be fined not more than \$5,000,000, imprisoned for not more than 20 years, or both.

“(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than \$15,000,000.

“(C) SUBSEQUENT OFFENSES.—

“(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than \$15,000,000, imprisoned not more than 30 years, or both.

“(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than \$30,000,000.”; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(5) the term ‘falsely identified as meeting military standards’ relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

“(6) the term ‘use in a military or national security application’ means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

“(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

“(B) by the United States to perform or directly support—

“(i) combat operations; or

“(ii) critical national defense or national security functions.”.

(f) SENTENCING GUIDELINES.—

(1) DEFINITION.—In this subsection, the term “critical infrastructure” has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) DIRECTIVE.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) DEFINITIONS.—

(1) COUNTERFEIT ELECTRONIC PART.—The Secretary of Defense shall define the term “counterfeit electronic part” for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.—For the purposes of this section:

(A) A part is a “suspect counterfeit electronic part” if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An “electronic part” means an integrated circuit, a discrete electronic component (including but not limited to a transistor, capacitor, resistor, or diode), or a circuit assembly.

Mr. LEVIN. Mr. President, with the acceptance of this unanimous consent request, the Levin-McCain amendment, as modified, has now been agreed to; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So now before us is the Paul amendment No. 1064, with 30 minutes of debate. I do not see Senator PAUL in the Chamber.

I ask unanimous consent that Senator BAUCUS be added as a cosponsor to our Levin-McCain amendment No. 1092.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1092, AS MODIFIED

Mr. LEVIN. Mr. President, until Senator PAUL gets here to begin debate on his amendment, I would, very briefly, describe what we have described before, which is the anticounterfeiting amendment, which is so important to stop the flow of counterfeit parts into the Department of Defense supply chain.

The amendment is going to do a number of things. It is going to require the Department of Defense and Department of Defense suppliers to purchase electronic parts from original equipment manufacturers and their authorized dealers or from trusted suppliers that meet established standards for detecting and avoiding counterfeit parts.

It establishes requirements for notification, inspection, testing, and authentication of electronic parts that are not available from such suppliers.

It requires Department of Defense officials and Department of Defense contractors that become aware of counterfeit parts in the supply chain to provide written notification to the DOD inspector general, the contracting officer, and the Government-Industry Data Exchange Program or similar program designated by the Secretary of Defense.

It requires enhanced inspection of electronic components imported from countries that have been the source of counterfeit parts in the DOD supply chain—China being the one that is clearly the worst offender in this regard.

It requires large DOD contractors to establish systems for detecting and avoiding counterfeit parts in their supply chains and authorizes reduction of contract payments to contractors that fail to develop adequate systems.

It requires the Department of Defense to adopt policies and procedures for detecting and avoiding counterfeit parts in its own direct purchases and for assessing and acting upon reports of counterfeit parts from DOD officials and DOD contractors.

It authorizes the suspension and debarment of contractors that repeatedly fail to detect and avoid counterfeit parts or otherwise fail to exercise due diligence in the detection and avoidance of counterfeit parts.

The amendment also includes a bill Senator WHITEHOUSE introduced that was passed out of the Judiciary Committee to toughen criminal sentences for counterfeiting military goods or services.

Finally, it requires the Department of Defense to define the term “counterfeit part,” which is a critical, long overdue step toward getting a handle on this problem.

I wish to thank Senator MCCAIN, who, with me, held a significant hearing in the area of counterfeit parts, demonstrating that what is going on is that electronic waste—which is shipped from the United States and the rest of the world, mainly to China—is then

disassembled by hand, washed in dirty rivers, dried on city sidewalks, sanded down to remove part numbers and other marks that would indicate its quality or performance.

We have millions, literally, that we have identified of used parts that have gotten into the Defense supply chain that are not supposed to be used parts, that are supposed to be new parts. It is amazing how far the counterfeiters—and particularly in China—are willing to go.

We have asked the U.S. Government Accountability Office, the GAO actually, to use a fake company to go online and buy electronic parts, and the GAO found suppliers that not only sold counterfeit parts—when the GAO sought legitimate parts—they found suppliers that were willing to sell them parts with nonexistent part numbers. All those sellers were in China.

We had example after example of weapons systems that had counterfeit parts in them. They endanger our troops. They endanger our taxpayers. All too often the people who pay for the replacement of counterfeit parts are the taxpayers instead of the contractors. That is going to end under our bill. So all the weapons we identified—lasers that were used for targeting Hellfire missiles; display units that were used in the Air Force's aircraft, the C-27Js, C-130Js, C-17s, CH-46s used by the Marine Corps—those counterfeit parts have gotten into those systems. We are going to put an end to this with this legislation.

I thank my good friend Senator MCCAIN for all the work he and his staff and my staff put in on that hearing in preparing this amendment, which we have now adopted.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator LEVIN and the staff for the thorough job of investigation that was undertaken to identify the counterfeit electronic parts that are penetrating the Department of Defense supply chain.

I thank Senator WHITEHOUSE for his provisions which have been added to the bill from a bill he had introduced in the Judiciary Committee.

At the hearing we had on November 8, the committee received additional evidence to supplement an already robust investigative record, and some very serious issues were raised, including the threat counterfeit electronic parts pose to the safety of our men and women in uniform, to our national security, and to our economy, how counterfeits increase the short- and long-term costs of defense systems, the lack of transparency in the Defense supply chain, and the U.S. relationship with the People's Republic of China.

I see the Senator from Kentucky is on the floor. But I would just like to point out again and emphasize the points the chairman has made.

The problem of counterfeit electronic parts in the Defense supply chain is more serious than most people realize. During its investigation, our committee uncovered over 1,800 incidents, totaling over 1 million parts of counterfeit electronic parts in the Defense supply chain. Suspect counterfeit electronic parts have been installed or delivered to the military for use on thermal weapons sites, on THAAD missile mission computers, and on military aircraft, including the C-27J, C-17, C-130J, P-8A Poseidon, SH-60B, AH-64, and the CH-46.

I do not claim this legislation will solve the problem of counterfeiting from China, the whole issue of intellectual property. Counterfeiting that goes on in other aspects of the world's economy and ours is one that is a very large issue. But at least this is an effort to make sure, as much as we can, that the men and women who serve in our military are not subject to operating systems that could literally endanger their lives—much less the incredible increase of the taxpayers' dollars.

I thank the chairman again and his staff, and I can assure my colleagues this is an issue we will be following very closely in the days and weeks and months ahead.

I note the presence of Senator PAUL, so I ask for the regular order.

AMENDMENT NO. 1064

The PRESIDING OFFICER. There is now 30 minutes of debate, equally divided, on amendment No. 1064.

Mr. LEVIN. I wonder if the Senator from Kentucky would just yield for 30 seconds, not to be taken from his time, so I can answer a question that has been asked of me: What happened to the approximately 35 to 40 amendments which we had cleared? Why were they not part of this unanimous consent request?

The answer is because there are a few Senators, apparently, who do not object to the substance of the amendments but who have other goals they are, at the moment, insisting on. That puts in jeopardy the effort of literally dozens of our colleagues to achieve what is in these cleared amendments, and I hope those few Senators would relent.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1064

Mr. PAUL. Mr. President, I rise in support of bringing the Iraq war to a formal end. President Obama has ordered troops home by January 1. We should rejoice at the conclusion of the war. No matter whether one favored the Iraq war or not, there is a glimmer of hope for democracy to now exist in the Middle East in Iraq.

War is a hellish business and never to be desired. As the famous POW and war hero JOHN MCCAIN once said: "War is wretched beyond description, and only a fool or a fraud could sentimentalize its cruel reality."

This vote is more than symbolism. This vote is about the separation of powers. It is about whether Congress should have the power to declare war. The Constitution vested that power in Congress, and it was very important. Our Founding Fathers did not want all the power to gravitate to the Executive. They feared very much a King, and so they limited the power of the Executive.

When Franklin walked out of the Constitutional Convention, a woman asked him: What have you brought us? Was it going to be a republic, a democracy, a monarchy?

He said: A republic, if you can keep it.

In order to keep a republic, we have to have checks and balances. But we have to obey the rule of law.

Madison wrote:

The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. The Constitution has, therefore, with studied care, vested the [power] to declare war in [Congress].

When we authorize the war in Iraq, we give the President the power to go to war, and the Constitution gives the power to the President to execute the war. All the infinite decisions that are made in war—most of them are made by the executive branch. But the power to declare war is Congress's. This division was given to make there be a division of powers, a separation of powers, to allow there to be a reluctance to go to war.

We have this vote now to try to reclaim the authority.

If we do not reclaim the authority to declare war or to authorize war, it will mean our kids or our grandkids or our great-grandkids could be sent to a war in Iraq with no debate, with no vote of Congress. We have been at war for nearly 10 years in Iraq. We are coming home. And we should rejoice at the war's end. But we need to reclaim that authority. If we leave an open-ended authority out there that says to the President—or any President; not this particular President, it could be any President—if we leave that authority out there, we basically abdicate our duty, we abdicate the role of Congress. There are supposed to be checks and balances between Congress and the President.

So what I am asking is that Congress today reclaim the authority to declare war and at the same time we celebrate that this is an end to something that no one should desire.

As Senator MCCAIN has pointed out, as many have pointed out, Dwight Eisenhower pointed out the same thing: If you want to know the hellish of war, talk to someone who has been to war.

But that is why this power is too important to be given to one person and to be left in the hands of one person—a President of either party.

So the vote today will be about reclaiming that authority, reclaiming the authority of Congress to declare war. I would recommend that we have a vote and that the vote today be in favor of deauthorizing the war in Iraq.

It is not just I who have pointed this out. The first President of the United States wrote:

The Constitution vests the power of declaring war in Congress; therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure.

This has been recognized by Presidents from the beginning of the history of our country. The problem is that if we do not give it up, that power is left out there, and it is a power lost to Congress.

Frank Chodorov wrote:

All wars come to an end, at least temporarily. But the authority acquired by the states hangs on; political power never abdicates.

This is a time to reclaim that power. It is an important constitutional question. I hope those Senators will consider this seriously and consider a vote to reclaim the authority to declare war.

I reserve the remainder of my time and temporarily yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to first of all thank the Senator from Kentucky for quoting me. It is always a very pleasant experience as long as it is something that one would admire. On several occasions, I have been quoted in ways that I wish I had observed what my old friend Congressman Morris Udall used to say is the politician's prayer: May the words that I utter today be tender and sweet because tomorrow I may have to eat them. So I want to thank the Senator from Kentucky for his kind words.

I also want to praise the Senator from Kentucky, who is a person who has come here with a firm conviction that he not only has principles but he intends to act on those principles in as impactful a way as possible and represent the people of Kentucky in a very activist fashion. He has my admiration. However, I would rise in opposition to the amendment.

I would like to read from a letter that was sent to the chairman and to me from the Chairman of the Joint Chiefs of Staff and the Secretary of Defense.

This week, as you consider the National Defense Authorization Act, the Department of Defense would like to respond to your request for views on the amendment offered by Senator PAUL which would repeal the Authorization for the Use of Military Force in Iraq. U.S. Forces are now in the final stages of coming home by the end of 2011. We are moving to a new phase in the relationship between our two countries and equal partnership based on mutual interests and mutual respect.

While amendment No. 1064 echoes the President's policy, we cannot support the amendment as drafted. Outright and complete repeal of the AUMF-I, which is the Authorization for the Use of Military Force in Iraq, withdraws all Congressional support for any limited windup activities normally associated with ending a war. Thank you very much for your continued efforts.

The Department of Defense sent over an unclassified response that was approved by several members of the Pentagon. It says: Although we are implementing the U.S.-Iraqi security agreement in full and pulling out all of our forces by the end of the year, we still have a limited number of DOD personnel under the Chief of Mission Authority to staff the Office of Security Cooperation-Iraq. Because there may be elements that would choose this time of transition to attempt to do harm to these personnel, it is essential that the Department of Defense retain the authority and flexibility to respond to such threats. The AUMF-I provides these authorities. The administration has worked closely with Congress in circumstances where it has been necessary to rely on the AUMF, and it would continue to do so should the need arise.

In other words, and unfortunately, Iraq remains a dangerous place. We will have the largest contingent of Americans as part of the embassy there as we withdraw our combat troops. Some 16,000 Americans will man our embassy and consulates in Iraq, and unfortunately there are great signs of instability in Iraq. Al-Sadr has said that any remaining American troops will be a target. The Iranians continue to encourage attacks on Americans. There are significant divisions within the country which are beginning to widen, such as Sunni-Shia, the area around Kirkuk, increasing Iranian influence in the country.

I will refrain from addressing the deep concerns I had before the agreement to completely withdraw took place. I will leave that out of this discussion because I feel the decision that was clearly made not to keep a residual force in the country, which was made by this administration and which is the subject for debate on another day, has placed the remaining Americans in significant jeopardy. As I say, that is 16,000 Americans to carry out the post-war commitments we have made to Iraq to help them rebuild their country after many years of war and bloodshed.

I certainly understand the aim of the Senator from Kentucky. The President campaigned for President of the United States committing to withdraw all of our troops from Iraq. He is now achieving that goal. But I think it would be very serious to revoke all authority that we might have in order to respond to possible unrest and disruption within the country that might require the presence, at least on some level or another, of American troops to safeguard

those 16,000 Americans who will be remaining in Iraq when our troops withdraw. So I argue that the amendment be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I, too, will oppose the Paul amendment for the repeal of the authorization for the use of military force in Iraq for a number of reasons, but I think mainly there are just too many unknown, uncertain consequences of repealing this authority, including the need to protect our troops. I am unwilling to take this risk during the critical transition period and not knowing precisely what will happen after that transition either.

By the way, I take this position as someone who opposed the use of military force in Iraq to begin with. Back in October 2002 when Congress voted on the authorization to use military force in Iraq, I did not support it. I thought it was a mistake to do that and offered an alternative resolution that would have authorized the use of force if the United Nations Security Council supported that use of force. So I take a position here opposing the repeal of the authorization although I opposed the authorization itself in the first instance. It is an unusual position to be in. I want to explain why it is that I oppose the repeal of this authorization.

First, the drawdown appears to be on track to be completed by December 31, but there can always be unforeseen circumstances that could delay that date. There is no provision in this bill for the possibility of an extension or a modification of that date. I would be reluctant to see it modified or extended. I must say that I do not want to preclude the possibility by ending something in advance—ending an authorization in advance of circumstances arising that might require for days, weeks, months the extension or modification of the current decision to withdraw our forces by December 31.

Second, we simply do not know the consequences of repealing the authorization. Let me give a few examples. What about ongoing lawsuits in U.S. courts arising from actions by U.S. personnel that were authorized under this authorization for the use of military force? Would repeal of the authorization for the use of force have an effect? It is unknown to me. I don't know how many lawsuits there are. But what is the impact on this? That is something which surely we should want to know.

By the way, we authorized the use of force in the first gulf war. We did not repeal that authorization. Technically, that authorization continues. It has done no harm that I can see.

Third, the Paul amendment raises issues for our detention authority in Iraq. This is not an abstract concern. Currently, the administration is in the process of deciding how to deal with

one high-value detainee in U.S. custody whose name is Ali Mussa Daqduq. He is suspected of having organized a 2007 kidnapping in Iraq that resulted in the deaths of five U.S. servicemembers. He is also tied to Hezbollah.

The United States is relying on the authority of the AUMF—the authorization for the use of military force in Iraq—to continue to detain Daqduq. U.S. officials are still in discussions with the Government of Iraq over the ultimate disposition of Daqduq, including possibly releasing him to U.S. custody either in Iraq or somewhere else.

Repeal of the AUMF could limit the administration's options for dealing with Daqduq after January of 2012. Would it limit those options? We don't know.

Should we pass something as dramatic as a repeal of an authorization at this time without knowing what the consequences are in the real world to our interests? I don't think we can take that chance, so I would oppose the amendment of the Senator from Kentucky.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to rise in support of the statements made by Senators MCCAIN and LEVIN.

I do not have that good a feeling about Iraq, quite frankly. I am not very confident at all that the worst is behind us. I am hopeful that we can withdraw our troops and that nothing bad will happen in Iraq, but, as Senator LEVIN just described, the implications of repealing the authorization to use military force are wide, varied, and uncertain.

What do you get by repealing this? You can go back home and say you did something that—I do not know what you get. I mean, I really do not. I do not know what we gain as a nation by taking the contingencies of using military force off the table as we try to wind down.

I just don't see the upside, quite frankly. I know the reality of what our troops face and why the Department of Defense would want to continue to have this authorization until we get Iraq behind us. At the end of the day, 4,400 people plus have lost their lives, thousands have been wounded and maimed—not counting the Iraqis who have lost their lives and have been wounded and maimed trying to create order out of chaos.

As we move forward as a body, I don't see the upside to those who are doing the fighting and who have to deal with complications of this long, protracted war by us repealing the authorization at a time when it may be necessary to have it in place. If there is any doubt in your mind about what Senators LEVIN and MCCAIN say and what the Department of Defense says about the

need for this to be continued, I ask you to give the benefit of the doubt to the DOD. You don't have to; I just think it is a wise thing to do because what we gain by repealing it—I am not sure what that is in any real sense.

By having the authorization in place for a while longer, I understand how that could help those who are fighting in Iraq and the follow-on needs that come as we transition. I ask the body to be cautious, and if you have any doubt that Senator MCCAIN's or Senator LEVIN's concerns are real, I think now is the time to defer to the Department of Defense and give them the tools they need to finish the operations in Iraq.

I will close with this one thought. The vacuum created by the fact that we will not have any troops in 2012 can be filled in a very bad way if we don't watch it. The Kurd-Arab problem could wind up in open warfare. The Iranian influence in Iraq is growing as we speak. We do have troops and civilian personnel in the country, and we will have a lot next year. I think out of an abundance of caution we ought to leave the tools in place that the Department of Defense says they need to finish this out.

I urge my colleagues to err on the side of giving the Department of Defense the authorization they need to protect those who will be left behind.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. It disappoints me that President Obama opposes a formal end to the Iraq war, but it doesn't surprise me. As a candidate, he was outspoken against the war and for ending the war: He will be bringing the troops home. But this vote in this debate is not necessarily just about bringing the troops home. This is a debate over power. The executive branch wants to keep the unlimited power to commit troops to war. This is about who holds the power.

The Founding Fathers intended that Congress should hold the power. This vote is about whether we will continue to abdicate that power and give up that power to the Executive. That allows for no checks and balances. We need to have checks and balances. It is what our Founding Fathers intended.

With regard to defending ourselves, there is authorization for the President to always defend the Nation using force. There is authorization for every embassy around the world to defend the embassy. That is why we have soldiers there. We have agreements with the host country that the host military is supposed to support the embassy. If that fails, we have our own soldiers. We have these agreements around the world. There is nothing that says we cannot use force. This says we are reclaiming the power to declare war, and we will not have another war with hundreds of thousands of troops without a debate. Should not the public and Con-

gress debate it before we commit troops to war?

This war is coming to a close. I suggest that we should be proud of it. I hope people will support this amendment.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to support Senator PAUL's amendment to revoke war authority. We have heard on the floor that the consequences of revoking authority are vague and uncertain. Indeed, my team has been seeking a reply from the Department of Defense as to whether there were any conditions we should be alerted to or whether this would create a problem. At the last minute, we appear to have a memo—which has not come to my office—that says there are possible complications.

Well, let's be clear. The executive branch never wants to hand back authority it has been granted. It always wants to retain maximum flexibility. But as my colleague has pointed out, this is an issue of constitutional authority. We had a constitutional discussion about authorizing action in Iraq and, certainly contrary to my opinion, this body supported that action. But now the President is bringing this war to an end.

Doesn't it make sense, then, that we end the authority that went with this war and call a formal end to this battle? The issue has been raised that there might be something that happens in the future. Isn't that true for every country on this planet, that something might happen in the future? Something might happen in Somalia or in Yemen or in any nation in the world. Indeed, under the War Powers Act, the President has the ability to respond immediately. He doesn't need to come to this body for 60 days. So there is extensive flexibility that would go with Iraq just as it goes with every other country, in addition to the authority that has been granted to pursue al-Qaida and associated forces around the world.

When, if not now, should we revoke this authority? Do we say that once granted, at any point in the future the administration can go back to war without the authorization of this body? It is time for us to reclaim the authority of Congress. Should the circumstances arise that the President feels the need to go back into a war mode versus many of the other uses of force that are already authorized under other provisions, then he would have 60 days. He could come back to this body and say: These are the changed circumstances. Under the Constitution, will you grant the power to renew or create a new force of war in that country? Then we can hold that debate in a responsible manner.

But this open-ended commitment under these circumstances doesn't

make sense. Congress has yielded its authority under the Constitution far too often to the executive branch. So many times this body has failed to do its fair share under our constitutional framework.

This amendment before us today makes sense in the context of a withdrawal of troops and provides plenty of flexibility to undertake any security issues that might arise in the future. For that reason, I urge my colleagues to support the Paul amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PAUL. Mr. President, is it appropriate to call for the yeas and nays at this point?

The PRESIDING OFFICER. It is.

Mr. PAUL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes remaining.

Mr. PAUL. I will yield back my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, under the previous order, I think we were going to debate both amendments and vote in a few moments. That is what I understood.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. How long will the Senator take?

Ms. LANDRIEU. Up to 10 minutes.

Mr. MCCAIN. All right.

AMENDMENT NO. 1115, AS MODIFIED

Ms. LANDRIEU. The Senators have done such a good job managing this bill. I appreciate the opportunity to offer this amendment and to be paired with this important amendment that the Senators from Kentucky and Oregon have offered. I will explain it briefly because a longer explanation would not be necessary.

This body is very familiar with the reauthorization of the SBIR Program. The reason I believe the chairman and ranking member allowed me to offer this amendment with Senator SNOWE is twofold. One, it has a bearing on the Department of Defense in that the Department of Defense is the largest contributor to the SBIR and STTR programs, the two most important research and development programs for small business that the Federal Government runs and operates. The Senators know full well the importance for the Department of Defense and therefore extrapolate correctly the importance of this program for all of our agencies.

We take a small portion of the research and development dollars for all Federal agencies and basically direct it to small business. There are some good reasons for that, which I will put in the

RECORD. As written by one of the advocates supporting the program—and I will put this into the RECORD—she writes:

The SBIR/STTR funding award process spawns competition among high-tech businesses. Scientists and engineers propose their best technological concepts to solve a problem of national interest. The best of the best of these technical concepts are selected for funding. Thus, this funding mechanism assures that the thinking minds continuously work on producing the most practical solutions to engineering problems.

Whether it is our soldiers in the field or our scientists at NASA or whether it is our scientists and engineers struggling to understand the oceans or better communication technology, they go to the SBIR and STTR programs and look for some of the cutting edge ideas. We invest in them, and many of those ideas go commercial for the benefit of everyone, taxpayers included.

She goes on to write:

Small businesses develop niche products that are not mass produced overseas. Thus, it helps our employment situation [right here at home]. The employees of a high-tech company are highly educated professionals belonging to a high income group who contribute substantially to the tax pool and the economy.

Finally, she says:

Small businesses are job creators. We hear that large companies are sitting on trillions of dollars in cash, yet not investing in job creation. Small businesses often operate on a very thin to no profit margin and hire staff on borrowed money. . . . This is because growth is the mantra for small businesses for survival.

If they don't grow, they don't survive. This small business research program is so important. The reason I am here tonight asking my colleagues to vote on this amendment on the Defense bill is that it is relevant. It is also important. We are 5 years late. This program should have been authorized 5 years ago.

I inherited this situation when I became chairman of the Small Business and Entrepreneurship Committee. As you know, I have worked diligently with colleagues on both sides of the aisle to move this debate forward and to advance the ball. That is what we are going to do tonight. We are, hopefully, going to pass this with more than the 60 votes necessary.

This bill came out of the Small Business Committee on a vote of 17 to 1. It was just broadly bipartisan in its appeal. It is sponsored by my ranking member, Senator SNOWE, who has been one of the strongest advocates for small business in the Senate—not just for this year but for many years. She sponsored this bill along with Senators SHAHEEN, BROWN, and KERRY. With Senator MCCAIN and Senator LEVIN's help, along with the cosponsors of this amendment, I ask my colleagues to vote favorably for it tonight. Again, we are 5 years overdue. It is an important program to get authorized so that the

folks operating our programs at all of the departments can have some confidence that the program is going to go on, that they can even do a better job than they have been doing, and we can get these investments out to small businesses that are game changers in America, creating new technology and, most importantly, creating the jobs that America needs right here at home.

I don't see anyone else to speak on the amendment. I think that would probably be all the time that we need. I hope that is a signal that there is no opposition to the amendment. Perhaps we can do a voice vote or have a very strong vote for reauthorizing the small business research program. Again, that is so meritorious and so necessary for the investment of small business in America today.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, first, while Senator LANDRIEU is here—because she, I know, is going to be interested in this and is right on top of this—I want to assure her it was our intention with the previous order to have the Landrieu amendment No. 1115 modified with the changes that are at the desk, and so I now ask unanimous consent that the amendment be modified with those changes, and that our previous order with respect to the vote in relation to the Landrieu amendment be modified as well.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1115), as modified, is as follows:

At the end, add the following:

DIVISION E—SBIR AND STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the “SBIR/STTR Reauthorization Act of 2011”.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5003. REPEAL.

Subtitle E of title VIII of this Act is amended by striking section 885.

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2011” and inserting “2019, except as provided in subsection (cc)”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2011” and inserting “2019”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The Continuing Appropriations Act, 2012 (Public Law 112-36), as amended by division D of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55), is amended by striking section 123.

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(B), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in fiscal year 2013;

“(D) not less than 2.6 percent of such budget in fiscal year 2014;

“(E) not less than 2.7 percent of such budget in fiscal year 2015;

“(F) not less than 2.8 percent of such budget in fiscal year 2016;

“(G) not less than 2.9 percent of such budget in fiscal year 2017;

“(H) not less than 3.0 percent of such budget in fiscal year 2018;

“(I) not less than 3.1 percent of such budget in fiscal year 2019;

“(J) not less than 3.2 percent of such budget in fiscal year 2020;

“(K) not less than 3.3 percent of such budget in fiscal year 2021;

“(L) not less than 3.4 percent of such budget in fiscal year 2022; and

“(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”; and

(3) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.”; and inserting “through fiscal year 2012.”;

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2013 and 2014;

“(iv) 0.5 percent for fiscal years 2015 and 2016; and

“(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.”; and

(4) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking “once every 5 years to reflect economic adjustments and programmatic considerations” and inserting “every year for inflation”; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting “(each of which the Administrator shall adjust for inflation annually)” after “\$1,000,000”.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON SIZE OF AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASE II AWARDS.—

“(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

“(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.”.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

“(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided

to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

“(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

“(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

“(A) induce additional venture capital funding of small business innovations;

“(B) substantially contribute to the mission of the Federal agency;

“(C) demonstrate a need for public research; and

“(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

“(4) COMPLIANCE.—

“(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

“(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

“(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR re-

search and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

“(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘covered small business concern’ means a small business concern that—

“(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

“(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

“(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

“(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

“(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

“(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.

“(8) TERMINATION.—The authority under this subsection shall terminate on September 30, 2016.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term ‘venture capital operating company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) **CRITERIA FOR DETERMINING AFFILIATION.**—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) **ENFORCEMENT.**—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) **DEFINITION.**—In this subsection, the term “venture capital operating company” has the same meaning as in section 3(aa) of the Small Business Act, as added by this section.

(d) **ASSISTANCE FOR DETERMINING AFFILIATION.**—

(1) **CLEAR EXPLANATION REQUIRED.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (1) not later than 20 business days after the date on which the request is received.

(2) **INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.**—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) **PHASE III AWARDS.**—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(dd) **COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**—

“(1) **AUTHORIZATION.**—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) **PROHIBITION.**—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”.

SEC. 5111. NOTICE REQUIREMENT.

(a) **SBIR PROGRAM.**—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and”.

(b) **STTR PROGRAM.**—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting “; and”; and

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

“(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.”.

SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) **ADDITIONAL PHASE II SBIR AND STTR AWARDS.**—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.”.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) **FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**—

“(1) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **APPLICANT.**—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

“(B) **FAST PROGRAM.**—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this subsection.

“(C) **RECIPIENT.**—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this subsection.

“(D) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(E) **DEFINITIONS RELATING TO MENTORING NETWORKS.**—The terms ‘business advice and counseling’, ‘mentor’, and ‘mentoring network’ have the meanings given those terms in section 34(e).

“(2) **ESTABLISHMENT OF PROGRAM.**—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

“(3) **GRANTS AND COOPERATIVE AGREEMENTS.**—

“(A) **JOINT REVIEW.**—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and

STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

“(i) technology research and development by small business concerns;

“(ii) technology transfer from university research to technology-based small business concerns;

“(iii) technology deployment and diffusion benefitting small business concerns;

“(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

“(I) State and local development agencies and entities;

“(II) representatives of technology-based small business concerns;

“(III) industries and emerging companies;

“(IV) universities; and

“(V) small business development centers; and

“(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

“(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

“(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

“(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

“(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

“(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

“(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

“(ii) shall consider, at a minimum—

“(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have his-

torically been received by small business concerns in the State or area of the State;

“(III) whether the projected costs of the proposed activities are reasonable;

“(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

“(V) the manner in which the applicant will measure the results of the activities to be conducted; and

“(VI) whether the proposal addresses the needs of small business concerns—

“(aa) owned and controlled by women;

“(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

“(cc) that are HUBZone small business concerns;

“(dd) located in areas that have historically not participated in the SBIR and STTR programs;

“(ee) owned and controlled by service-disabled veterans;

“(ff) owned and controlled by Native Americans; and

“(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

“(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

“(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

“(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

“(A) Federal agencies required by this section to have an SBIR program; and

“(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(i) State and local development agencies and entities;

“(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(iii) State science and technology councils; and

“(iv) representatives of technology-based small business concerns.

“(5) ADMINISTRATIVE REQUIREMENTS.—

“(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

“(B) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

“(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

“(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

“(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

“(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

“(iii) RURAL AREAS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

“(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

“(III) DEFINITION OF RURAL AREA.—In this clause, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

“(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

“(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

“(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

“(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(7) PROGRAM LEVELS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, \$15,000,000 for each of fiscal years 2011 through 2016.

“(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of \$500,000, may be used by the Administration to carry out section 34(d).

“(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 35(d)” and inserting “section 34(d)”;

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking “section 34(c)(1)(E)(ii)” and inserting “section 9(s)(3)(A)(v)(II)”;

(B) by striking “section 34” each place it appears and inserting “section 9(s)”;

(C) by adding at the end the following:

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) BUSINESS ADVICE AND COUNSELING.—The term ‘business advice and counseling’ means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

“(2) FAST PROGRAM.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under section 9(s).

“(3) MENTOR.—The term ‘mentor’ means an individual described in subsection (c)(2).

“(4) MENTORING NETWORK.—The term ‘Mentoring Network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

“(5) RECIPIENT.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

“(6) SBIR PROGRAM.—The term ‘SBIR program’ has the same meaning as in section 9(e)(4).

“(7) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(8) STTR PROGRAM.—The term ‘STTR program’ has the same meaning as in section 9(e)(6).”

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting “or STTR program” after “SBIR program”; and

(B) by striking “SBIR projects” and inserting “SBIR or STTR projects”;

(2) in paragraph (2), by striking “3 years” and inserting “5 years”; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “or STTR” after “SBIR”; and

(ii) by striking “\$4,000” and inserting “\$5,000”;

(B) by striking subparagraph (B) and inserting the following:

“(B) PHASE II.—A Federal agency described in paragraph (1) may—

“(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than \$5,000 per year; or

“(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than \$5,000 per year, which shall be in addition to the amount of the recipient’s award.”; and

(C) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT” and inserting “READINESS”;

(2) by striking “Pilot” each place that term appears and inserting “Readiness”;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(B) by adding at the end the following: “The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting “(including awards under subsection (y))” after “the number of awards”.

SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

“(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

“(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the

Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

“(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(7) DEFINITIONS.—In this subsection—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

“SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(A) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR pro-

gram decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

“(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).”.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR Awardees THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR Awardees.—

“(1) DEFINITION.—In this subsection, the term ‘covered awardee’ means a small business concern that—

“(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

“(B) has not received a Phase II award—

“(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

“(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

“(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.”.

SEC. 5207. CLARIFYING THE DEFINITION OF “PHASE III”.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program” after “phase”; and

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program” after “phase”; and

(3) in paragraph (8), by striking “and” at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(10) the term ‘commercialization’ means—

“(A) the process of developing products, processes, technologies, or services; and

“(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking “scientific review criteria” and inserting “merit-based selection procedures”; and

(ii) in paragraph (9), by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(iii) by adding at the end the following:

“(11) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(12) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(13) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”.

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”; and

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(II) in subparagraph (D)—
 (aa) by striking “the first phase” and inserting “Phase I”; and
 (bb) by striking “the second phase” and inserting “Phase II”;
 (III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”;
 (IV) in subparagraph (G)—
 (aa) by striking “the first phase” and inserting “Phase I”; and
 (bb) by striking “the second phase” and inserting “Phase II”; and
 (V) in subparagraph (H)—
 (aa) by striking “the first phase” and inserting “Phase I”;
 (bb) by striking “second phase” each place it appears and inserting “Phase II”; and
 (cc) by striking “third phase” and inserting “Phase III”; and
 (iii) in paragraph (3)—
 (I) in subparagraph (A)—
 (aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”;
 (bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and
 (cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and
 (II) in subparagraph (B), by striking “second phase” and inserting “Phase II”;
 (C) in subsection (k)—
 (i) by striking “first phase” each place it appears and inserting “Phase I”; and
 (ii) by striking “second phase” each place it appears and inserting “Phase II”;
 (D) in subsection (l)(2)—
 (i) by striking “the first phase” and inserting “Phase I”; and
 (ii) by striking “the second phase” and inserting “Phase II”;
 (E) in subsection (o)(13)—
 (i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and
 (ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”;
 (F) in subsection (p)—
 (i) in paragraph (2)(B)—
 (I) in clause (vi)—
 (aa) by striking “the second phase” and inserting “Phase II”; and
 (bb) by striking “the third phase” and inserting “Phase III”; and
 (II) in clause (ix)—
 (aa) by striking “the first phase” and inserting “Phase I”; and
 (bb) by striking “the second phase” and inserting “Phase II”; and
 (ii) in paragraph (3)—
 (I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”;
 (II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and
 (III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”;
 (G) in subsection (q)(3)—
 (i) in subparagraph (A)—
 (I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and
 (II) by striking “first phase” and inserting “Phase I”; and
 (ii) in subparagraph (B)—
 (I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and
 (II) by striking “second phase” and inserting “Phase II”;
 (H) in subsection (r)—
 (i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”;

(ii) in paragraph (1)—
 (I) in the first sentence—
 (aa) by striking “for the second phase” and inserting “for Phase II”;
 (bb) by striking “third phase” and inserting “Phase III”; and
 (cc) by striking “second phase period” and inserting “Phase II period”; and
 (II) in the second sentence—
 (aa) by striking “second phase” and inserting “Phase II”; and
 (bb) by striking “third phase” and inserting “Phase III”; and
 (iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and
 (I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”; and
 (2) in section 34(c)(2)(B)(vii), as redesignated by section 5201 of this Act, by striking “third phase” and inserting “Phase III”.

SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—
 (1) in subsection (g)(4)—
 (A) by inserting “(A)” after “(4)”;
 (B) by adding “and” after the semicolon at the end; and
 (C) by adding at the end the following:
 “(B) make a final decision on each proposal submitted under the SBIR program—
 “(i) not later than 90 days after the date on which the solicitation closes; or
 “(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”; and
 (2) in subsection (o)(4)—
 (A) by inserting “(A)” after “(4)”;
 (B) by adding “and” after the semicolon at the end; and
 (C) by adding at the end the following:
 “(B) make a final decision on each proposal submitted under the STTR program—
 “(i) not later than 90 days after the date on which the solicitation closes; or
 “(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”.

(b) NIH PEER REVIEW PROCESS.—
 (1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:
 “(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—
 (A) in subsection (a)(3)—
 (i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and
 (ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”; and
 (B) in subsection (b)(5)—
 (i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and
 (ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”.

TITLE LIII—OVERSIGHT AND EVALUATION
SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—
 (1) in paragraph (7)—
 (A) by striking “STTR programs, including the data” and inserting the following:
 “STTR programs, including—
 “(A) the data”;
 (B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and
 “(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;
 “(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;
 “(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;
 “(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and
 “(F) a description”; and
 (2) by inserting after paragraph (7) the following:
 “(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—
 (1) by striking paragraph (10);
 (2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and
 (3) by inserting after paragraph (7) the following:
 “(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—
 “(A) whether an awardee—
 “(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—
 “(I) the amount of venture capital that the awardee has received as of the date of the award; and
 “(II) the amount of additional capital that the awardee has invested in the SBIR technology;
 “(ii) has an investor that—
 “(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or
 “(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”.

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “Not later” and all that follows through “Act of 2000” and inserting “Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011”;

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

“(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

“(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

“(ii) an abstract of the project;

“(iii) the specific aims of the project;

“(iv) the number of employees of the small business concern;

“(v) the names of key individuals that will carry out the project;

“(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

“(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

“(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;”;

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

“(D) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(G) in subparagraph (E), as so redesignated, by striking “and” at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting “; and”; and

(I) by adding at the end the following:

“(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.”; and

(2) in paragraph (3), by adding at the end the following:

“(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.”.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes

relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) **DEFINITION OF APPLICABLE PERIOD.**—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) **EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

“(A) continue the most recent study under this section relating to—

“(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

“(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

“(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

“(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

“(2) **CONSULTATION.**—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

“(3) **REPORTING.**—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011,

and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) **PHASE III REPORTING.**—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) **CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.**—

“(1) **ENABLING CONCERN TO GIVE CONSENT.**—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

“(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

“(B) release the contact information of the concern to such organizations.

“(2) **RULES.**—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and

STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).”

SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(kk) **ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

“(A) the administration of the SBIR program or the STTR program of the Federal agency;

“(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

“(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

“(D) carrying out the program under subsection (y);

“(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

“(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

“(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

“(H) carrying out subsection (cc);

“(I) carrying out subsection (ff);

“(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

“(K) funding for additional personnel and assistance with application reviews.

“(2) **PERFORMANCE CRITERIA.**—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

“(3) **RULES.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking “shall not” and all that follows through “make available for the purpose” and inserting “shall not make available for the purpose”; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) **TRANSITIONAL RULE.**—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) **PROSPECTIVE REPEAL.**—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking “shall not make available for the purpose” and inserting the following: “shall not—

“(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

“(ii) make available for the purpose”; and (B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

“(4) **FUNDING.**—

“(A) **IN GENERAL.**—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

“(B) **LIMITATIONS.**—The funds described in subparagraph (A)—

“(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(ii) shall not be used to make Phase III awards.”.

SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) **FRAUD, WASTE, AND ABUSE PREVENTION.**—

(1) **GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.**—

(A) **AMENDMENTS REQUIRED.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) **CONTENT OF AMENDMENTS.**—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) **FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.**—

(A) **HOTLINE ESTABLISHED.**—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) **PUBLICATION.**—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) **STUDY AND REPORT.**—

(1) **STUDY.**—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the

SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 5314. INTERAGENCY POLICY COMMITTEE.

(a) **ESTABLISHMENT.**—The Director of the Office of Science and Technology Policy (in this section referred to as the “Director”), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the “Committee”) comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) **COCHAIRPERSONS.**—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) **DUTIES.**—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) **REPORTS.**—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking “SIMPLIFIED REPORTING REQUIREMENTS” and inserting “REDUCING PAPERWORK AND COMPLIANCE BURDEN”; and

(2) by striking “The Administrator” and inserting the following:

“(1) **STANDARDIZATION OF REPORTING REQUIREMENTS.**—The Administrator”; and

(3) by adding at the end the following:

“(2) **SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.**—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to

carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.”.

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE LV—OTHER PROVISIONS

SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

“(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rate that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Tech-

nology that focuses on areas of nanotechnology identified in such plan;”;

(2) in paragraph (15), by striking “and” at the end;

(3) in paragraph (16), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rate that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(1) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 639), as amended by this Act, is amended by adding at the end the following: "(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

Mr. LEVIN. Mr. President, while I have the floor, and while Senator LANDRIEU is here, let me add my voice of thanks and gratitude to Senator LANDRIEU for the energy she shows as chair of our Small Business Committee. I am honored to be a member of that committee and to sit at her side. I know how long and hard she has worked on this SBIR Program, how many years we have fought hard for this program, with her as our leader.

The same thing is true with the technology program—the Small Business Technology Transfer Program—which is part of this amendment. This bill is going to help 30 million small businesses to invest in technology research to help grow their businesses, spur innovation, and create jobs. Small business technology firms that receive SBIR funds have produced 38 percent of America's patents—13 times more than large businesses—and employ 40 percent of America's scientists and engineers, and the Defense Department is the biggest user of these programs. So this is very appropriate on this bill, and we are very grateful for the determination of Senator LANDRIEU and her cosponsors.

If I am not already a cosponsor of the amendment, I would ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this has made it possible for us to be here tonight, and I wanted to say that while Senator LANDRIEU was on the floor and to express what I think is, if not the unanimous, certainly the near unanimous gratitude of this body, because I expect this will have an overwhelming vote.

By the way, Mr. President, I ask unanimous consent also that our Presiding Officer, Senator CASEY, be added as a cosponsor to our counterfeit parts amendment, No. 1092. It took us too many weeks to do this, but as I see the Presiding Officer in the chair, I am making up for lost time and asking unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I yield the floor.

AMENDMENT NO. 1064

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1064 offered by the Senator from Kentucky, Mr. PAUL.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—30

Baucus	Gillibrand	Murray
Bingaman	Harkin	Nelson (NE)
Boxer	Heller	Paul
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Lautenberg	Sanders
Cardin	Leahy	Snowe
DeMint	Manchin	Tester
Durbin	McCaskill	Udall (CO)
Feinstein	Menendez	Udall (NM)
Franken	Merkley	Wyden

NAYS—67

Akaka	Graham	Mikulski
Alexander	Grassley	Moran
Ayotte	Hagan	Nelson (FL)
Barrasso	Hatch	Portman
Bennet	Hoeven	Pryor
Blumenthal	Hutchinson	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Brown (MA)	Isakson	Roberts
Burr	Johanns	Rubio
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Sessions
Chambliss	Kerry	Shelby
Coats	Kirk	Stabenow
Coburn	Kohl	Thune
Cochran	Kyl	Toomey
Collins	Landrieu	Vitter
Conrad	Lee	Warner
Coons	Levin	Webb
Corker	Lieberman	Whitehouse
Cornyn	Lugar	Wicker
Crapo	McCain	
Enzi	McConnell	

NOT VOTING—3

Begich	Murkowski	Shaheen
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The PRESIDING OFFICER (Mr. BENNET). On this vote the yeas are 30; the nays are 67. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. This will be the last vote of this evening. Tomorrow we will have a vote around 11 a.m. on cloture on this bill, and we will work with the managers to see how they are going to work through the germane amendments.

AMENDMENTS NO. 1115, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Landrieu amendment.

Ms. LANDRIEU. Mr. President, thank you very much. We will only

take a minute. I would like to yield the majority of my time to the ranking member who has worked so hard on this bill.

I would like to thank the cosponsors and thank all of my colleagues for supporting a very balanced extension of the SBIR Program. This is 5 years overdue, and I yield the remainder of my time to the ranking member from the State of Maine.

Ms. SNOWE. Mr. President, I thank the chairman of the Small Business Committee, Chairman LANDRIEU, for her leadership, and I commend her for that.

I thank all of the Members of the Senate for supporting these two vital programs. We had much debate on these programs back in March for 5 weeks. There has been broad bipartisan support. They are vital job creators and innovators. They have provided more than 25 percent of the innovations that have occurred over this last decade and are certainly vital to the Defense Department as we are setting aside existing Federal research dollars for small business firms.

I urge my colleagues to support this amendment, which is nearly identical to legislation that passed the Senate unanimously last December and which passed our Committee by a vote of 18 to 1 in March of this year.

It is critical that we focus like a laser on job creation, and encourage an environment in which America's small businesses—our Nation's job generators—can once again flourish. We know that small businesses will lead us out of our economic morass. They employ more than half of all private sector employees and have created 64 percent of the net new jobs over the past 15 years. Ninety percent of that job creation is concentrated in four to five percent of all companies, commonly known as "gazelles," or high-impact firms. The SBIR Program is designed to assist exactly these types of companies.

Together, these vital job creation programs have provided small firms with over \$28 billion during their lifespans. They have been front and center in improving our Nation's capacity to innovate. According to a report by the Information Technology and Innovation Foundation, SBIR-backed firms have been responsible for roughly 25 percent of the Nation's most crucial innovations over the past decade plus—"a powerful indication that the SBIR Program has become a key force in the innovation economy of the United States." And the SBIR Program has played a critical role in providing the Department of Defense—our nation's largest SBIR agency—with the technology and components it requires. From night vision goggle simulators, to sensors which provide intelligence about battlefield events like anti-aircraft artillery and rocket launches to our brave men and women in the field,

technologies borne from a small infusion of SBIR funding have helped make our military more efficient, cost-effective, and safer.

Simply put, these programs have helped America's entrepreneurs create businesses, jobs, and innovations for a wide range of applications in our daily lives. Regrettably, SBIR has been subject to 14 short-term extensions since it was slated to expire in September 2008, and STTR has been a part of 11 of those since September 2009. This uncertainty is of concern to both program managers, who are never sure if they will have the funding for small business awardees, and to the small business applicants themselves.

Furthermore, our amendment would reauthorize these programs for 8 years—which has been done twice before for SBIR in 1992 and 2000, the last two reauthorizations. A long-term reauthorization of SBIR and STTR is critical to the effectiveness of these initiatives. Simply stated, an SBIR or STTR recipient's lifecycle in the program is longer than 2 years. A Phase I award lasts for 6 months, while a Phase II lasts for 2 years. This does not take into account the time required for agencies to issue solicitations and companies to apply for awards, including between Phases I and II, as well as a company's time in Phase III commercializing its product or technology. Short-term reauthorizations dissuade promising small businesses from applying to the programs, and makes agencies hesitant to fund projects when they are uncertain for which they will have follow-on funding in the future.

The 2-year extension that some members have been discussing would jeopardize the compromise reached in this legislation and remove the certainty the bill provides. In particular, it has the ability to unravel the "venture capital" compromise, which was negotiated for nearly 6 years between Members of Congress, the small business community, and the Biotechnology Industry Organization, BIO. This compromise—which allows firms majority owned by multiple venture capital operating companies to be eligible for up to 25 percent of SBIR funds at the National Institutes of Health, National Science Foundation, and Department of Energy, and up to 15 percent of the funds at remaining agencies—includes the backing of a number of critical organizations, like BIO, the National Venture Capital Association, NVCA, the U.S. Chamber of Commerce, and the National Small Business Association.

A 2-year authorization would force us to relitigate this issue immediately, before we have the ability to analyze how the compromise is working. Indeed, our legislation requires the Government Accountability Office to review the impact of the venture capital compromise on the programs 3 years

after the bill is enacted, and every 3 years thereafter. We need time to understand how well this change is working before reconsidering it.

Furthermore, it would put at risk some of the key provisions in our bill—most noticeably the allocation increases for SBIR from 2.5 to 3.5 percent over 10 years, and for STTR from 0.3 to 0.6 percent over 5 years. Because these allocations are spread out over several years, and not immediate, they could be stunted by a short-term reauthorization, prohibiting small businesses from accessing critical funding to help develop their promising technologies.

I would note that as the U.S. Chamber of Commerce has noted in support of our legislation, "[e]ven though this important program for small business has a proven track record of success, its full potential has been held hostage by a series of short-term reauthorizations which has created uncertainty for SBIR program managers and limitations for potential small business grant recipients." It is high time for us to unleash the potential of these critical firms by ensuring that these initiatives have the requisite stability that they have been lacking in recent years due to Congressional inaction.

In its October Interim Report, the President's Council on Jobs and Competitiveness urged Congress to "... permanently affirm and fully authorize Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) funding for the long term, rather than for short-term re-authorizations." It is long beyond time for us to pass a comprehensive, long-term reauthorization of these critical programs. Our amendment provides us with this opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. REID. Mr. President, since there is bipartisan support, why do we need a rollcall vote? Do we have to have a rollcall vote?

The PRESIDING OFFICER. The unanimous consent agreement requires 60 votes.

Mr. REID. I ask unanimous consent that order be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1115), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, if it is in order, I would like to speak on the bill. Last evening we passed the Leahy-Graham amendment, which would, by law, make the head of the National Guard Bureau a member of the Joint Chiefs of Staff. As we go forward in our deliberations with respect to this bill, particularly the conference committee—

Mr. CARPER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Please take your conversations from the well.

The Senator from Rhode Island is once again recognized.

Mr. REED. Mr. President, I thank you, and I thank the Senator from Delaware.

As I have indicated, I would like to make some comments about how I think we can improve and clarify the legislation that was adopted last evening by unanimous consent. But, first, let me begin by recognizing, obviously, the extraordinary contributions of the men and women of our National Guard. I speak from the experience of just a few weeks ago having visited members of the 43rd Military Police Brigade of the Rhode Island National Guard who have the responsibility for the detention facility in Bagram, Afghanistan. Under the able leadership of BG Charles Petrarca, they are doing an extraordinary job.

I also was able to talk with some of the members of our Air National Guard, the 143rd Airlift Wing. This is the finest C-130-J wing in the entire U.S. Air Force—National Guard or Active or Reserve, in my estimate. They are doing remarkable work. They are doing remarkable work. In fact, we could not continue the operations in Iraq, Afghanistan, or our homeland security obligations, without the men and women of the National Guard.

I wish to also just say coincidentally that I had the great opportunity to sit down with my Adjutant General Kevin McBride. General McBride and his staff are extraordinarily effective professionals. I first got the chance to see him literally in action when he commanded the 43rd Military Police Brigade in Iraq, where they also had detention responsibilities.

So we are talking about now a component of our military forces that are professionals, superbly qualified, complete patriots, and dedicated to the success of the mission and the success of this Nation. There is the saying "One Army", as there is "One Air Force," and it truly is. I can recall serving on Active Duty when there was at least a perception of disparity between Reserve, National Guard, and Active-Duty forces. That perception no longer exists. The reality is that these are superb professionals doing their job. So I think that is the starting point to consider this legislation.

What I would like to suggest in terms of an improvement to the legislation is clarifying the role and responsibility of the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff. If he has statutory responsibilities, those responsibilities should be specified.

As General McKinley, who is the current Chief of the National Guard Bureau and a superb professional, pointed out at the committee hearing:

The Chief of the National Guard Bureau still does not have an institutional position from which [he] can advise the President, the NSC, the Homeland Security Council, and Congress on non-federalized National Guard forces that are critical to homeland defense and civil support missions.

If this is the purpose of appointing and confirming the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff, that purpose should be laid out. If that is the role he or she is expected to play—to provide advice to the Chairman and advice to the President on the non-federalized National Guard forces critical to homeland defense and civil support missions—it should be spelled out. I hope it is spelled out as we go forward with the process of conferencing this legislation.

He went on to say:

Adding the Chief of the National Guard Bureau to the JCS, in my opinion, would ensure that in the post-9/11 security environment the National Guard's non-federalized role in homeland defense and civil support missions will be fully represented in all JCS deliberations.

I think this is very important. Let me suggest why—because one of the essentials of any military organization is unity of command. The National Guard Bureau has two separate services which it represents: the Army National Guard and the Air National Guard. We do not want, particularly at the level of the Joint Chiefs of Staff, to confuse who speaks for the services—who speaks for the Army, who speaks for the Air Force. I think in order to do this—to preserve the unity of command, to make it very clear that at the deliberations of the Joint Chiefs of Staff, the Chief of Staff of the Air Force speaks for the Air Force and the Chief of Staff of the Army speaks for the Army—we have to make it clear what the Chief of the National Guard Bureau is speaking to.

I hope as we go forward we can make it very clear as General McKinley made it very clear in his testimony that his perspective, his point of view, his position on the Joint Chiefs is related, as he said repeatedly, to those non-federalized functions of the National Guard, particularly with respect to homeland security and civil support missions. I think this would enhance and clarify the role of the Chief of the National Guard Bureau, and I also think it would avoid even the appearance of a lack of unity of command within the services.

I think these are important points. These points can be and should be approached in the conference. I hope that at the end of the day, when the President is prepared to sign this bill—and

there may be other improvements to this legislation—that this particular aspect of the legislation is incorporated.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask permission to speak for 20 minutes in morning business, but it will probably be less than that.

Mr. LEVIN. Mr. President, reserving the right to object, and I won't, I have two unanimous consent requests that will take just a couple of moments.

Mr. GRASSLEY. Yes, go ahead.

AMENDMENT NO. 1174

Mr. LEVIN. Mr. President, I call for the regular order with respect to amendment No. 1174.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENTS NOS. 1260 AND 1262 WITHDRAWN

Mr. LEVIN. Secondly, there are two colloquies between myself and Senator SHERROD BROWN. At the end of these colloquies, in both cases, Senator BROWN withdraws the amendments referred to in the colloquies, amendments Nos. 1260 and 1262.

So I ask unanimous consent that those two amendments he then withdraws at the end of the colloquies in fact be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1260

Mr. BROWN of Ohio. I rise to discuss my amendment No. 1260 with the chairman of the Senate Armed Services Committee. This amendment would strike section 846 of the bill, which would establish a new exception to the requirement to purchase specialty metals that are produced in the United States.

Over the last several months, a number of concerns have been raised about this provision. In particular:

The provision is not needed, because domestic titanium is cost-competitive with foreign titanium and the cost of titanium has not been a major cost driver in DOD weapon systems.

No specific case has been raised in which U.S. companies have lost contracts or manufacturing jobs as a result of a price difference between U.S. and foreign titanium.

If the new exception in section 846 were abused, it could undermine the preference for domestic titanium and result in the loss of U.S. jobs.

Administering the new exception could create significant burdens on both defense contractors and the Department of Defense; and the Department's existing authority to make Domestic Non-Availability Determinations (DNADs) already gives it the flexibility it would need to address a significant price differential, should it arise at some point in the future.

Is the chairman of the Armed Services Committee aware of these concerns?

Mr. LEVIN. I am aware of the concerns raised by the Senator from Ohio, and I assure him that I will give careful consideration to those concerns as we go to conference with the House of Representatives on this provision.

Mr. BROWN of Ohio. I appreciate the Senator's assurance, and I withdraw the amendment on that basis.

AMENDMENT NO. 1262

Mr. BROWN of Ohio. I rise to discuss my amendment No. 1262 regarding the definition of specialty metals produced in the United States.

Under section 2533b of title 10, U.S. Code, specialty metals included in weapon systems purchased by DOD must be produced in the United States. This requirement has been in place for more than 30 years and for most of that time, the Department interpreted the requirement to apply to metals that are "melted" in the United States.

After Congress re-codified the requirement in the National Defense Authorization Act for Fiscal Year 2009, however, DOD decided that a metal is produced in the United States if any part of the production process takes place in this country. That includes finishing processes such as rolling, heat treatment, quenching, or tempering. This is a substantial change to the definition that has a direct impact on domestic production and American jobs, which I know the Chairman has defended throughout his career.

My amendment would restore the long-standing definition of what it means for a metal to be "produced" in this country—that it must be "melted" here.

Is the Chairman of the Armed Services Committee familiar with this issue?

Mr. LEVIN. I am aware of the issue, and of the concerns raised by the Senator from Ohio about this definition. Section 823 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 directed the Secretary of Defense to review the definition of the term "produced" and to ensure that it complies with the requirements of law and is consistent with congressional intent.

It is my understanding that this review is currently ongoing. I believe that we should have the informed input of the Department of Defense before we act on this issue. For that reason, I believe that the amendment is premature. However, the review required by section 823 is already several weeks overdue. I understand that DOD is not always able to meet our reporting deadlines, but this is an issue on which we need DOD's input and we need it soon. I assure the Senator from Ohio that we will carefully review the findings of the DOD review and revisit the issue in light of those findings, if necessary. If the Department fails to meet

its statutory duty to address this issue, we will take that into consideration as well.

Mr. BROWN of Ohio. I appreciate the Senator's assurance, and I withdraw the amendment on that basis.

AMENDMENT NO. 1419

Mr. McCAIN. Mr. President, amendment No. 1419 would correct an unintended staff error in the new Division D funding tables that the Senate Armed Services Committee voted to adopt Tuesday, November 15, 2011. This error unintentionally reduced the President's budget request for the line 154, RDTE AF, JSTARS account by \$33 million. This amendment would correct this error and restore the RDTE AF JSTARS account back to the level requested in the President's budget request and approved in the June 22, 2011, SASC-passed version of the National Defense Authorization Act. Both the majority and minority staff directors have acknowledged that this was an unintended staff error and have requested that this be corrected by restoring full funding of the RDTE AF JSTARS account to \$121,610,000. Chairman LEVIN and I agree.

EELV

Mr. President, as I mentioned when the National Defense Authorization Act for Fiscal Year 2012 was first brought up on the floor, I wanted to focus on, in the course to the Senate's consideration of this bill, the issue of military space procurement. There can be no doubt that how the Department of Defense procures satellites and space-related capability has gotten unacceptably out of control.

In the impending environment of fiscal austerity, the situation has become nothing less than severe.

One need not look further than the Space-Based Infrared System High, SBIRS-HIGH, program as a good example of how bad things have gotten. This program has been a problem since its inception in 1996. In fact, 5 years into the program—in 2001—an independent review cited the program as “too immature to enter the system design and development phase” and observed that the program was based on faulty and overly optimistic assumptions with respect to, among others things, “management stability and the level of understanding of requirements.” The independent review also highlighted a breakdown in execution and management resulting from those overly optimistic assumptions and unclear requirements that essentially “overwhelmed” government and contractor management.

That was 2001, when it was determined that total program cost growth could exceed \$2 billion, a 70 percent increase in cost. And, here we are today, 10 years later, and the system still has not achieved its objectives. In fact, it was just launched—for the first time—recently, on May 7, 2011.

Originally estimated to cost \$2.4 billion, it is now expected to cost nearly \$16 billion, roughly 7 times the original estimate. With SBIRS' having been launched finally, we will see if it has overcome its continuing software issues and delivers its improved ballistic missile-monitoring capability as promised. I am, however, not optimistic: the satellite was launched even though the flight system software was not ready, and the ground control software needed to exploit the satellite's full capabilities is still lagging.

It is worth bearing in mind that the Government Accountability Office's latest March 9, 2011, report on major defense acquisition programs notes that SBIRS has the odious distinction of breaching the “Nunn-McCurdy” law on cost growth a record four times—the most of any major weapons program. It's a hall-of-famer.

By the way, the DOD just recently reported to Congress that the next pair of these satellites, built by Lockheed Martin, could cost \$438 million more than previously estimated and could be delivered a year late. Unacceptable.

SBIRS is, however, not the only space program that has been facing these types of problems. Over the past decade, most—I repeat, most—of the DOD's space programs have been over cost and behind schedule. Their delays have in fact been so significant that we now face potential gaps in capabilities in vital areas dependent on space procurement such as weather monitoring and ultra-high frequency communications.

After years of spiraling costs and under the specter of diminishing budgets, the Air Force now says it wants to buy space assets in bulk to save money. Only in Washington could programs with the kind of history of mismanagement and unparalleled cost-growth and schedule-delays we have seen in large military satellite and launch programs—which in the most egregious cases have yet to see a single day of operational performance or demonstrate intended capability—be proposed for economic savings by buying its related components in bulk.

Until the Air Force overhauls how it buys its biggest and most expensive military space assets—more than simply doubling down on bad bets—these kinds of programs will continue to be painful case studies of how problematic our overall system for acquiring major weapons remains.

One program that I chose to focus on in particular in this bill is the Air Force's Evolved Expendable Launch Vehicle, EELV, program. On this program, I have filed two amendments, which have either already been adopted or are awaiting adoption without opposition.

My first amendment would require the EELV program to report to Congress and to the Office of the Secretary

of Defense on how it is doing in terms of cost, schedule and performance as if it were designated as a major defense acquisition program, MDAP, not in sustainment.

This sounds pretty simple, but why this amendment is in fact necessary is striking.

In 2006, the unit cost of the EELV program, which provides the DOD and other government agencies the launch capability to get large satellites into orbit, breached the cost thresholds under the Nunn-McCurdy law. Under that law, the Department is required to report to Congress if there is a significant or critical increase in unit cost over the program's baseline cost.

In this case, EELV's unit costs unexpectedly grew because of a change in the acquisition strategy warranted by a decrease in the demand for EELV launches. And, that was due to, among other things, satellite program development delays and cancellations.

But rather than restructure the program to make sure that it provides launch capability affordably; rebase-line its unit cost estimate to a more realistic number; and certify, after careful deliberation and an analysis of alternatives, that the program must continue—all of which is required under Nunn-McCurdy—something else happened.

In 2007, the program was basically taken out of the defense acquisition management system, otherwise known as the “milestone system,” and put in “sustainment.” The decision to do so significantly reduced EELV's reporting requirements to the Office of the Secretary of Defense and to Congress, particularly on the program's cost and status. And, that limited both the OSD and Congress' ability to oversee the program going forward.

Ordinarily, such a decision is made when a program has completed its development and production phases. But, this wasn't the case for EELV. Even to this day, the program faces maturity issues based on the fact that the DOD has yet to launch all EELV variants in sufficient numbers to ensure design and production maturity.

According to the Government Accountability Office in 2008, the decision to put EELV on sustainment may have been influenced by other factors, namely, avoiding the imminent Nunn-McCurdy unit cost breach.

One thing is clear: this decision should never have been made.

And, Congress' and the OSD's oversight of this large program has been hampered ever since.

Against this backdrop, my amendment would require that the DOD either move the program back to a major defense acquisition program (MDAP) not in sustainment or otherwise have the program provide, as appropriate, Congress or the OSD updates of the program's cost and status using the criteria set forth for other MDAPs.

This, frankly, should have been done years ago.

My second amendment is required because of more recent developments in the EELV program. That amendment would require the Air Force to explain, by a time certain, exactly how its new EELV acquisition strategy for the balance of rocket cores beyond its immediate purchase implements each of GAO's recommendations in its recent report on the program.

Unsurprisingly, the increasing cost of launching satellites into space has become a major problem. And, with defense dollars likely to decline for as far as the eye can see, driving down the cost of space launch is tough because, with regard to "EELV"-class rockets, only one company provides the U.S. government with the "heavy" launch capability it needs—the United Launch Alliance, ULA, comprised of former competitors Lockheed Martin and Boeing.

There can be no doubt that, at the end of the day, only competition can meaningfully drive down costs. As GAO recently noted, competition for space launch missions provides the government with an unprecedented opportunity to control costs under the EELV program. I strongly agree. Largely because of the lack of competition and the DOD's reliance on a monopoly incumbent provider, by some estimates, EELV costs may increase by more than 50 percent over the next 5 years. This is neither desirable nor affordable.

But, in an effort to procure heavy-launch capability affordably, the Air Force, which serves as the Executive Agent for space at the DOD, originally came up with a strategy to sole-source from ULA as much as eight boosters over 5 years. This so-called "Block-40 strategy" would, however, have effectively locked-up the government into a large block purchase with ULA and foreclosed the possibility of competition over time.

Thankfully, GAO looked into this acquisition strategy. And, its report, which came out just a few weeks ago, was scathing. In it, GAO found that, despite statements by the Air Force to the contrary, the Air Force's Block-40 strategy was unsupported by the necessary data and analysis—most notably, certified cost and pricing data, analysis on the health of the industrial base and the cost-effectiveness of mission assurance.

This amendment would require the Air Force to explain when it submits its budget next year how it implemented each of GAO's recommendations. Those recommendations include, among other things, independently assessing the health of the U.S. launch industrial base and reassessing the proposed block buy contract quantity and length.

On October 21, 2011, I brought this issue to Secretary Panetta's attention,

with Chairman LEVIN. While we only recently received a response, which I would like to be made part of this record, the question as to whether GAO's recommendations have been and will be complied with remains open. So, notwithstanding the letter, this amendment remains ripe and necessary.

Once again, I believe both of these provisions have been or will be adopted into the bill without opposition. And, I thank my colleagues for their cooperation. The area of how the Department of Defense procures space assets and capabilities is something we all have to focus on more than we have been. Particularly in these times of fiscal hardship and austerity, looking the other way and hoping for the best is an option we cannot afford.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
SECRETARY OF THE AIR FORCE,
Washington, DC.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your October 21, 2011, letter regarding the recently completed Government Accountability Office (GAO) report on the Evolved Expendable Launch Vehicle (EELV) program. In your letter, you asked the Department to pause "all activities in furtherance of . . . negotiations with United Launch Alliance (ULA) for follow-on EELV launches" and "all activities intended to finalize the Air Force's Block 40 acquisition strategy" until the Department has: 1 "completed a full review of the concerns raised by GAO" in its recent report; and 2 "taken appropriate steps to ensure that prices are fair and reasonable, including obtaining cost and pricing data, and complying with other applicable requirements of the Federal Acquisition Regulation." Secretary Panetta asked me to reply in my capacity as the Department's Executive Agent for Space.

The Department and the Air Force have thoroughly reviewed the GAO report—including early drafts and the final report—and we agree additional data is needed before executing an EELV contract for FY 2013–2017. The Air Force EELV acquisition strategy is fundamentally based on gathering more and better information before pursuing any specific contract. The strategy is part of a series of steps the Air Force is taking to control cost growth in the EELV program, including efforts to facilitate opportunities for proven launch providers to compete for EELV-class launches. The Air Force and the Department see competition as a critical element of our long term efforts to reduce launch costs.

The GAO completed their audit prior to most of the work on the revised EELV acquisition strategy. Consequently, some of the concerns highlighted have been addressed. For example, in March 2011, when the drafting of the GAO report was nearly complete, the Air Force created a new executive position, the Program Executive Officer for Space Launch (PEO/SL). The PEO/SL was established to enhance executive management

of the EELV program, with the near-term focus of driving down costs and spearheading the effort to craft a new EELV acquisition strategy. The new PEO has led several efforts to implement specific cost reduction efforts based on a detailed Should Cost Review that I directed as Secretary of the Air Force. The PEO has also taken steps to gain additional knowledge to inform the acquisition strategy, including independent cost estimates for the large cost drivers for launch. These efforts and the data they yielded are the key building blocks for the EELV acquisition strategy. The United Launch Alliance supplier survey data described and questioned in the GAO report was made available to review teams examining the EELV program, but was not relied upon in the PEO's development of the acquisition strategy.

The Air Force EELV acquisition strategy entails an evaluation of an economic order quantity of EELV booster cores, but there is no commitment to a specific contract quantity or duration. Instead, the first phase of the strategy will require the incumbent contractor to provide their best price offers on a quantity range of six to ten booster cores per year over contract periods ranging from three to five years. This data will allow the Air Force to balance the rate and commitment decision with our fundamental priorities: operational requirements, price, budget, and enabling competition.

The Air Force will not pursue any negotiations with ULA until they have submitted the cost and price data we need, and ULA's submissions will be audited as they would in any contracting process. The citations in the GAO report to Defense Contracting Audit Agency standards for sufficient cost and price information refer to prices associated with some subcontractor ULA orders that were placed in a commercial environment and thus did not require certified cost and pricing data. For the FY 2013–2017 proposal, the prime contractor will be required to certify the data submitted is current, accurate, and complete.

With the recently released New Entrant Certification Strategy, the Air Force, NASA, and the NRO are working to facilitate the certification of new entrants who want to compete for EELV-class missions. By examining a range of contract options and terms for EELV procurement, and by examining progress from new entrants in the coming months, the Air Force will be well-positioned to identify the best balance of these priorities and the best value for the taxpayer. Only at that point, with additional information in hand, will the Air Force move to negotiate a new contract.

Thank you again for your letter and your continued support of national security space. I look forward to continuing to work in partnership with you to maintain assured access to space for the Nation. A similar letter has been sent to the Chairman of your committee.

Sincerely,

MICHAEL B. DONLEY,
DoD Executive Agent for Space.

Mr. LEVIN. I thank my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTH CARE

Mr. GRASSLEY. Mr. President, when the Congress passed the health care law, it imposed a mandate on individuals who lacked health insurance to

purchase it. Since then, a number of courts have held that the individual mandate exceeds the power of Congress to regulate interstate commerce.

The Supreme Court will soon hear a case on this question.

The Supreme Court, which usually gives a case 1 hour of oral argument, is giving the various issues in this case 5½ hours. This is a modern record.

The Supreme Court should exercise its powers of judicial review carefully. One of its major principles of judicial restraint is that an act of Congress is presumed to be constitutional. But this is a presumption that can be rebutted. It derives from the respect that one branch of government gives when reviewing the actions of another.

If Congress has made a determination that a statute is constitutional, the Supreme Court should give that finding some level of deference.

But the presumption rests on a premise that Congress has made a considered judgment on the constitutionality of the laws it passes. In the case of the health care bill, this did not happen. Republicans raised a constitutional challenge to the individual mandate that was brushed aside by Democrats who favored the bill as a policy matter, and were not going to let a serious constitutional issue get in the way of passing the law.

In fact, we know that there was no Congressional consideration of the constitutionality of this unprecedented restriction of the freedom of American citizens.

I mean unprecedented literally. Congress has never before discovered or exercised this power in more than 200 years of this country's history. And since Congress has never before imposed a requirement to purchase a product, no Supreme Court precedent has ever found that Congress may do so.

Instead, apart from the regulation of items such as navigable waterways or communication lines, the Supreme Court has always discussed the subjects that Congress may regulate under the Commerce Clause as "activities." The Court has never held that Congress can use its Commerce Clause power to regulate inactivity—or require people to engage in commerce. The Court has found that Congress cannot regulate intrastate economic activities that in combination do not affect commerce. And Congress cannot regulate non-economic activities, such as carrying a gun in a school zone.

So it should be clear that Congress cannot regulate inactivity—such as a thought or a decision not to purchase health insurance.

Congress has great power under the Commerce Clause to reduce individual freedom. In 1942, the Court ruled in *Wickard v. Filburn* that a farmer could be penalized for exceeding a quota on the amount of wheat he could produce,

even when the excess went for providing food for his own farm and its livestock.

And that Commerce Clause decision has allowed Congress to pass many significant regulatory laws, such as environmental laws, drug laws, and the public accommodation provisions of the civil rights laws.

But in every such case, the regulated person retained the freedom to avoid being regulated. A person who did not want to comply with environmental laws could stop engaging in the activity that fell under the environmental laws. A person who did not want to be subject to the drug laws could avoid transporting drugs.

And a person who did not want to adhere to the public accommodation laws could leave the public accommodation business.

The individual mandate is different. The mandate requires action. And there is no escape. A person cannot opt out of the activity that triggers the regulation because the mandate applies even to inactivity. If the person is alive, then he or she has to buy health insurance. That is a serious and novel threat to individual freedom.

Congress has offered incentives to change people's behavior.

But it is hard to see why Congress would do that if it had the power it now claims to force people to buy particular goods and services. Under this logic, Congress could require people to buy new GM cars, so it would not have enacted Cash for Clunkers. Similarly, this supposed power would allow Congress to order people to pay money to third parties rather than raising taxes. And a decision upholding the mandate would permit Congress to keep beef prices high by requiring vegetarians to buy beef.

Members of Congress could use this supposed Commerce Clause power to entrench themselves in office. They could require people to buy houses or cars or other products in areas where their political party has its base of support.

Despite the arguments of the Obama Administration, the power it claims that Congress can use to compel people to buy goods and services is not unique to health care. The judges who are honest recognize that if Congress can force people to buy insurance, Congress can force the purchase of any product or service.

It can regulate inactivity because that can affect interstate commerce.

This conclusion is consistent with the opinion of the Congressional Budget Office. In a 1994 memo, CBO wrote that "a mandate-issuing government" could lead "in the extreme" "to a command econom[y] in which the President and the Congress dictated how much each individual and family spent on all goods and services."

In June of this year, the Supreme Court unanimously decided in the *Bond*

case that an individual—not only a State—could challenge the constitutionality of a Federal statute as exceeding the power of Congress to enact under the 10th Amendment. The Court wrote, "By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake."

The case now before the Supreme Court raises first principles about our republic. The people are the sovereign in our country. The government serves the people, not the other way around. That is enforced through a Constitution that gives the Congress limited powers. In the *Federalist Papers*, James Madison wrote that the powers of the Federal Government are few and defined, and the powers of the States are many and undefined. Although there is much more interstate commerce in today's economy than there was in 1787, the power is still limited.

If Congress can require Americans to purchase goods and services that Congress chooses, without a limiting principle, then there is no limited Federal Government. There would be no issue that Congress could not address at the Federal level. There would be no range of State powers that the Federal Government cannot usurp. The 10th Amendment would be a dead letter, as there would be no powers reserved to the States.

Congress exceeded its enumerated powers in passing the individual mandate.

It attempted to create an all-powerful Federal Government that posed a threat to liberty that the Supreme Court unanimously warned against in the *Bond* case. All the Supreme Court need do to strike down the mandate is to adhere to its position in *Bond*. If it departs from that view and upholds the mandate, then our hopes for liberty may depend on a new President charting the course contained in Judge Kavanaugh's dissenting opinion in the D.C. Circuit case. Judge Kavanaugh wrote that a President is not required to enforce a statute that regulates private individuals that the President believes is unconstitutional.

This is true even when a court has held the statute to be constitutional.

Mr. President, the upcoming Supreme Court decision on the constitutionality of the individual mandate is important not only for the fate of that provision, but for its effect on the powers of the Federal Government and the very survival of individual economic liberty.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of OHIO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S ECONOMY

Mr. BROWN of Ohio. Our economy, as the Presiding Officer and others know, demands two major priorities from Congress right now: to reduce spending and to foster job creation. Equally important, you cannot do one without the other. We cannot only cut our way to prosperity. They cannot be mutually exclusive goals. We can make sensible reforms that reduce the deficit while promoting job creation.

Here is what we should be talking about: first, closing tax loopholes for companies that ship jobs overseas and encourage American job creation. That saves \$19 billion over 10 years. It will mean companies choosing to manufacture in the United States instead of China, instead of Mexico, in many cases.

My State, Ohio, is the third leading manufacturing State in the country. We produce more than any other State except California, three times our population, and Texas, twice our population.

Second, let's give faster access to generic drugs to treat breast cancer and MS and rheumatoid arthritis. That saves \$2.3 billion over 10 years. It saves for taxpayers. It saves for insurance companies, meaning insurance rates will go up at a much lower rate. It saves for individuals reaching into their pocket and paying copays.

Third, let's strengthen and streamline the farm safety net. That saves \$20 billion over 10 years. There is simply no reason that large farmers who have profitable years need to get direct payments, need to get farm subsidies. Establishing a safety net makes sense. If prices are particularly low for a couple of years, if yields are particularly low for a couple of years, farmers need that safety net because we do not want to lose more family farms. But do not continue to give farm subsidies to farmers who simply do not need them.

Fourth, let's ask the wealthiest Americans to go back to the same tax rate they paid during the Clinton years. That will raise \$800 billion over the next 10 years. During the Clinton years, 21 million private sector jobs—net increase—occurred, even with a higher tax rate on high-income people as we balanced the budget, and during the 8 Bush years, two major tax cuts mostly for the wealthy, which the Presiding Officer and I and others opposed, under the belief that trickle-down eco-

nomics would work, there was only a 1 million private sector net increase in jobs in those 8 years. We started with a huge budget surplus and ended with a huge budget deficit. We know that kind of economics does not work.

Those four ways are just four of the many I can talk about at another time of reducing our deficit and making our economy stronger. Too many in Washington seek to undermine one of the programs that kept our country strong in good economic times and bad economic times; that is, Social Security.

I am now a grandfather. I turned 59 a couple of weeks ago. Our first grandson is 3 years old. I understand it becomes more personal. I understand how grandparents now get to spend more time with their grandchildren. Margaret Mead once said: Wisdom and knowledge are passed from grandparent to grandchild.

The Presiding Officer, who has enough gray hair, would understand that, understands that because Medicare and Social Security have helped Americans live longer and healthier lives, it does give us—that is why it is personal for me, it does give us more time with our grandkids, and passing on that knowledge and wisdom that only grandparents can then give to their grandchildren.

Yet too many seniors have worked hard, played by the rules, and require Social Security simply to live. More than half of Ohio's seniors get more than half their income in their retirement years from Social Security. That is how important it is. Some seniors get almost all of their income from Social Security. That may be as little as \$1,000 or \$1,100 or \$1,200 a month. That is what they live on.

Yet as more and more seniors rely on Social Security, they want 2 years without a cost-of-living adjustment. Why? Because the cost-of-living adjustment under Federal law—this is not the fault of the President, although it may have been several Presidents ago; this is not the fault of the Congress, although it may have been when it was decided several Congresses ago—but the law simply says that the Social Security cost-of-living adjustment is the so-called Consumer Price Index, which is determined for a typical 40-year-old in the workplace, not a 70-year-old who is in retirement. The 40-year-old in the workplace has significantly lower health care costs, perhaps has higher transportation costs getting to or from work, while the senior who is 70 has significantly higher health care costs as a percentage of their income and significantly higher heating costs, just to keep warm in the winter, cool in the summer, because of their lifestyle.

This Consumer Price Index, which is the determination for whether you get a cost-of-living adjustment, is based on a working 40-year-old, not a retired 70-year-old. That is what we want to fix.

That is why I have introduced my legislation to do CPI—instead of CPI-W, Consumer Price Index-Working Person, the way it is now, to change it to CPI-E, Consumer Price Index-Elderly, to base it on those who get the COLA.

America's seniors did not get a COLA the last 2 years because it did not reflect their cost as much as it reflected not very high inflation among 40-year-old working families. Belle, a senior community activist from Shaker Heights, recently shared with me her story that seniors across America can relate to, how difficult it is to meet their needs when Social Security benefits do not. Half of her income goes to health care costs not covered by Medicare—hearing aids, glasses, dental care, in addition to supplemental health insurance she pays. And as Belle will tell anyone, she, like millions of Americans, worked hard and contributed to Social Security. They do not see it as—the word we use around here—an “entitlement;” they see it as an investment that they made because every working person in Denver, in Colorado Springs, in Aurora, in Cleveland, Columbus, and Dayton paid into Social Security and Medicare every day of their work lives. They have invested. They have earned it. They were promised it.

But, presently, as I said, COLAs are based on the Consumer Price Index for workers, for wage earners, instead of the Consumer Price Index for the elderly. Those 65 and older tend to spend about twice as much on health care as the general population, twice as much out of a smaller income, than half as much out of a bigger income that a 40-year-old would get.

So that is where we need to go with the Social Security cost-of-living adjustment. But in the so-called supercommittee, which was not able to come to an agreement, there were many in the supercommittee, particularly Republicans, particularly sort of ultra-conservative politicians who do not much like Social Security to begin with, wanted what is called the chained CPI. The chained CPI. They called it a technical fix. But it is really a regressive tax increase that would cut senior citizens' cost-of-living adjustment.

They did the chained CPI because it would save Social Security money. Well, to save Social Security money, what does that mean? It means you are taking money from benefits, especially for low and middle-income seniors, which is most of them. Those are people who rely on Social Security for most of their income.

Their chained CPI would mean the annual benefits for a typical 65-year-old would be \$136 less. Over time, a typical 75-year-old would receive \$560 less a year, and at 85 they would receive \$1,000 less a year, and at 95, as more seniors live to that age, when they need their benefit, the cut is \$1,400 a year. You know, that may not be much

money for my colleagues, but it is a lot of money if you are a senior living on a fixed income.

We know how to balance this budget. We did it when the Presiding Officer and I were in the House of Representatives. We did it with a Democratic President and a Congress that at least would go along with him and did not draw these lines in the sand and make signed pledges to lobbyists. They are signing pledges to lobbyists, saying: I will not do this; I will do not do that, instead of thinking for themselves and signing a pledge only to the Constitution of the United States of America.

We knew how to get to a balanced budget. We can do this. We did it in the 1990s. We got to a balanced budget without reducing the cost-of-living adjustment, without turning Medicare over to the insurance industry. You know, to me there are some radical Members of the House of Representatives, there are some in the Senate, who want to see Social Security turned over to Wall Street, let them run it; Medicare over to the insurance companies, let them run it.

When President Bush wanted to privatize Social Security in 1995, the Presiding Officer was in the House of Representatives. Imagine if we had gone along with President Bush's idea to privatize Social Security. Imagine what would have happened. We know what happened to people's 401(k)s. Imagine what would have happened to the monthly Social Security payments.

The government, as much as people criticize it, has never failed once to pay a Social Security check on time. It never failed to pay it at all. Since 1937, when Social Security paid out its first lump sum, I believe, or death benefit, and in 1940 when Social Security started paying monthly benefits, it never failed to pay, never paid late. So we know how it works.

If we had turned it over to Wall Street, who knows what would have happened. If we had turned Medicare over to insurance companies, as the Ryan proposal over in the House wants to do and as 40 colleagues here want to do, who knows what would have happened. We know it would not be Medicare the way we are used to it. We know it would not be Social Security the way we are used to it or the Medicare that serves the American public or the Social Security that serves the American public. Those two programs, if lifted 75 years ago—it was for the poorest, lowest income, the most indigent part of our population, seniors. It reduced the poverty rate dramatically so that seniors are no longer the poorest demographic of our population. Regrettably, children are, and we need to do better than we have done there.

Mr. President, it is clear that some of these radical proposals to privatize Medicare and turn it over to the insurance companies, privatize Social Secu-

rity and turn it over to Wall Street, to do this chained CPI that will reduce the cost-of-living adjustment, because some egghead in some think tank in Washington, probably funded by Wall Street and insurance companies, thinks it is a great way to extract a few more dollars from seniors and do whatever they do with more dollars in the Treasury—it is pretty clear what we need to do to get a balanced budget, and it is pretty clear what we should not do. We can all work together and get to that point.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICAN MEETING HOUSE

Mr. KERRY. Mr. President, the African Meeting House in Boston is one of the great landmarks of American freedom, as important to understanding our history as Faneuil Hall and Bunker Hill.

Not only is it the Nation's oldest black church building but throughout much of the 19th century it also served as the unofficial headquarters of the movement to abolish slavery in America. And on December 6—its 205th anniversary—the African Meeting House will reopen its historic doors after a \$9 million restoration project to preserve the place where giants like William Lloyd Garrison and Frederick Douglass once thundered against the evil of human bondage.

It was in the Meeting House basement where William Lloyd Garrison formed the New England Anti-Slavery Society in 1832. Garrison predicted that the principles set forth by the Society would “shake the nation by their mighty power.” Indeed, they did, because they were, in fact, the same principles embodied in the Declaration of Independence, the Bill of Rights, and the other founding documents of our country. The Meeting House is a reminder of the struggle which was inevitable because slavery was written into our Constitution before brave Americans—both white and black—shed blood and spoke powerful words to en-

sure that it was at last written out of that founding document.

Maria Stewart, an African-American woman William Lloyd Garrison admired greatly, took Garrison's argument further, insisting in a series of speeches at the African Meeting House that under those founding documents, women were entitled to the same rights as men. “It is not the color of the skin that makes the man or the woman, but the principle formed in the soul,” she said in one of her speeches in 1833. “Brilliant wit will shine, come from when it will; and genius and talent will not hide the brightness of its luster.”

That was never as true as when Frederick Douglass delivered “A Plea for Speech in Boston” at the African Meeting House in 1860 after an anti-slavery meeting elsewhere in the city had been disrupted by a mob. “No right was deemed by the fathers of the Government more sacred than the right of speech,” Douglass said. It is “the great moral renovator of society and government,” he said. Slavery itself could not survive free speech. “Five years of its exercise would banish the auction block and break every chain in the South,” he said.

Tragically, it ultimately required a war to resolve the great contradiction at the heart of our democracy. And with the coming of the Civil War, the African Meeting House joined the war effort, hosting rallies to recruit an all-black regiment of black soldiers. The result was the legendary 54th Massachusetts Infantry made up of volunteers from as far as Haiti, led by Colonel Robert Gould Shaw—the regiment and its commander both immortalized in monuments, literature and, of course, the award winning film *Glory*.

Mr. President, I was proud to work with Governor Deval Patrick and the Massachusetts congressional delegation to get \$4 million in Federal grants for the \$9 million renovation of the African Meeting House. But few people have worked harder to make the renovation and rededication a reality than Beverly Morgan-Welch, the executive director of the Museum of African-American History. She has spent more than a decade spearheading the project, and I congratulate her for all her efforts on behalf of the Museum and the Meeting House and for the decades she has spent telling the unique and powerful story of African-Americans. It is an inspiring story about those whose spirits would not be broken by slavery, those who found ways to create families and communities under unimaginably brutal conditions, and those who managed—against all odds—to escape to freedom.

The African Meeting House reminds us that America has come a long way in making good on what Dr. King called “the promissory note” of our democracy—the right to “life, liberty and

the pursuit of happiness" to all our citizens. It is a testament to the great strides we have made in outlawing the racial injustice that tainted the ideals of American society and helped make possible the election of our first African-American president and, in Massachusetts, our first African-American governor.

But the African Meeting House also reminds us of the work and the struggle that continues today. If we are to be fully emancipated from the consequences of slavery, we must understand its history, which played out so eloquently, so gallantly and so courageously at the African Meeting House.

DEFENSE LEGISLATIVE FELLOW PROGRAM

Mr. BURR. Mr. President, I rise to recognize the Defense Legislative Fellow Program and honor the fellows whom I have come to know well during their service in my office since 2009. These individuals have been among our Nation's best and brightest and they come to Congress each year to impart their knowledge to Members and their staffs and leave with a better awareness of the political process and the tireless and often unheralded work that congressional staff undertake each and every day. In the past 2 years I have had the pleasure of having three defense fellows work in my office: LTC Brooks Tucker, U.S. Marine Corps; MAJ Vaughan Byrum, U.S. Army; and MAJ Brett Robinson, U.S. Air Force.

As a testament to their abilities, MAJ Vaughan Byrum, a 14-year Army officer, prior enlisted soldier, and veteran of the two deployments to Iraq, is now serving as one of a handful of promising and capable officers representing the Army in the Senate Liaison Office, and Major Robinson is completing his tenure in my office and preparing for another demanding assignment in the Washington, DC, area. As an officer in the Marine Corps Reserve, LTC Brooks Tucker started as a fellow in my office in 2009, just when I was assigned a spot on the Senate Armed Services Committee. He has served on both my personal office and Veterans' Affairs Committee staffs, and he has been a tireless advocate for North Carolina's veterans and Active-Duty families and has been the critical lynchpin in my efforts to help the service-members and families who were impacted by contamination while serving at Camp Lejeune.

I want to express my gratitude to all three of these defense fellows for their service to the U.S. Senate and the people of North Carolina.

Major Byrum came to my office after completing a tough and demanding tour of duty in Baghdad, training and mentoring the provincial police and assisting with the critical transition from coalition to Iraqi responsibility

and control. Like many combat veterans whom I have met over the years, Major Byrum is the epitome of professionalism, possesses a warm sense of humor, and conducts himself with humility and impeccable bearing. A graduate of North Carolina A&T University and a leader in the Reserve Officer Training Corps, Vaughan has a heart as big as his linebacker frame. He is fondly remembered by my staff, who went out of their way to welcome him back to the Senate after an interim assignment serving in the Pentagon. His can-do attitude and self-effacing demeanor will serve him well as he works with Senators and staff in the months ahead. I know his wife Andrea and daughter Victoria are very proud of him. I realize the Byrum family has made numerous sacrifices and endured lengthy separations, and they, like so many others in the military, have borne that burden quietly, with courage and grace.

Major Robinson has worked diligently in my Washington office for the past year and ably served the people of North Carolina. Before joining the Senate, Major Robinson served as the special operations program manager for the Air National Guard overseeing the special operations budget supporting over 1,000 personnel and 9 aircraft. As a traditional Air Guardsman, he serves as a C-130 pilot with the Pennsylvania Air National Guard. Prior to his recent assignments in Washington, DC, Major Robinson completed combat deployments in Iraq and Afghanistan and garnered operational experience on the African Continent, Europe, and Asia. A distinguished graduate of the U.S. Air Force Academy, he has served as a tactics officer, pilot, and flight commander and is the recipient of numerous personal decorations for meritorious service over his 13 years in uniform.

His tireless work and patient manner has not gone unnoticed, whether it be helping a Vietnam combat veteran receive a long overdue decoration for valor, offering operational perspectives on air operations in Afghanistan and Libya, or working in concert with military commanders and civilian leaders in North Carolina to address veterans' needs.

And to Jori, his wife, who is also an Air Force officer, thank you for your support and sacrifice as you balance the demands and confront the challenges of life in service to this Nation. I enjoyed meeting you and your sons, Grayson and Kiernan, and I know Major Robinson couldn't do what he does without your love and support.

I have gotten to know Major Robinson and Major Byrum quite well in the past 2 years. For men with so many rich life experiences and career accomplishments to be proud of, they truly epitomize the moniker "quiet professional" and exude a measured de-

meanor, consistent competency, and genuine modesty that has made them trusted advisers to me and my staff and garnered our admiration and affection. In sum, they are superb examples of the finest military in the world.

From interns in my office to constituents in the State, to all of my staff in North Carolina, Major Byrum and Major Robinson have impressed us at every turn and succeeded in educating us about the honor, tradition, and sacrifices made every day by our service men and women overseas, especially those of the National Guard.

Thank you, MAJ Vaughan M. Byrum and MAJ Brett B. Robinson, for your distinguished year of service to the people of North Carolina and for your continued commitment to protecting our Nation and the prosperity of all Americans.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1917. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (Rept. No. 112-97).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Nominee: Mari Carmen Aponte.

Post: El Salvador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions made by Mari Carmen Aponte since January 1, 2007: Amigos de Juan Cancel, 01-24-07, \$150; Serrano for Congress, 02-23-07, \$250; Anibal 2008, 02-26-07, \$1000; Solis for Congress, 03-01-07, \$250; Bill Richardson for Governor, 03-02-07, \$200; Del Toro for Delegate, 03-26-07, \$250; Ctee to Re-Elect N Velazquez, 03-30-07, \$1000; Acevedo Vila Comisionado 2000, 03-27-07, \$1000; Friends of Ramona Martinez, 04-24-07, \$500; Byron Dorgan for Senate, 05-25-07, \$400; Del Toro for Delegate, 06-13-07, \$250; Del Toro for Delegate, 09-28-07, \$250; Puerto Rico Contra

S. Res. 339. A resolution to authorize the production of records by the Committee on Commerce, Science, and Transportation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 570

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 642

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 642, a bill to permanently reauthorize the EB-5 Regional Center Program.

S. 834

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1249

At the request of Mr. UDALL of Colorado, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1297

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1297, a bill to preserve State and institutional authority relating to State authorization and the definition of credit hour.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1477

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1477, a bill to require the Administrator of the Federal Aviation

Administration to prevent the dissemination to the public of certain information with respect to noncommercial flights of private aircraft owners and operators.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1575

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1606

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading

based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1904

At the request of Mr. DEMINT, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1904, a bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs.

S. 1917

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. RES. 227

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 227, a resolution calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

S. RES. 310

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1064

At the request of Mr. PAUL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1064 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1066

At the request of Ms. AYOTTE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1067

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1067 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1068

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1068 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. AYOTTE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1068 proposed to S. 1867, *supra*.

AMENDMENT NO. 1090

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1090 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1092

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 1092 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1097

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1097 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1101

At the request of Mr. INHOFE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1101 proposed to S. 1867, an original bill to authorize ap-

propriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1103

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1103 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1105

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1105 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1107

At the request of Mr. UDALL of Colorado, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Kentucky (Mr. PAUL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 1107 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1115

At the request of Ms. LANDRIEU, the names of the Senator from Delaware (Mr. COONS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 1115 proposed to S. 1867, *supra*.

AMENDMENT NO. 1116

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1116 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1128

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1128 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1128 intended to be proposed to S. 1867, *supra*.

AMENDMENT NO. 1132

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of amendment No. 1132 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1133

At the request of Mr. BLUNT, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1133 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1137

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1137 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1152

At the request of Mr. PRYOR, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of amendment No. 1152 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1154

At the request of Mr. UDALL of New Mexico, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1154 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1183

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1183 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1185

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1185 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1189

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1189 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1193

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1193 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1195

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1195 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1199

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. NELSON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1199 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1200

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1200 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1207

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1207 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1209

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1209 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1211

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1211 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1214

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1214 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1215

At the request of Mr. CASEY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 1215 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1229

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1229 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1234

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1234 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1253

At the request of Mr. WYDEN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1253 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the De-

partment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1256

At the request of Mr. MERKLEY, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from New York (Mr. SCHUMER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 1256 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1257

At the request of Mr. MERKLEY, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mrs. GILLIBRAND), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from Maryland (Mr. CARDIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 1257 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1262

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1262 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1265

At the request of Mr. COONS, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Oregon (Mr. MERKLEY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1265 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1269

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1269 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1272

At the request of Ms. SNOWE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1272 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1274

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1274 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1279

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1279 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1281

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1281 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER), the Senator

from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Arizona (Mr. KYL), the Senator from Nevada (Mr. HELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from Montana (Mr. TESTER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Wyoming (Mr. BARASSO), the Senator from Massachusetts (Mr. BROWN), the Senator from Nebraska (Mr. JOHANNES), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1414 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1919. A bill to amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation; to the Committee on the Judiciary.

Mr. REID. Mr. President, I rise today to introduce the Girls' Protection Act of 2011. This legislation addresses a topic that is difficult to talk about. It deals with the issue of female genital mutilation, FGM, a harmful cultural ritual with origins in Africa, Asia and the Middle East, that involves the removal of part or all of female genitalia.

FGM has no medical justification and is not based in religious beliefs. In fact, FGM, which is usually carried out on young girls sometime between infancy and fifteen years of age, can cause lifelong physical and psychological damage. The procedure is typically performed without an anesthetic and can cause bleeding, shock, infections and even death because of hemorrhage and unhygienic conditions. Lifelong health consequences include chronic infection, complications during pregnancy and labor, as well as severe pain during urination, menstruation, and sexual intercourse. This cruel procedure has been internationally recognized as a violation of the human rights of girls and women.

I first learned about FGM in 1994 when I read an article reporting the ar-

rest of two men in Egypt who arranged for the filming of this appalling ritual procedure being performed on a ten year-old girl. Although this ritual is predominately practiced in various parts of Africa, Asia, and the Middle East, some ethnic communities in the United States continue to subject young girls to FGM. This compelled me to introduce legislation, which was enacted in 1996, that criminalizes the practice of FGM on girls under the age of 18 in the United States. The legislation I am introducing today seeks to strengthen this law by closing what is known as a "vacation loophole" by banning the act of transporting girls overseas to be subject to FGM.

While it is difficult to know precisely how many girls in the United States are at risk of being subject to FGM, estimates from various sources suggest that approximately 200,000 women living in the United States have been, or are at risk, of being subject to FGM. Enactment of The Girls Protection Act would help to better protect these girls by serving as a deterrent for those parents who are considering sending their young girls to their home countries to undergo FGM.

I am introducing The Girls' Protection Act today in honor of International Human Rights Defenders Day as well as the recognition of the Sixteen Days of Activism Against Gender Violence which occurs between November 25 and December 10 of each year. It is important to honor those individuals who are working, often under difficult circumstances and hostile social environments, for the advancement of women's health, dignity and human rights. The passage of this legislation would go a long way to support these efforts and to help end this degrading and inhumane practice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Girls Protection Act of 2011".

SEC. 2. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

"(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—DESIGNATING DECEMBER 10, 2011, AS "WREATHS ACROSS AMERICA DAY"

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Whereas 20 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 250,000 wreaths have been sent to more than 700 locations, including national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2010, wreaths were sent to more than 520 locations across the United States and overseas, 100 more locations than the previous year;

Whereas in December 2011, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 11, 2010, was previously designated by the Senate as "Wreaths Across America Day"; and

Whereas the Wreaths Across America project will continue its proud legacy on December 10, 2011, bringing 75,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 10, 2011, as "Wreaths Across America Day";

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

SENATE RESOLUTION 338—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 338

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation into unauthorized charges on telephone bills;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into unauthorized charges on telephone bills.

SENATE RESOLUTION 339—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation in 2009 into aggressive sales tactics on the Internet and their impact on American consumers;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into aggressive sales tactics on the Internet and their impact on American consumers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table.

SA 1419. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1420. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1421. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1422. Mr. LAUTENBERG (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1423. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1424. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1425. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1426. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1427. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1428. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1429. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1430. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1431. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1432. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1433. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1434. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1435. Mr. LEAHY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1436. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1437. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1438. Mr. TESTER submitted an amendment intended to be proposed by him to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1439. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1440. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1441. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1442. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1443. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1444. Mr. KYL (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1445. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1446. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1448. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1449. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1450. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1451. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON EQUINE-ASSISTED THERAPY FOR WOUNDED WARRIORS AND VETERANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The bonds that exist between humans and animals can be a beneficial foundation for recovery from wounds, illness, and injury.

(2) Equine-assisted therapy may contribute beneficially to the rehabilitation of wounded warriors and veterans through physical stimulation and strengthening, improved cognitive focus, mental awareness, fitness, and self-esteem.

(3) In 2005, the 1st Cavalry Division at Fort Hood, Texas, conducted a pilot program on equine-assisted therapy for wounded warriors at the Brooke Army Medical Center, San Antonio, Texas.

(4) The Caisson Platoon Equine-Assisted Therapy Program at Fort Myer, Virginia, which is inspired and sustained by former members of the Armed Forces and volunteers, has been providing equine-assisted therapy for wounded warriors undergoing rehabilitation and treatment at the Walter Reed Army Medical Center and veterans since 2006, with the support of horses and members of the Armed Forces serving in the 1st Battalion, 3rd United States Infantry Regiment, known as the "Old Guard".

(5) The Department of Veterans Affairs has recognized the importance and benefits of equine-assisted therapy since 2007, and currently more than 30 Department of Veterans Affairs medical centers across the country participate in programs providing such therapy.

(6) In Texas alone there are currently six collaborative programs of equine-assisted therapy involving the Department of Defense and the Department of Veterans Affairs: Rock Program in Georgetown, Texas, Horseshoes of Hope in Bonham, Texas, Panther Creek Inspiration Ranch in Spring, Texas, SIRE Therapeutic Riding Centers in Houston, Texas, Spirithorse Therapeutic Riding Center in Corinth, Texas, and Stajduhar Stables in Colleyville, Texas.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to express gratitude for the work of all the members of the Armed Forces, veterans, and volunteers who devote time and effort under equine-assisted therapy programs to assist wounded warriors and veterans in recovering from injuries incurred in service to their country;

(2) to urge the Secretary of Defense to develop a plan for increasing access to equine-assisted therapy for wounded warriors and veterans outside the National Capital Region for whom such therapy could be beneficial in order to assist such wounded warriors and veterans in physical, mental, emotional and cognitive healing, including through collaboration between and among organizations of the Department of Defense for health, quality of life, and wounded warrior support, the Department of Veterans Affairs, and non-governmental organizations that have evaluated the effects of equine-assisted therapies in improving health and quality of life of wounded warriors and veterans; and

(3) to urge the Secretary to evaluate opportunities for research by public and private sector organizations on the benefits of equine-assisted therapy for wounded warriors and veterans.

SA 1419. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM.

Within amounts authorized to be appropriated by section 201 and available for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201—

(1) the amount available for the Joint Surveillance Target Attack Radar System (JSTARS), Program Element 27581F, is hereby increased by \$33,000,000; and

(2) the amount available for the National Polar-Orbiting Operational Environmental Satellite System (NPOESS), Program Element 35178F, is hereby decreased by \$33,000,000.

SA 1420. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON RELOCATION OF GOVERNMENT STATIONS FROM THE 1755-1780 MHZ BAND.

(a) IN GENERAL.—Not later than June 30, 2012, the Secretary of Defense shall, in consultation with the National Telecommunications and Information Administration, submit to the appropriate committees of Congress a report on the relocation of all Government stations currently in the 1755-1780 MHz band from that band to other bands in which Government stations operate with primary status.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An identification of the bands of electromagnetic spectrum that currently contain Government stations capable of sharing frequencies with Government stations currently in the 1755-1780 MHz band.

(2) An identification of the bands, whether on a national or smaller geographic basis, that currently possess unoccupied or underutilized frequencies on which relocated Government stations could operate with at least the same level of interference protection with which they currently operate.

(3) An identification of the bands currently containing Government stations that could utilize more spectrally efficient technologies to accommodate the relocation of Government stations from the 1755-1780 MHz band.

(4) An estimate of the costs of relocating Government stations from the 1755-1780 MHz band to bands identified under paragraphs (1) through (3) on an expedited basis.

(5) An assessment of the minimum amount of time required to so relocate such stations on an expedited basis.

(6) An assessment of the feasibility and advisability of providing the services currently provided to Federal agencies in the 1755-1780 MHz band through commercial services or other Government stations in lieu of the relocation of Government stations currently in the 1755-1780 MHz band for that purpose.

(7) An assessment, based upon the analysis required for purposes of paragraphs (1), (2), and (3), whether Government stations relocated from the 1755-1780 MHz band would operate with at least the same level of inter-

ference protection with which they currently operate, and an identification and assessment of the operational risk associated with the relocation from the 1755-1780 MHz band of each Government station currently in that band.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) COSTS.—The expenses associated with conducting the study required for the report required by subsection (a) shall be considered relocation costs in accordance with section 113(g)(3) of the National Telecommunications and Information Administration Act (47 U.S.C. 923(g)(3)), and eligible Federal entities that incur expenses associated with such study may seek reimbursement for such expenses pursuant to section 118 of such Act (47 U.S.C. 928).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1421. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF CONGRESS ON PROTECTION OF CRITICAL COMPONENTS OF THE UNITED STATES ELECTRIC POWER GRID FROM ELECTROMAGNETIC PULSE EVENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Government has a primary responsibility to provide for the common defense and general welfare of the United States.

(2) The society, economy, and national security apparatus of the United States are critically dependent upon the availability of electricity.

(3) A continuing supply of electricity is necessary for sustaining water supplies, production and distribution of food, fuel, communications, financial services, and other very significant elements of the United States economy.

(4) Contemporary United States society is not structured, nor does it have the means, to provide for the needs of nearly 300,000,000 Americans without electricity.

(5) Because the existing United States electrical power grid operates at or near its physical capacity, relatively modest damage to the grid could cause functional collapse.

(6) Electromagnetic pulse (EMP) is a threat to the overall electrical power system of the United States.

(7) A major electromagnetic pulse event could couple ultimately unmanageable currents and voltages into an electric power grid routinely operated with little margin and cause the collapse of large portions of the United States electric power grid for a substantial length of time.

(8) The current strategy for recovery from an electromagnetic pulse event leaves the United States ill-prepared to respond effectively, resulting in potential damage to vast numbers of electric components over an unprecedented geographic scale.

(9) A collapse of large portions of the United States electric power grid will result in significant periods of power-outage, and restoration from collapse or loss of significant portions of the system may be exceedingly difficult.

(10) If the United States electric power grid is lost for any substantial period of time, the consequences are potentially catastrophic to civilian society.

(11) Electromagnetic pulse occurs both naturally, such as geomagnetic storms, and via manmade causes, such as the high-altitude detonation of a nuclear device.

(12) The International Atomic Energy Agency released a report in November 2011 that cites concerns over nuclear weapons-related developments in Iran.

(13) A perceived vulnerability of the United States electric power grid to electromagnetic pulse could invite a potential enemy to attempt an electromagnetic pulse attack.

(14) The Department of Defense relies upon civilian sources outside Department installations for ninety-nine percent of electricity needs.

(15) Eighty-five percent of the electricity supply for the Department is outside of Department control.

(16) There is deep concern regarding the negative impacts on the United States electric power infrastructure and Department interests from an electromagnetic pulse event unless practical steps are taken to provide protection for critical elements of the United States electric power grid.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interest of the United States to immediately address vulnerabilities to its electric power grid from natural and manmade electromagnetic pulse events, particularly by engaging in efforts to ensure that the United States electric power grid, especially portions of the grid critical to national security, are protected from natural or manmade electromagnetic pulse; and

(2) the Department of Defense should ascertain which of its critical sources of electricity are not protected against interruptions from natural or manmade electromagnetic pulse and develop and implement a plan to remedy any such vulnerabilities.

SA 1422. Mr. LAUTENBERG (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. EXTENSION OF CERTAIN AUTHORITIES RELATING TO REFUGEES.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended as follows:

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2011” and inserting “2011, and 2012”; and

(B) in subsection (e), by striking “June 1, 2011” each place it appears and inserting “October 1, 2012”.

(2) In section 599E(b)(2) (8 U.S.C. 1255 note), by striking “2011” and inserting “2012”.

SA 1423. Mr. DURBIN (for himself and Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, beginning on line 14, strike “not more than 15 contracts or cooperative agreements” and insert “not more than 5 contracts or cooperative agreements per Army industrial facility”.

SA 1424. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, insert the following:

SEC. 1088. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

“§ 3111a. Federal internship programs

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an Executive agency;

“(2) the term ‘intern’ means an individual participating in an internship program; and

“(3) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b);

“(B) an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585);

“(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies under a written agreement that is similar to an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585); or

“(D) a program that—

“(i) is similar to an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585); and

“(ii) is authorized under another statutory provision of law.

“(b) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within that agency to serve as an internship coordinator.

“(c) ONLINE INFORMATION.—

“(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for each agency; and

“(B) information regarding application procedures and deadlines for each internship program.

“(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(d) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

“(e) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview, and administer a survey (which shall be in conformance with any guidelines or requirements as the Office shall establish to ensure uniformity across agencies), with each intern who completes that program.

“(f) REPORT.—

“(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing that internship program.

“(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns who participated in an internship program at that agency;

“(B) information regarding the demographic characteristics of interns at that agency, including educational background;

“(C) a description of the steps taken by that agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of those jobs, and any barriers encountered;

“(D) a description of activities engaged in by that agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at that agency;

“(F) a description of the mentorship portion of those internship programs; and

“(G) a summary of exit interviews conducted and surveys administered by that agency with respect to interns upon their completion of an internship program at that agency.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for that year.

“(g) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”.

SA 1425. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, between lines 6 and 7, insert the following:

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

- (1) \$260 for individual enrollment.
- (2) \$520 for family enrollment.

SA 1426. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The United States Executive Director of the International Monetary Fund shall use the voice and vote of the United States to oppose—

- (1) any increase in the quota of the United States in the Fund for any purpose; and
- (2) the use of contributions of the United States to the Fund to provide funding for the European Financial Stability Facility or any program related to the Facility.

SA 1427. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. DEADLINE FOR RECOMPETITION ON CONTRACTS PURSUANT TO A GOVERNMENT ACCOUNTABILITY OFFICE OPINION TO AMEND OR REISSUE A REQUEST FOR PROPOSALS.

Whenever the Department of Defense undertakes a recompetition for the award of a contract pursuant to an opinion of the Government Accountability Office requiring an amendment or reissuance of a request for proposals in connection with such contract, the Department shall—

- (1) commence the recompetition not later than 120 days after the date of the issuance of the opinion; or
- (2) if the Department cannot commence the recompetition within the time provided for under paragraph (1), publish in the Federal Register a notice explaining why the Department cannot commence the recompetition within that time and identifying when the recompetition will commence.

SA 1428. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize ap-

propriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

SA 1429. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. **COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.**

(a) **POLICY.**—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

“§1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

“(a) **POLICY REQUIRED.**—Not later than February 1, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including the following:

“(1) Suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction.

“(2) Criminal and purposefully unsafe acts.

“(3) Alcohol or substance abuse related acts (including by employees of the Department).

“(4) Any kind of event involving alleged or suspected abuse of a patient.

“(b) **SCOPE.**—The policy required by subsection (a) shall cover each of the following:

“(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

“(A) ‘safety incident’;

“(B) ‘sexual assault’; and

“(C) ‘sexual assault incident’.

“(2) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

“(A) the legal history of the veteran; and

“(B) the medical record of the veteran.

“(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

“(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

“(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

“(A) supervisory personnel of the employee at—

“(i) a medical facility of the Department;

“(ii) an office of a Veterans Integrated Service Network; and

“(iii) the central office of the Veterans Health Administration; and

“(B) a law enforcement official of the Department.

“(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold in accordance with sections 1.201 and 1.204 of title 38, Code of Federal Regulations (or any successor regulations).

“(7) An accountable oversight system within the Veterans Health Administration that includes—

“(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

“(B) a centralized reporting, tracking, and monitoring system for such incidents.

“(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

“(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

“(c) **UPDATES TO POLICY.**—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

“(d) **ANNUAL REPORT.**—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a), and by not later than January 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy during the preceding fiscal year.

“(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

“(A) The number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department.

“(B) A detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year.

“(C) The effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.

“(e) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is

amended by adding after the item relating to section 1708 the following:

“1709. Comprehensive policy on reporting and tracking of sexual assault incidents and other safety incidents.”.

(c) **INTERIM REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the development of the performance measures described in section 1709(d)(2)(C) of title 38, United States Code, as added by subsection (a).

(d) **REPEAL OF REQUIREMENT FOR ANNUAL REPORTS ON STAFFING FOR NURSES AT DEPARTMENT OF VETERANS AFFAIRS HEALTHCARE FACILITIES.**—Section 7451(e) of title 38, United States Code, is amended by striking paragraphs (4), (5), and (6).

SA 1430. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. AVAILABILITY OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR CAPITAL PROJECTS IN AFGHANISTAN AND IRAQ FOR TRANSPORTATION INFRASTRUCTURE PROJECTS IN THE UNITED STATES.

(a) **PROHIBITION ON USE OF COVERED FUNDS FOR CAPITAL PROJECTS IN AFGHANISTAN AND IRAQ.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no covered funds may be obligated or expended on or after the date of the enactment of this Act to carry out any capital project for the benefit of the host country in Afghanistan or Iraq.

(2) **EXCEPTION.**—The prohibition in paragraph (1) does not apply to a capital project the cost of which does not exceed \$50,000.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR TRANSPORTATION INFRASTRUCTURE PROJECTS IN THE UNITED STATES.**—There is authorized to be appropriated to the Secretary of Transportation for transportation infrastructure projects in the United States for each fiscal year after fiscal year 2011 an amount that the Secretary of the Treasury, in consultation with the Secretary of Defense, determines to be equivalent to the amount of covered funds that would have been expended to carry out capital projects in Afghanistan and Iraq in that fiscal year but for the prohibition in subsection (a)(1).

(c) **DEFINITIONS.**—In this section:

(1) **CAPITAL PROJECT.**—The term “capital project” has the meaning given the term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (title III of Public Law 102-549; 22 U.S.C. 2421e; 106 Stat. 3660).

(2) **COVERED FUNDS.**—The term “covered funds” means the following:

(A) Amounts authorized to be appropriated for the Afghanistan Infrastructure Fund.

(B) Amounts authorized to be appropriated for the Commanders' Emergency Response Program.

(C) Any other amounts authorized to be appropriated for the Department of Defense that are made available for a capital project.

SA 1431. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. RESTRICTING THE USE OF SOLE SOURCE CONTRACTING FOR ALASKA NATIVE CORPORATIONS.

Section 8(a)(16) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended—

(1) in subparagraph (A), by striking “The” and inserting “Except as provided in subparagraph (C), the”; and

(2) by adding at the end the following:

“(C) **ALASKA NATIVE CORPORATIONS.**—

“(i) **DEFINITION.**—In this subparagraph, the term ‘appropriate official’ means, with respect to a sole source contract, the official who would be required to approve a justification for the sole source contract under section 3304(e)(1)(B) of title 41, United States Code, if a justification were required for the sole source contract under such section 3304.

“(ii) **PROHIBITION.**—The Administrator may not award a sole source contract under this section to a Program Participant that is an Alaska Native Corporation or a subsidiary of an Alaska Native Corporation in an amount exceeding \$4,000,000, if the sole source contract is for the procurement of services, or \$6,500,000 if the sole source contract is for the procurement of property, unless—

“(I) the contracting officer for the contract justifies the use of a sole source contract in writing;

“(II) the justification includes a determination that the sole source contract is in the best interest of the procuring agency;

“(III) the justification is approved by the appropriate official of the procuring agency; and

“(IV) the justification and related information are made public as provided in subsection (e)(1)(C) or subsection (f) of section 3304 of title 41, United States Code, as applicable.”.

SA 1432. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. RESTRICTING CONTRACTING FOR ALASKA NATIVE CORPORATIONS.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended by adding at the end the following:

“(22) **ALASKA NATIVE CORPORATIONS.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘appropriate official’ means, with respect to a contract, the official who would be required to approve a justification for the contract under section 3304(e)(1)(B) of title 41, United States Code, if a justification were required for the contract under such section 3304.

“(B) **PROHIBITION.**—The Administrator may not award a contract under this section to a Program Participant that is an Alaska Native Corporation or a subsidiary of an Alaska Native Corporation unless—

“(i)(I) the Program Participant certifies in writing to the Administrator that not less than 35 percent of the employees of the Program Participant who are engaged in performing the contract are Natives, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

“(II) the Administrator determines that not less than 35 percent of the employees of the Program Participant who are engaged in performing the contract are Natives, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)), based on—

“(aa) information submitted to the Administrator by the Program Participant; or

“(bb) certification procedures established by the Administrator by regulation;

“(ii) the contracting officer for the contract justifies the contract in writing;

“(iii) the justification includes a determination that the contract is in the best interest of the procuring agency;

“(iv) the justification is approved by the appropriate official of the procuring agency; and

“(v) the justification and related information are made public as provided in subsection (e)(1)(C) or subsection (f) of section 3304 of title 41, United States Code, as applicable.”.

SA 1433. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1434. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032.

SA 1435. Mr. LEAHY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SECTION 1088. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”; and

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

SA 1436. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.

Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraph (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

“(2) ELEMENTS OF HAZARD ASSESSMENT.—Each hazard assessment shall, at a minimum, include—

“(A) an analysis of—

“(i) the electromagnetic interference that the proposed project would cause for any military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems;

“(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse effects to instrument or visual flight operations; and

“(iii) what alterations could be made to the proposed project, including its location and physical proximity to the affected military installation, military-owned or military-operated air traffic control radar site, or navigation aid, to sufficiently mitigate

any adverse impacts described under clauses (i) and (ii);

“(B) a determination as to whether the proposed project will have any adverse aeronautical effects, as described in clauses (i) and (ii) of subparagraph (A), or other significant military operational impacts; and

“(C) a written recommendation from the Chief of Staff of the Armed Force that has primary responsibility for the affected military installation, military-owned or military-operated air traffic control radar site, or navigation aid whether or not to object to the proposed project.”;

(C) in paragraph (4), as redesignated by subparagraph (A), by striking “paragraph (2)” and inserting “paragraph (3)”; and

(D) in paragraph (5), as redesignated by such subparagraph, by striking “paragraph (2)” and inserting “paragraph (3)”; and

(2) in subsection (j), by adding at the end the following new paragraph:

“(4) The term ‘unacceptable risk to the national security of the United States’ includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.”.

SA 1437. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REPORT ON MEANS OF REDUCING LATE FEES FOR LEASED SHIPPING CONTAINERS FOR SHIPPING ITEMS FOR THE DEPARTMENT OF DEFENSE FOR OVERSEAS CONTINGENCY OPERATIONS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan setting forth actions to reduce or mitigate the late fees charged the Department of Defense in connection with leased shipping containers used for the delivery of parts, supplies, and other items for the Department for overseas contingency operations.

SA 1438. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. IMPROVEMENT OF COMBATANT COMMAND THEATER POSTURE PLANNING UNDER THE JOINT STRATEGIC CAPABILITIES PLAN.

(a) IN GENERAL.—The Secretary of Defense shall require the Chairman of the Joint Chiefs of Staff to improve theater posture planning for the combatant commands under the Joint Strategic Capabilities Plan of the Department of Defense in a manner that includes the matters specified in subsection (b).

(b) COVERED MATTERS.—The improvement of the Joint Strategic Capabilities Plan required pursuant to subsection (a) shall provide for the incorporation into the Joint Strategic Capabilities Plan of the following:

(1) A requirement that the theater posture plan for the United States Pacific Command, the United States Africa Command, the United States Southern Command, the United States European Command, and the United States Central Command each take into account the cost of operating and maintaining existing installations and ensure estimates of such costs in connection with future initiatives that would alter the theater posture.

(2) Guidance on the analysis by the combatant commands referred to in paragraph (1) of the costs and benefits of alternative courses of action when alterations to the theater posture for the applicable command are considered.

(3) A requirement that the commander of each combatant command referred to in paragraph (1) develop a process through which interagency perspectives are obtained throughout the theater posture planning process and the development of the theater posture plan by such combatant command.

(4) A requirement that the commander of each combatant command referred to in paragraph (1) issue guidance to codify the theater posture planning process of such combatant command upon the incorporation into the Joint Strategic Capabilities Plan of the matters specified in paragraphs (1) through (3).

SA 1439. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____ . MODIFICATION OF TOXIC SUBSTANCES CONTROL ACT DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers.”;

(2) in clause (vi) by striking the period at the end and inserting “, and”;

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in subparagraph (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined

without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

SA 1440. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. DEPARTMENT OF DEFENSE COMPTROLLER REPORT ON MEANS OF PREVENTING AND RECOVERING DELINQUENT DEBTS TO THE DEPARTMENT OF DEFENSE.

Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to Congress a plan setting forth actions to prevent, and to and recover, debts to the Department of Defense that are delinquent. The plan shall include actions to prevent debts to the Department from becoming delinquent, and to ensure recovery of debts to the Department that become delinquent.

SA 1441. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: “amount of \$200,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,212,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$292,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$200,000,000.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item

relating to the Energy Conservation Investment Program, strike “135,000” in the Senate Agreement column and insert “200,000”.

SA 1442. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. ENHANCED COMMISSARY STORES DEMONSTRATION AUTHORITY.

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—

(1) IN GENERAL.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

“§ 2488a. Enhanced commissary stores

“(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at such military installations as the Secretary of Defense considers to be appropriate, in order to reduce the net costs of those stores to the Federal Government and to enable their continued operations as an element of the military pay and benefits package.

“(b) ADDITIONAL CATEGORIES OF MERCHANDISE.—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

“(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store.

“(c) SALES PRICE ESTABLISHMENT AND SURCHARGE.—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store.

“(d) RETENTION AND USE OF PORTION OF PROCEEDS.—(1) The Secretary of Defense may retain amounts equal to the difference between—

“(A) the retail price of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store; and

“(B) the invoice cost of such beverages, products, or merchandise.

“(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.

“(e) LIMITATION.—The authority under this section is subject to the limitation set forth in section 2705(b) of the National Defense Authorization Act for Fiscal Year 2012.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

“2488a. Enhanced commissary stores.”.

(b) TEMPORARY LIMITATION ON AUTHORITY.—

(1) LIMITED AUTHORITY.—Until 180 days after submitting the report required under paragraph (2), the Secretary of Defense may exercise the authority provided under section 2488a of title 10, United States Code, as added by subsection (a), only at military installations within 20 miles of which fewer than 500 active duty personnel are stationed.

(2) REPORT ON CRITERIA FOR OPERATION OF ENHANCED COMMISSARY STORES.—Not later than 30 days after reissuance of Department of Defense Instruction 1330.17 as in effect on the date of the enactment of this Act, or the issuance of any instruction on Armed Services Commissary Operations, the Secretary of Defense shall submit a report to the congressional defense committees specifying and justifying the criteria to be used for determining locations at which enhanced commissaries may be operated.

SA 1443. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. MODIFICATION OF FREQUENCY AND ELEMENTS OF THE LONG-RANGE PLAN FOR THE CONSTRUCTION OF NAVAL VESSELS.

(a) REQUIREMENT FOR BIENNIAL SUBMITTAL.—Subsection (a) of section 231 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “QUADRENNIAL” and inserting “BIENNIAL”;

(2) by striking “during each year in which the Secretary of Defense submits a quadrennial defense review” and inserting “in an even-numbered year”; and

(3) by striking “the quadrennial defense review” and inserting “the most recent quadrennial defense review”.

(b) ELEMENTS.—Such section is further amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(6) The retirement of naval vessels anticipated during the fiscal year for which the plan is submitted, and during the 10-fiscal year period beginning with the fiscal year for which the plan is submitted, set forth by class of naval vessel.”; and

(2) in subsection (g), by adding at the end the following new paragraph:

“(4) The term ‘construction schedule’, for a given period, includes the force levels anticipated during that period, and the procurement rates for vessels anticipated to meet such force levels, for each separate type of vessel, including amphibious ships, combat logistics force (CLF) ships, and support ships.”.

SA 1444. Mr. KYL (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations

for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. UNITED STATES COMMITMENTS TO SAFETY, RELIABILITY, AND PERFORMANCE OF UNITED STATES NUCLEAR FORCES AND MODERNIZATION AND REPLACEMENT OF STRATEGIC NUCLEAR DELIVERY VEHICLES.

(a) SAFETY, RELIABILITY, AND PERFORMANCE OF NUCLEAR FORCES.—

(1) STATEMENT OF POLICY.—The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the levels set forth in the New START Treaty, and will meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(B) to that end, the United States is committed to maintaining United States nuclear weapons laboratories and preserving the core nuclear weapons competencies therein; and

(C) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President's 10-year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549).

(b) SENSE OF CONGRESS ON MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES.—In accordance with paragraph 1 of Article V of the New START Treaty, which states, "Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out," is the sense of Congress that—

(1) United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles; and

(2) to this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

(c) NEW START TREATY DEFINED.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol (Treaty Document 111-5).

SA 1445. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize ap-

propriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. REPORT ON DEPART OF DEFENSE ENERGY EFFICIENCY STANDARDS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the energy efficiency standards utilized by the Department of Defense for military construction.

(2) CONTENTS OF REPORT.—The report shall include the following elements:

(A) A detailed cost benefit and return on investment analysis for energy efficiency improvements and sustainable design attributes achieved through Department of Defense adoption of, or expenditure of funds on pursuing certification under, the following green building rating standards:

(i) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard 189.1 versus 90.1.

(ii) Green Globes, with results itemized separately for one, two, three, and four globe certification.

(iii) Leadership in Energy and Environmental Design (LEED), with results itemized separately for certified, silver, gold, and platinum certification.

(iv) International Code Council (ICC) 700 National Green Building Standard, with results itemized separately for bronze, silver, gold, and emerald.

(B) An analysis of the extent to which any of the ratings or standards described in subparagraph (A) create a competitive disadvantage for United States-produced products.

(C) An analysis of how the standards described in subparagraph (A) meet the following criteria:

(i) The rating standards are developed in accordance with rules accredited by the American National Standards Institute (ANSI) and are approved as American National Standards.

(ii) The rating standards incorporate and document the use of Life Cycle Assessment in the evaluation of building materials.

(D) A copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that includes specific energy-efficiency standards and sustainable design attributes for military construction based on the cost benefit analyses and demonstrated payback reported under subparagraphs (A), (B), and (C).

(b) REQUIREMENT TO USE CERTAIN GREEN BUILDING RATING STANDARDS.—The Department of Defense shall only use green building rating standards that—

(1) are—

(A) developed in accordance with rules accredited by the American National Standards Institute (ANSI); and

(B) approved as American National Standards; or

(2) incorporate and document the use of Life-Cycle Assessment in the evaluation of building materials.

SA 1446. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amend-

ment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 12 and all that follows through page 80, line 18, and insert the following:

(1) in subsection (b)—

(A) by striking "includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support" and inserting "includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, or processes in direct support"; and

(B) by adding at the end the following: "It does not include funds spent for any other repair or activity to maintain or sustain existing facilities, infrastructure, or equipment."; and

(2) in subsection (e)(1), by adding at the end the following new subparagraphs:

"(I) Crane Ammunition Activity, Indiana.

"(J) McAlester Ammunition Plant, Oklahoma.

"(K) Radford Ammunition Plant, Virginia.

"(L) Lake City Ammunition Plant, Missouri.

"(M) Holsten Ammunition Plant, Tennessee.

"(N) Scranton Ammunition Plant, Pennsylvania.

"(O) Iowa Ammunition Plant, Iowa.

"(P) Milan Ammunition Plant, Tennessee.

"(Q) Joint System Manufacturing Center, Lima Ohio."

SEC. 322. LIMITATION ON REVISING THE DEFINITION OF DEPOT-LEVEL MAINTENANCE.

(a) LIMITATION.—The Secretary of Defense or any of the Secretaries of the military departments may not issue guidance, regulations, policy, or revisions to any Department of Defense or service instructions containing a revision to the definition of depot-level maintenance unless the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) is a report prepared by the Defense Business Board regarding the advisability of establishing a single definition of depot-level maintenance.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting "and organically-managed and operated military industrial facility" after "shall designate each depot-level activity".

SEC. 324. REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(2) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2011.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(2) The total dollar amount by account of all unobligated balances specifying those accounts carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(3) The total dollar amount by account of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2011 by account.

SA 1448. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON ALTERNATIVES FOR ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS WHO RESIDE AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 90 days after the date of the enactment of this Act, a report on alternatives for alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers who reside at Air Logistics Centers or Air Logistics Complexes.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter over the long term.

(C) An examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness as the highest priority.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

SA 1449. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) DESIGNATION OF LEAD DEPARTMENT OF DEFENSE OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall identify and report to the appropriate congressional committees what office within the Department of Defense will be responsible for carrying out the policies stated in Section (a) with regards to regional advanced technology clusters.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters including the number of clusters supported, technologies developed and transitioned to acquisition programs, products commercialized, small businesses trained, companies started, and research and development facilities shared;

(2) implementation by the Department of processes and mechanisms to facilitate collaboration with the clusters;

(3) agreements established with the Department of Commerce and the Small Business Administration to jointly support the continued utilization and growth of the clusters;

(4) any additional required authorities, any impediments in supporting regional advanced technology clusters; and

(5) the use of any Inter-Governmental Personnel Act agreements and any access granted to Department of Defense facilities for research and development purposes.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(2) REGIONAL ADVANCED TECHNOLOGY CLUSTERS.—The term “regional advanced technology clusters” means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SA 1450. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 8 and all that follows through page 6, line 10, and insert the following:

(b) PREVENTION OF THE IMPORTATION OF COUNTERFEIT PRODUCTS AND INFRINGING DEVICES.—Notwithstanding section 1905 of title 18, United States Code—

(1) if United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Homeland Security is authorized to share information on, and unredacted samples of, products and their packaging and labels, or photos of such products, packaging and labels, with the rightholders of the trademark suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section; and

(2) upon seizure of material by United States Customs and Border Protection imported in violation of subsection (a)(2) or subsection (b) of section 1201 of title 17, United States Code, the Secretary of Homeland Security is authorized to share information about, and provide samples to affected parties, subject to any applicable bonding requirements, as to the seizure of material designed to circumvent technological measures or protection afforded by a technological measure that controls access to or protects the owner's work protected by copyright under such title.

SA 1451. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. SENSE OF SENATE ON CONSIDERATION BY THE NORTH ATLANTIC TREATY ORGANIZATION OF THE MEMBERSHIP ACTION PLAN OF THE REPUBLIC OF GEORGIA.

It is the sense of the Senate that the President should lead a diplomatic effort to gain the approval of the Membership Action Plan of the Government of the Republic of Georgia in its application for membership in the North Atlantic Treaty Organization (NATO) at the May 2012 summit of the North Atlantic Treaty Organization in Chicago, Illinois.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on November 29, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Debbie Shaw, a fellow in Senator COBURN's office, be granted floor privileges during the consideration of S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I would ask consent that the Defense fellow in my office, MAJ John Flynn, be granted floor privileges for the duration of S. 1867, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator BAUCUS, Air Force MAJ Jason Wright, be granted floor privileges for the duration of the debate on this bill, S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

WREATHS ACROSS AMERICA DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 337, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) designating December 10, 2011, as "Wreaths Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 337

Whereas 20 years ago, the Wreaths Across America project began an annual tradition,

during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 250,000 wreaths have been sent to more than 700 locations, including national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2010, wreaths were sent to more than 520 locations across the United States and overseas, 100 more locations than the previous year;

Whereas in December 2011, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 11, 2010, was previously designated by the Senate as "Wreaths Across America Day"; and

Whereas the Wreaths Across America project will continue its proud legacy on December 10, 2011, bringing 75,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 10, 2011, as "Wreaths Across America Day";

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

RESOLUTIONS SUBMITTED TODAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 338 and S. Res. 339 en bloc, both of which were submitted earlier today.

The PRESIDING OFFICER.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 338) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

A resolution (S. Res. 339) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, the Committee on Commerce, Science, and Transportation has received two requests from state attorneys general, one seeking access to records that the Committee obtained during its recent investigation into unauthorized charges on telephone bills and the practice of "cramming," and the other seeking access to records that the

Committee obtained during its investigation in 2009 into aggressive sales tactics on the Internet and their impact on American consumers.

These two resolutions would authorize the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, to provide records, obtained by the Committee in the course of these investigations, in response to these requests and to other government entities and officials with a legitimate need for the records.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolutions be agreed to en bloc, the preambles be agreed to en bloc, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 338 and S. Res. 339) were agreed to en bloc.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 338

To authorize the production of records by the Committee on Commerce, Science, and Transportation.

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation into unauthorized charges on telephone bills;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will

promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into unauthorized charges on telephone bills.

S. RES. 339

(To authorize the production of records by the Committee on Commerce, Science, and Transportation)

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation in 2009 into aggressive sales tactics on the Internet and their impact on American consumers;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into aggressive sales tactics on the Internet and their impact on American consumers.

ORDERS FOR WEDNESDAY, NOVEMBER 30, 2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 10 a.m., on Wednesday, November 30, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense authorization act, with the time until 11 a.m. equally divided and controlled between Senator LEVIN and Senator MCCAIN or their designees; further, that upon the use or yielding back of time, the mandatory quorum under rule XXII be waived, the Senate vote on the motion to invoke cloture on S. 1867; finally, that the second-degree filing deadline for amendments to S. 1867 be 10:30 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, there will be a cloture vote on the Defense authorization bill at 11 a.m. tomorrow. We will work through amendments to the bill throughout the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Wednesday, November 30, 2011, at 10 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 50TH ANNIVERSARY OF CAPE COD COMMUNITY COLLEGE

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize Cape Cod Community College's 50th anniversary.

Our Nation's community colleges provide the dream of achieving a higher education to millions of students each year. They are the Nation's key supplier of workforce development and retraining needs, and—just as importantly—they build lasting partnerships and contribute significantly to the communities they serve. Cape Cod Community College is a leading institution of education, not only for the Cape, but for the entirety of Massachusetts.

Since 1961, Cape Cod Community College has served as a beacon of higher education in West Barnstable County, the second institution to open as part of what is now a 15 community college system in Massachusetts. When Cape Cod Community College's doors opened, there were 166 students enrolled. Two years later, the first evening program found 130 students enrolled in ten different degree-credit courses. By that spring, the first summer session had enrolled 145 students from 50 colleges and universities taking degree-credit courses. Now, 50 years later, that number has increased to nearly 7,000 students with over 80 degrees and certificates being offered.

Cape Cod Community College has a true tradition of excellence thanks to its outstanding leadership, superior faculty and staff and motivated students. They have received national prominence both for their programs as well as their inclusion of Cape Cod residents. Cape Cod Community College has been recognized as much for its sustainability education as its service to the adult Plus 50 learner and military personnel at Otis, the Massachusetts Military Reservation.

Mr. Speaker, I urge my colleagues to join me in congratulating the Cape Cod Community College, its President Kathleen Schatzberg and the entire college community on the celebration of 50 years of service to the Commonwealth of Massachusetts.

JOHN VILLYARD TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. TIPTON. Mr. Speaker, I rise today in honor of Mr. John Villyard, CEO of the San Luis Valley Rural Electric Cooperative. Mr.

Villyard, who has served in this capacity since 2000, will be retiring at the end of this year.

Mr. Villyard has overseen numerous efforts to improve the Cooperative's effectiveness. An accountant by trade, he utilized new technology, cost-based accounting practices, and the simplification of electric bills to increase efficiency. Under his leadership, improvements to infrastructure and building projects have reduced power outages and overtime costs by 34%. Furthermore, he has demonstrated environmental stewardship by negotiating the purchase of renewably produced power and developing an avian protection plan.

As a child, Mr. Villyard watched his father, Ray, lead the Cooperative as it expanded from five to 34 employees. John has followed his example and has worked to build strong relationships with the board of directors, his employees, and the community at large, all the while treating the Cooperative as an extended family. In doing so, he has improved the safety program, initiated a lineworker scholarship, and established the SLVREC Energy Foundation.

After graduating from the University of Colorado, John served honorably in the United States Air Force for eleven years. He then returned to the San Luis Valley and worked as an accountant, before being hired as the SLVREC's CFO in 1996. He is married to his high school sweetheart, Jowanda.

Mr. Speaker, it is an honor to recognize Mr. John Villyard. I rise today to thank him for his commitment to serving the energy needs of the San Luis Valley with integrity and innovation.

HONORING ST. LINUS SCHOOL FOR RECEIVING THE NATIONAL BLUE RIBBON SCHOOL AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of St. Linus School, an exemplary Catholic elementary school in Oak Lawn, Illinois, for receiving the prestigious 2011 U.S. Department of Education National Blue Ribbon School Award.

In 1982, The Department of Education established the National Blue Ribbon Schools Program to recognize public and private schools boasting high or significantly improved achievement. The program's goal is to identify aspects of thriving American schools in order to replicate their success. This year there are 19 National Blue Ribbon Schools in the State of Illinois, and I am proud that one of these exceptional schools is located in my district.

The school's namesake, Saint Linus, is perhaps best remembered for his steadfast loyalty to his mentor, St. Peter the Apostle. Linus

succeeded Peter as the second Pope of the Roman Catholic Church and dedicated his life to teaching Peter's story.

The mission of St. Linus School is "to educate and inspire each child with Christ-centered values through challenging education and community involvement." Since 1956, the school has offered a rigorous and engaging curriculum that emphasizes mathematics, social studies, science, technology, language arts, and religion. In the last decade, the school renovated its campus to install a state-of-the-art technology center, as well as an updated gymnasium, science lab, and weather forecast camera. St. Linus School has made a concerted effort to improve student performance, striving to guide every pupil to their full potential. I am delighted that the exemplary work of the teachers, support staff, and priests at St. Linus School, as well as that of the parents and students, has been acknowledged on a national stage.

Please join me in celebrating the accomplishments of St. Linus School and the other 304 National Blue Ribbon award winners. Their pursuit of academic excellence is inspiring, and I hope that their success can be replicated across the Nation.

HONORING THE LIFE OF PRIVATE FIRST CLASS MATTHEW CHRISTOPHER COLIN, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is with great respect and honor that I rise today to recognize the life and selfless sacrifice of Northwest Florida's beloved Private First Class Matthew Christopher Colin of Navarre, Florida.

Private First Class Colin was killed in action by an improvised explosive device on Wednesday, November 16, 2011 while on patrol in Kandahar Province, Afghanistan. At the time, he was assigned to the 1st Battalion, 5th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, out of Fort Wainwright, Alaska. His military decorations and honors include the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, NATO Medal, and the Combat Infantry Badge.

A resident of Navarre, Florida, Matthew was born in St. Augustine, Florida on January 20, 1989, to Ken and Kathy Colin. Active in the Navarre Youth Sports Association, Matthew played football, basketball, baseball, and soccer. He was recognized as a top competitor in track and field at the age of seven. He graduated from Navarre High School in 2007. Following in the footsteps of his father, also an Army veteran, he answered the call to arms in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

February 2010. Upon successful completion of basic training at Fort Benning, Georgia, he reported to Fort Wainwright, Alaska in September 2010.

Matthew's selflessness and sense of community were apparent even before he joined the Army. His former high school teachers describe him as an honorable young man with a strong sense of values and morals. He previously worked as a fitness instructor at the YMCA in Navarre, where he was well-liked by staff and patrons.

Matthew was a beloved member of his community. He is survived by his loving family, mother, Kathleen; father, Kenneth; brother, Michael; grandparents, Bob and Margaret Dawson; five aunts; four uncles; and many cousins. He is also survived by his four dogs, Spartacus, Patton, Captain, and Goldie.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the life of Private First Class Matthew Christopher Colin for his selfless service and sacrifice in defense of our Nation. My wife Vicki and I offer our prayers for his entire family. He will be truly missed by all.

IN MEMORY OF DR. SCOTT
ALEXANDER MARSHALL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a great leader, professor and advisor, Dr. Scott Alexander Marshall. His passing is a great loss to his family and the education community.

Although he isn't a native Kentuckian, Dr. Marshall immediately offered his expertise to enhance the field of education in our rural region of southern and eastern Kentucky. He made a difference in the lives of hundreds of college students and took great pride in their success. In fact, he was a strong advocate and supporter of Phi Theta Kappa, the official national honor society for two-year colleges.

Scott received his M.S., M.A. and Ph.D. degrees from the University of Alabama. He retired after 33 years of teaching Business and Economics at Jefferson State Community College in Birmingham, Alabama. After moving to Somerset, Kentucky in 2000, he continued as an Adjunct Professor of Economics at Eastern Kentucky University.

He was involved in numerous civic and political activities, serving as a member of the Adanta Board of Directors and Co-Chair of the Finance Committee. He also was a member of the First Presbyterian Church of Somerset where he served as an Elder and Co-Chair of the Worship Committee.

Dr. Marshall leaves behind a devoted family: his loving wife, Dr. Jo Grimes Marshall; their children, Kristin Marshall Henderson and Dr. Scott Alexander Marshall, Jr., along with four grandsons. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to the Marshall family.

Mr. Speaker, I ask my colleagues to join me in honoring a dear friend and champion for community colleges, the late Dr. Scott Alexander Marshall.

HONORING EMPLOYEES OF THE
IDAHO NATIONAL LABORATORY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. SIMPSON. Mr. Speaker, I rise today to recognize seven employees of the Idaho National Lab who recently received awards from Secretary of Energy, Steven Chu, for their assistance to the people of Japan in dealing with the disaster caused by the recent earthquake and tsunami and for their efforts to secure enough special nuclear material to produce almost 800 nuclear weapons.

Eight months ago a devastating disaster struck Japan when a massive earthquake and unprecedented tsunami struck the island nation, killing over 16,000 people and causing a serious reactor accident. Recovery was complicated by a near total destruction of the surrounding transportation infrastructure. At the greatest time of need the Idaho National Laboratory offered its assistance, which was gratefully accepted by the people of Japan. INL employees Doug Burns, Cal Christensen, Betsy Connell, Harold McFarlane, Joy Rempe and Derek Wadsworth assisted by assessing the damage in near real time, providing technical assistance and coordinating the delivery of specialized equipment to assist in controlling the radiological effects.

Eric Howden led a 14 year program to secure ten tons of highly enriched uranium and three tons of plutonium from Kazakhstan. These efforts have resulted in relocating enough fissile material to produce almost 800 nuclear weapons at a time when there was great turmoil in the region and an emerging international terrorist threat.

I am proud to represent the Idaho National Lab, which has through its history been the worldwide leader in advancing the safe and peaceful use of nuclear energy. As the worldwide demand for energy and environmental concerns increase, the responsible use of nuclear power will continue to grow. As it does, the dedicated employees of the Idaho National Lab will continue their efforts to improve the impressive safety record of nuclear power and promote technologies that prevent future accidents and reduce the threat of nuclear weapons from falling into the wrong hands.

LEMONT KNIGHTS OF COLUMBUS
COUNCIL #1599

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Lemont Knights of Columbus Council #1599 for 100 years of civic service.

On December 10, 1911 the Lemont Knights of Columbus Council #1599 was chartered. Although the original charter members have all passed, their vision of Service to God, church, and country is still the primary goal of the Lemont Knights of Columbus. In pursuit of achieving this goal, the Lemont Knights of Co-

lumbus have sent its members to both World Wars, Korea, Vietnam and other armed conflicts—all while establishing and maintaining numerous civic service programs and projects.

Over the past 100 years, the Lemont Knights have established scholarship programs, food pantry drives, natural disaster relief efforts, and annually participates in the national "Tootsie Roll" day—a fundraiser that generates thousands of dollars each year for the mentally disabled in Lemont.

The Lemont Knights have worked very hard to become a foundation of service in my congressional district. I would like to join my colleagues in congratulating the Lemont Knights of Columbus Council #1599 for 100 years of outstanding service to the community.

A TRIBUTE TO LYNN BREEDLOVE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Ms. MOORE. Mr. Speaker, I rise in recognition of Lynn Breedlove, a disability advocate, community activist, leader on disability rights and change agent. After 31 years of service, Mr. Breedlove, Executive Director of Disability Rights Wisconsin (DRW), formerly Wisconsin Coalition for Advocacy, has announced his retirement effective at the end of December 2011.

Disability Rights Wisconsin is a state-wide resource for individuals, families, service professionals, elected officials, government agencies and others concerned with disability issues and systems change. This private non-profit group is part of the federally mandated national system of disability protection and advocacy agencies across the United States established to ensure the rights of individuals with disabilities.

Lynn Breedlove has been an extraordinary leader of DRW, growing the agency from a staff of five in a small Madison office with a budget of \$160,000 to an agency with a staff of 65 in three offices—Madison, Milwaukee, and Rice Lake—and a budget of over \$5.5 million.

The list of DRW accomplishments during Lynn's tenure is impressive and includes involvement during the inception and implementation of the life changing Community Options Program, COP, Community Integration Program, CIP, and making strong lasting partnerships with agencies serving the disabled, aging and those needing long term services. DRW helps people across Wisconsin gain access to services and opportunity through advocacy and legal expertise. Mr. Breedlove and DRW regularly challenged systems and society to create positive change and improve the lives of people with disabilities.

Lynn Breedlove has served on a variety of boards at the local, state and national levels including: President of the National Disability Rights Network, Co-Chair of Survival Coalition of Wisconsin Disability Organizations, and Member of Wisconsin's Long Term Care Council. He has also been the recipient of numerous awards as a result of his deep passion for disability and other civil rights, and his

commitment to the inclusion of people with disabilities as full partners in society.

People with disabilities and their families, along with all citizens throughout Wisconsin are deeply indebted to Lynn Breedlove for his years of dedicated service. I am proud to call Lynn my friend and for the privilege of having the opportunity to work with him and the DRW staff on legislation to better the lives of Wisconsin citizens. I wish Lynn well in retirement and the next stage of his career. We will all miss this "treasure of Wisconsin" and Lynn's strong commitment "to do what is right for the people."

TRIBUTE TO JOSEPH M. SANZARI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an outstanding American and citizen of New Jersey, Joseph M. Sanzari who will be recognized on Saturday, November 19, 2011, by D.A.R.E. NJ for his many years of service to his community and as a respected individual within the great state of New Jersey.

Joe was born in Hackensack, NJ, on February 28, 1946. He was raised in Carlstadt and began learning the ins-and-outs of the construction industry at the early age of 12. He has brought innovation and expertise to this field, specializing in the construction of heavy highways, roads and bridges.

Joe has been a guiding figure for his family as well as those around him. He has been a member of many distinguished counsels in our community. His philanthropic endeavors have benefitted countless people.

Joseph Sanzari is a proud member of numerous civic and cultural organizations, sharing his unique brand of energy and talents on both a local and state level. Mr. Sanzari is currently Chairman of Hackensack University Medical Center, a member of the Board of Trustees for Hillcrest Health Service System, Inc., and a proud member of the Hackensack University Medical Center Foundation. Joe also serves as Vice Chairman on the board of the Foundation for Free Enterprises. He was a former Chairman of the Bergen County Economic Development Corporation and former commissioner of the Palisades Interstate Parkway.

As the President of Joseph M. Sanzari Inc., Joe has been involved in major construction work on the New Jersey Turnpike and New Jersey Department of Transportation highways, roads and bridges in an ongoing joint venture with J. Fletcher Creamer & Sons also known as Creamer-Sanzari. Among many of their great accomplishments, Creamer-Sanzari was responsible for the reconstruction of the Route 4 and 17 overpasses, the largest highway project in the State of New Jersey. Under Joe's leadership, this project was completed eighteen months ahead of schedule. Creamer-Sanzari was recognized by Engineering News as one of the top 25 contractors in the country.

One of the many organizations Joe is passionate about is Drugs Awareness Resistance

and Education or D.A.R.E. The D.A.R.E. program works with local law enforcement and schools to bring fun and educational material about the personal and social consequences of substance abuse and violence. D.A.R.E. NJ has been a pillar in the community for raising awareness and educating our youth in the dangerous perils of drug abuse and violence.

Joe is a devoted husband, father, and grandfather. His family consists of his wife Donna, son Joseph Jr., daughters Theresa, JoAnn, and Tina, and six grandchildren. Joseph Sanzari exemplifies the sound fundamental characteristics of an extraordinary individual who is being honored by D.A.R.E. NJ for his enormous contributions to the great State of New Jersey.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated individuals like Joseph M. Sanzari. I am lucky enough to be able to call a man like him my friend.

Mr. Speaker, I ask that you join our colleagues, Joe's wife Donna, their family and friends, the members of the D.A.R.E. NJ and me in recognizing Joseph M. Sanzari's outstanding character and service to his community.

IN HONOR OF DR. ANTHONY O. PARKER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an outstanding academic, college administrator, education expert, community leader and good friend to me and the community of Albany, Georgia—Dr. Anthony O. Parker. On Monday, November 21, 2011, the administration at Albany Technical College, the institution of higher learning where Dr. Parker currently serves as President, paid tribute to him for his years of dedicated service to the college by having the school's library named in his honor.

Throughout his successful career in the higher education field, Dr. Parker has had a profoundly positive impact on the lives of thousands of college students. One of the reasons he has been able to triumphantly guide the academic careers of so many students, is due in part to the impressive endeavors he was able to accomplish as a young collegiate scholar and graduate student.

Dr. Parker's post-secondary academic career began at South Carolina State College in Orangeburg, South Carolina where he received his Bachelor of Science degree in Accounting. He commenced his graduate studies at Augusta State University where he obtained an Educational Specialist degree in Education Administration. Additionally, he later would go on to receive his Ph.D. in Higher Education from the University of South Carolina in Columbia, South Carolina.

Over the course of his professional career in academia, Dr. Parker has successfully served in a multitude of roles in which he has progressively advanced the intellectual aptitude

and social development skills of collegiate students. As Vice President of Student Services at Aiken Technical College and later at Southeastern Technical College, he was able to proactively develop programs, advise various student organizations and conduct research surveys designed to improve the schools' standards of educational enrichment. Additionally, as an instructor at Augusta Technical College, Dr. Parker played a hands-on role in counseling students, developing curriculum and teaching various classes aimed at improving the prospects of students looking to enter the workforce or acquire new occupational skills.

During his 16 years at Albany Technical College, President Parker has established the school as a premier institution within the Technical College System of Georgia and as a stable workforce development training facility in Southwest Georgia through his vision of excellence and steadfast commitment to increasing enrollment rates and placing Albany Tech graduates in sustainable employment opportunities. By using his positively transformative vision as a guiding post for success, over the last two decades Albany Tech has propelled forward as one of Southwest Georgia's leading technical institutions.

Dr. Parker has achieved numerous successes in his life, but none of this would have been possible without the grace of God and his loving wife of 38 years and junior high school prom date, Sandra Parker. Dr. and Mrs. Parker are the proud parents of three children—Dr. Kimberly Parker, a professor at Texas Woman's University; Andrea Parker, a Lt. Commander in the United States Coast Guard; and Richard Parker, an employee at the United Parcel Service.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Dr. Anthony O. Parker for his life of selfless service to the students, institutions of higher learning and working families in the state of Georgia and throughout our United States of America.

ON THE BIRTH OF CECILIA ANNE SCHWARTZ

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Lawrence Schwartz and his wife Allison on the birth of their new baby girl, Cecilia Anne Schwartz, who was born on Monday, November 28, 2011, at 11:26 a.m. in Falls Church, Virginia. Cecilia Anne was 5 pounds, 6 ounces.

I am so excited for this new blessing to the Schwartz family and wish them all the best. I want to also congratulate Cecilia Anne's grandparents Debra and Barry Shulman of Fayetteville, New York, and Joanne and Lawrence Schwartz, III, of Anaheim Hills, California, on this wonderful new addition to their family.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,051,673,595,197.90. We've added \$10,250,268,419,903.62 dollars to our debt in 16 years. This is \$10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING JOSHUA TREE NATIONAL PARK

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mrs. BONO MACK. Mr. Speaker, I rise today with my colleague and fellow Californian, Representative JERRY LEWIS, to pay tribute to Joshua Tree National Park.

Joshua Tree National Park has been a special and unique place of recreation and refuge in San Bernardino and Riverside Counties for the last 75 years. The park was first conferred National Monument status on August 10, 1936 by President Franklin Delano Roosevelt. Today, 1.3 million visitors a year from throughout the world enjoy this biologically diverse gem encompassing almost 800,000 acres.

Located just outside some of the most densely populated parts of our Nation, the park provides numerous recreational opportunities for American families and international visitors. Campgrounds, scenic drives, and hundreds of trails comprise just a few of the multitude of ways to enjoy the spectacular desert landscape.

Thriving gateway communities in the Coachella Valley and Morongo Basin have prospered in large part from the tourism opportunities created by the park. It is estimated that as an economic engine the park generates over 32 million private-sector dollars and supports over 500 jobs. The park has also created a shared regional identity and provided a common link of interest. A testament to the devotion and passion instilled in the park's supporters, last year alone 1,059 individuals volunteered at the park donating 35,000 hours of work.

Joshua Tree National Park is a crown jewel of the National Park Service. It deserves all the support it has received to preserve its ecological, historical and cultural integrity. Congratulations to everyone who has supported the park over the years and here's to ensuring the park continues to flourish and improve for another 75 years.

RECOGNIZING THE SERVICE OF JUDGE NICKOLAS GEEKER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize Judge Nickolas Geeker upon his retirement from Florida's First Judicial Circuit Court in Escambia County. Judge Geeker spent his career serving the Northwest Florida community, including more than 25 years presiding as a judge in the First Judicial Circuit, and I am proud to recognize his dedication and service.

Judge Geeker and his family are deeply rooted in Northwest Florida. The Geeker family settled in Escambia County in the early 1900's and has been a fixture in the Northwest Florida community for more than 100 years.

Following his graduation from Louisiana Tech University, Judge Geeker attended law school at Florida State University where he was part of the College of Law's charter class of graduates. After serving as a law clerk in the office of U.S. District Judge D. L. Middlebrooks, Judge Geeker returned to Escambia County. He served as an Assistant State Attorney, Assistant U.S. Attorney and as a U.S. Attorney for the Northern District. In 1984, Judge Geeker was elected to Florida's First Judicial Circuit Court, where he has remained since being invested as Circuit Judge in January 1985.

Throughout his 40-year career, Judge Geeker has served with honor and distinction, and his unwavering commitment to upholding the law in an unbiased manner is a prime example of our legal system working at its best.

Mr. Speaker, on behalf of the United States Congress, I am honored to recognize Judge Nickolas Geeker for his service to Northwest Florida and to the United States of America. My wife Vicki and I wish him and his wife Jan all the best.

IN HONOR OF BARBARA CORNETT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. FARR. Mr. Speaker, I rise before you today to recognize Barbara Cornett, who is retiring from her work as a member of the Monterey County Board of Education, a role she has filled with great integrity since December 2003.

Mrs. Cornett's career in California public education spans six decades. She has served as a classroom teacher, school nurse, director of special education and assistant superintendent with Salinas Union High School District before retiring in 1992.

A clinical nurse as well as an educator, Mrs. Cornett is respected by both the medical and educational communities for her understanding of the needs of the special education students.

She earned her Bachelor of Arts at Vanderbilt University, and Master of Arts, School Ad-

ministration, at San Jose State University. As a member of the Monterey County Board of Education, Mrs. Cornett served as its liaison to the Special Education Local Plan Area and the Monterey County Schools Insurance Group.

Mr. Speaker, I have no doubt that the Monterey and Salinas school systems will continue to thrive because of her longstanding work. Barbara deserves our deepest gratitude and our most heartfelt wishes for a job well done.

HONORING THE LIFE AND SERVICE OF PFC THEODORE B. RUSHING

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MICA. Mr. Speaker, on Friday, November 11, 2011 a central Florida Soldier, PFC Theodore B. Rushing, lost his life in service to our nation from wounds suffered when enemy forces attacked his unit with an I.E.D. in Kandahar Province, Afghanistan while assigned to 3rd Squadron, 71st Cavalry Regiment; 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, New York.

PFC Rushing joined the U.S. Army in March of this year. Upon completion of his training at Ft. Benning, Georgia, PFC Rushing reported to Fort Drum, New York. In August he deployed with his unit to Afghanistan in support of Operation Enduring Freedom.

PFC Rushing's impressive list of awards and decorations include the Purple Heart; Army Achievement Medal; Afghanistan Campaign Medal; NATO Medal; National Defense Service Medal; the Combat Action Badge; and a Bronze Star awarded posthumously.

PFC Rushing was a former student at Altamonte Christian School in Altamonte Springs where he had a reputation of being fearless, an attribute that he carried into battle. Upon completion of high school, PFC Rushing attended Seminole State College where he earned his associates degree. PFC Rushing had planned on following in his father's footsteps as a police officer once he had completed his military service.

We shall never forget the ultimate sacrifice PFC Rushing has given for his country. His actions will serve as an everlasting reminder of the dedication and sacrifice the members of our nation's Armed Services make every day.

To his family, we extend our very deepest sympathy and condolences. PFC Rushing is survived by his father George, mother Ann, sister Stacy and grandparents Marcheta and William.

For his service and sacrifice, I ask all Members to join me in honoring his life and commitment to our nation.

INTRODUCTION OF LEGISLATION
PROVIDING A DISADVANTAGED
BUSINESS ENTERPRISE PRO-
GRAM (DBE) AT THE FEDERAL
RAILROAD ADMINISTRATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Ms. BROWN of Florida. Mr. Speaker, today, along with 33 minority Members of Congress, I am introducing critical legislation that will address the lack of a Disadvantaged Business Enterprise (DBE) program at the Federal Railroad Administration (FRA).

Including Disadvantaged Business Enterprise (DBE) language in the Surface Transportation Reauthorization bill will ensure that minority, veteran, and women-owned businesses are getting their fair share of federal transportation dollars. Federal transportation spending has historically served as a crucial means of empowering socially disadvantaged businesses. Thanks to the efforts of the Black, Hispanic, and Asian-Pacific Congressional Caucus' and a bipartisan group of Members on the House Transportation Committee, every major transportation bill since 1983 has mandated minimum levels of participation by minority and/or women owned companies.

Unfortunately, because the Federal Railroad Administration has not historically been a significant grant-making agency, it is not currently authorized to require opportunities for disadvantaged businesses. Without this authority, the FRA is limited in their ability to ensure that disadvantaged businesses are provided an even playing field.

A TRIBUTE TO THE HUDSON
RIVER SCHOOL OF PAINTING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join several of my other colleagues in honoring America's first and most prestigious school of painting. Known as the Hudson River School of Painting, this 19th century school popularized the American landscape.

I have a connection to the Hudson River School. One of the school's most popular and prolific artists, Thomas Moran, grew up in Philadelphia. He later worked at a local engraving firm, which sparked his interest in painting. Moran soon garnered attention for his paintings and was hired to paint scenes of the wilderness of the American West. These paintings, for which Moran is best known, are primarily from the area that is today Yellowstone National Park.

Moran's massive landscapes, and works by other Hudson River School painters, inspired Congress to dedicate Yellowstone, as well as Yosemite and Acadia, as National Parks. Eventually, these paintings were used by environmental conservationists to encourage Congress to form the National Park Service in 1916.

Mr. Speaker, I encourage my colleagues to join me in my appreciation for the works of painter Thomas Moran, and for the lasting legacy of the first indigenous American school of painting, the Hudson River School.

HONORING THE LIFE OF DWAYNE
NELSON

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of Mr. Dwayne Fitzgerald Nelson who passed away suddenly on October 18, 2011 at the age of 50. Mr. Nelson, also known as "Coach Rock," coached the boys' junior varsity basketball and football teams at Dillard High School in Fort Lauderdale, Florida. Before coaching, he worked for the City of Fort Lauderdale for over 20 years. He impacted the lives of many individuals in the community and will be truly missed.

Hundreds of mourners came to Nelson's funeral service, including friends, family members, colleagues, and other members of the community, celebrating the many lives that he touched throughout his years of service. Many of his current and former players came to pay their respects, and the Dillard boys' basketball and football teams wore T-shirts with Nelson's picture on the front in memory of their respected coach. Those in attendance remembered how Nelson helped lead the boys' basketball team to five state championships.

Dwayne Nelson committed his life to serving the Fort Lauderdale community. His colleagues at Dillard High School noted how he was the first person at the school every day for almost 20 years. As a coach, he taught his players lessons that went far beyond any athletic field. He made sure that they kept their grades up, so that they would succeed both on the field and in the classroom. This type of commitment is what set him apart as an outstanding mentor and coach.

Mr. Speaker, I rise today to remember Dwayne Nelson's dedication to improving the lives of so many. His service to Dillard High School and the City of Fort Lauderdale, demonstrates how everyday Americans can make a real difference by helping others in their community. My thoughts and prayers are with Mr. Nelson's family and friends during this most difficult time.

HONORING ESTELLE RUBINSTEIN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the achievements of Estelle Rubinstein who will be retiring after 41 years of outstanding work in the education field.

Through her work with Androscoggin Head Start and Child Care (AHSCC) in Lewiston, Maine, Estelle has dedicated over 40 years to improving outcomes for Maine's handicapped

children. Before graduating with a B.S. in Elementary Education in 1979, Estelle worked as a Head Start teacher for AHSCC. Throughout the years, she has served the organization as its Special Education Director, Program Coordinator and Executive Director.

Throughout her career, Estelle has been a champion of the idea that every child should have the opportunity to receive a high quality education, regardless of their financial situation or disability. Her work to identify children in need of special services and ensure that their families were provided access to vital programs has touched the lives of countless Mainers. She is truly a gifted educator and should serve as a shining example to others of what can be accomplished by a single individual.

It is always with some lingering sadness that I pass along my best wishes for the retirement of people like Estelle. You can never truly quantify the work of such an individual. Although she is retiring, her contributions to the field of education will continue to benefit children for generations. On behalf of the people of Maine, it is with pride that I congratulate Estelle and wish her the best of luck on her retirement and in her future endeavors.

Mr. Speaker, please join me in honoring Estelle Rubinstein for her impeccable commitment to her field and her community.

A HERO OF US ALL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. WOLF. Mr. Speaker, I submit a copy of Jay Nordlinger's recent piece in National Review highlighting the plight of Chinese dissident Chen Guangcheng.

Nordlinger writes, "Many people in the world regard Chen as one of the greatest men we have known in the last decade." His courageous exposure of China's brutal one-child policy earned him the ire of the communist government. He and his family have suffered immensely. His current fate is unknown.

Nordlinger rightly calls a Chen a hero and reminds us that Chen is but one of countless other dissidents languishing in Chinese prisons. Their names may not be known to us, but their struggle is no less real.

The United States must boldly and consistently stand with men and women like Chen who yearn for the basic human liberty and dignity that is our birthright as Americans.

[From the National Review, Nov. 28, 2011]

A HERO OF US ALL

(By Jay Nordlinger)

Last month, there were reports that Chen Guangcheng was dead. That they had at last killed him. "They"? China's ruling Communists, who have tormented Chen for years. Other reports said, No, he is not dead: just in very bad shape. Any report about Chen is now impossible to confirm or deny. The authorities are not letting anyone from the outside see or talk to him.

Many people in the world regard Chen as one of the greatest men we have known in the last decade. These admirers work on the assumption that Chen is alive. A furious

international campaign is under way to save him.

Chen was born on Nov. 12, 1971, in the Linyi area of Shandong Province. When a year old, he contracted a fever, which left him blind. Just a peasant, he educated himself, including in the law. He was ready and available to help people. Jianli Yang, a dissident now in America, calls him a "born leader," someone who has always cared for others and whom others respond to.

To the extent he could, Chen helped the disabled petition for their rights. He helped farmers, too. In the worldwide press, he has been known as "the blind lawyer," or "the barefoot lawyer," or "the blind rural activist." Many Chinese throughout the country know him simply as "the blind man."

What gained him his fame, and torment, was his exposure of one fact: In the year 2005 alone, in just the Linyi area, there were 130,000 forced abortions and sterilizations. These procedures are brutal. Moreover, relatives of those who escaped the procedures were detained and tortured. Harry Wu, a long-famous dissident working in America, says that few outside China really understand the consequences of the one-child policy. Jing Zhang, another dissident, associated with the Boston-based group All Girls Allowed, points out that Chen touched one of China's most sensitive nerves.

He organized a class-action suit against local Party officials. At first, the government in Beijing seemed pleased with him. In China, believe it or not, forced abortion and forced sterilization are illegal, officially. Beijing signaled that it would punish the guilty locals. But Chen was getting attention in the international press, celebrated as a whistleblower, and a blind peasant, at that. This displeased Beijing, which left Chen to the mercies of the local officials.

They seized him in March 2006. They harassed, detained, and beat members of his family and his lawyers. To him, they did worse. Eventually, they gave him a trial, but it was the usual sham. For example, his lawyers were forbidden to attend. Chen's wife, Yuan Weijing, said, "There isn't much hope. . . . We live in a nation without law, a nation without morality." He was sentenced to four years and three months in prison.

There, he faced what political prisoners can be expected to face. He was beaten over and over. He went on hunger strikes. He was denied medicine.

His wife, sometimes under house arrest, sometimes not, did all she could to help him. The months before the Beijing Olympics in 2008 were especially bad for dissidents and other "troublemakers," although Western supporters of those Olympics had said the Games would do wonders for China's liberalization. The guard around Yuan increased from ten men to 40. She wrote a letter to Chinese president Hu Jintao, calling herself "nothing but a rights defender's wife." She told of the humiliations she and her family endured.

The West protested too, in various ways. At the U.N., there were "working groups" and "special rapporteurs." The State Department and the EU uttered their peeps. Organizations were good enough to give Chen awards, in absentia. Nothing moved the Chinese government.

He was released from prison in September 2010 and confined to his home in the village of Dongshigu. This sort of confinement is known as ruanjin, or soft detention, but it has been very hard. Chen and his family have been watched constantly and subjected to escalating abuses. In February, he managed to

have a video smuggled out to the West. It was publicized by a group in Texas called the China Aid Association, which said that the video had come courtesy of a "sympathetic government source."

In the video, Chen described the circumstances in which he and his family were being kept, and he said, "The thing we need to do now is conquer terror" and expose practices that are "lacking in human conscience." He said he was "fully prepared" to be tortured after the video's release, but was "not afraid." Yuan Weijing spoke too, saying that her family was in danger. With a breaking voice, she expressed the hope that friends would take care of their children, Kerui and Kesi, if something happened to them, the parents. What happened immediately is that Chen and Yuan were beaten to a pulp. A letter from Yuan, made available in June, told us the following:

More than ten men covered me totally with a blanket and kicked my ribs and all over my body. After half an hour's nonstop torture, I finally squeezed my head out of the blanket. I saw more than ten men surrounding Chen Guangcheng, torturing him. Some of them twisted his arms forcefully while the others pushed his head down and lifted his collar up tightly. . . . Guangcheng was not able to resist and passed out after more than two hours.

The letter details a great deal more. Infuriated by the video, the authorities did their best to ensure that nothing could get in or out of the Chen home. They removed the family's electronics and sealed the windows with metal sheets. They installed surveillance cameras. They plundered the house of almost everything, down to family photos, toys, and Chen's white cane. The goal was to isolate the family completely.

Over the months, a stream of visitors have trekked to Dongshigu, hoping to see Chen. These include writers, lawyers, advocates for the disabled, and ordinary citizens. They also include foreign diplomats and journalists. All have been repulsed by teams of thugs at the four entrances to the village. These thugs—a mixture of policemen and their hirees—have detained, beaten, robbed, and shot at the would-be visitors. Many of these incidents are meticulously documented.

Impossible to document, of course, is Chen's condition at the moment. But we know for sure that beatings, malnutrition, and illness have taken their toll. The question is, To what degree? Chen's supporters in China and around the world are redoubling their efforts in his behalf. Some people are risking a journey to Dongshigu on November 12, Chen's 40th birthday. There is also a "sunglasses campaign." Chen, like many blind people, wears sunglasses, and supporters are donning their own sunglasses and having their picture taken, to be posted on the Internet. It is a gesture of solidarity, a way of getting Beijing's attention.

There is also pressure on an American movie company. Relativity Media has just started filming *21 and Over* in, of all places, Linyi. They must be within shouting distance of Dongshigu. The company is working in cooperation with the same Party officials who are brutalizing Chen. The movie, according to publicity, is a "hilarious comedy" about "two childhood friends who drag their straight-arrow buddy out to celebrate his twenty-first birthday the night before an all-important medical school interview." And "when one beer leads to another, the evening spirals into a wild epic misadventure of debauchery and mayhem that none of them will ever forget."

The same press release quotes Zhang Shajun, a key Party official. He welcomes his "good friend Ryan Kavanaugh and his great company Relativity" and promises to "provide the best service possible in order to help make the movie successful worldwide." Naturally, human-rights groups have asked Relativity Media to use whatever leverage it has to help Chen Guangcheng, or at least inquire into him. The company has so far seemed disinclined.

On another front, Jianli Yang has written the State Department, asking it to bar from entering the United States a Party official named Li Qun. Li studied at the University of New Haven in Connecticut, and even served as an assistant to New Haven's mayor. Now, according to Yang, he is the Party official chiefly responsible for Chen's ordeal.

Have international protests done any good at all? Reggie Littlejohn, president of Women's Rights Without Frontiers, says yes: "I believe Chen would be dead by now but for people in the West speaking out for him."

Across China, Chen is a symbol of human rights, like Gao Zhisheng, another lawyer, who has been "disappeared," and Liu Xiaobo, the political prisoner who is also the 2010 Nobel peace laureate. But Sharon Hom of Human Rights in China makes a point that is depressing and inspiring at the same time: There are many, many like Chen, Gao, and Liu, but whose names are unknown to us. They languish in prisons, "black jails," psychiatric wards, and other dark places. They have stuck their necks out for their rights and all people's.

Why do they do it? Why do they risk, or guarantee, the full wrath and murderous power of a dictatorship? Of Chen Guangcheng, Harry Wu says, "He had to tell the truth. Simple. He had no choice but to tell the truth. That is why people appreciate him, and why the government hates him." Perhaps Chen's blindness gave him an extra dose of compassion and courage. Perhaps not. In any case, there is someone much like him in Cuba, the blind lawyer and activist Juan Carlos González Leiva. The bravery of such people is hard to account for. But it can be admired.

In that video, released earlier this year, Chen said, "A society that is not built on a foundation of fairness and equality, but instead relies on bullying and violence, cannot possibly maintain lasting stability." He is probably right about that. Yet think how many suffer and die in the meantime.

HONORING BERT STEPHEN CRANE

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved leader in the Merced community, Bert Stephen Crane, on his 80th birthday. Bert was born in the heart of the San Joaquin Valley's fertile lands of California on November 29, 1931. He is the fifth generation of California farmers and ranchers that came from Connecticut during the Gold Rush of 1849. His ancestors can be traced to John Alden of the Mayflower landing in Plymouth. A true son of this great country.

Growing up on the cattle ranch he learned that the day starts in the saddle before dawn, and it doesn't end until all the work is done

and the horses are grained and rubbed down. A cattle sale has always been done with an honest handshake.

Bert loves music and was the Drum Major in the Merced High School Band, and played basketball. At Menlo College, Bert enjoyed roping and polo. He later studied at Stanford University and U.C. Davis, where he achieved his Bachelor of Science in Agricultural Economics. During these years, he fell in love with a young gal, Nancy Magnuson, who was studying at Stanford University. They married in 1957, raised three children and have been married for over 54 years.

Bert's life has been a great and wonderful adventure. His leadership skills have extended from achieving his Eagle Scout as a young man, to the highly coveted Distinguished Eagle Scout Award, which is a recognition award of outstanding service to scouting and the community awarded at the National Scouting level. He has ridden horses with Ronald Reagan, coached Little League and shipped his Registered Red Angus bulls to Europe and Hawaii. He diversified from the beef business in the early 1970s and started farming walnuts as well. Eventually, he built a walnut processing plant with his wife, Nancy and three children, Bert, Mary and Karen. His children and seven grandchildren are following the tradition of ranching and farming.

Bert's step-father was James Parker, M.D., a third generation family doctor. James' love for the outdoors was a natural match for Bert, as they enjoyed fishing and duck hunting out on the family's Sunrise Ranch. Bert has always had fond memories of loading up horses, and packing into Hetch Hetchy reservoir, and Davis Lake for trail riding and trout fishing together.

His passion for quality healthcare was learned through his stepfather. Bert has served and led fundraising events for Mercy Hospital for over 36 years and spearheaded the building of the Mercy Cancer Center, and a new state-of-the-art Mercy Hospital in Merced. Bert's wife, Nancy, was the founding president of the Mercy Hospital Volunteers and has served for over 40 years.

In 1986, Bert was honored by the University of California, Davis Alumni with the Distinguished Achievement Award for his involvement in research in the University's agriculture and governmental programs, along with his community and industry associations.

His service to his community, agriculture and research is one of great respect and integrity. Bert served on the Merced County Planning Commission for 28 years. All of this would not have been possible without the work of his loving wife, Nancy, in keeping the home fires burning and taking care of the children while supporting his passion for service to others.

REMINISCING WITH BERT

The year was 1943. The place was the Sunrise Ranch of local pioneer C.A. "Bert" Crane, located just off the old Gustine Highway. A young cowboy was growing up on this ranch; he was named Bert, after his grandfather. Well, all ranches have dogs and this was no exception. One of Bert's chores was to feed the dogs.

To digress a moment, Grandfather Bert had a best friend, Bill Moffat, of Manteca Beef

fame. One of Moffat's employees named Scotty Allen, convinced him that it would be good business to use the scraps from the beef plant to make dog food. The result: Scotty Allen dog food. To promote the sale of this product, the cans were wrapped with coupons . . . Being loyal friends, the Cranes served up nothing but Scotty Allen. As young Bert fed the dogs he fastidiously peeled the coupons off the cans and sent for the catalog of prizes. When the catalog arrived, Bert searched the pages and finally selected his prize: a fabulous crook-neck Boy Scout flashlight. Mother Crane cautioned that Boy Scout flashlights are for Boy Scouts. This saddened Bert, for the chances of becoming a Scout out there "in the boonies" were remote. However, after some soul-searching he sent for the flashlight.

Soon after, Bert and his family moved to town. Bert packed up his flashlight, and the family settled across the street from Applegate Park. As good luck would have it, there in the park stood the log cabin Boy Scout hut. Bert quickly joined the Scouts and legalized his flashlight. Bert was twelve; his Scout troop was #101; the leader was Scotty Langley. Langley became Bert's mentor and guided him along the journey to the coveted Eagle Scout Award. His first merit badge was for Horsemanship; his second badge was for Steer Production, and he could tie more knots than the Scout handbook. Three years running Bert won the Merced-Mariposa Trail Ride, Junior Division.

Bert was a member of Rancheros Visitadores and enjoyed going on the week long trail ride with friends and politicians in the Santa Ynez Valley. One of his friends was the late Governor of California and United States President, Ronald Reagan. Bert was visiting with the then past Governor and seized the opportunity to take a rope off of a saddle and "lasso" Reagan in the outhouse. Reagan thought that Bert was going to flip over the outhouse. Reagan opened the door a couple of inches and worked the knot out of the rope and undid the knot. Reagan came out laughing, stating "You know Bert, I've been in tighter places than that."

The following is a list of his service and awards:

Member of Central Presbyterian Church
Bank of America Advisory Board 1957-1969
Bank of America Plan to Prosper Comm. 1967-1968
Bank of America Livestock Symposium 1969-1970
Merced Land Bank Assoc. 1980-1988
Merced County Land Bank Assoc. 1984-1988
Diamond Walnuts Top Twenty Service Wal-nut Grower 1983
Speaker at U.C. Davis 1973, Livestock
Speaker at Fresno 1985, Livestock
Speaker at U.C. Davis 1987, Livestock
U.C. Davis Alumni Achievement Award 1986

Merced City-County Chamber of Commerce Outstanding Livestock Produced for the year 1976

California Farm Bureau Member
California Cattlemen's Assoc. 1954-1988
Research Comm. 1968-1970

California Cattlemen's Assoc. Farm Credit Policy Comm. 1984-1988

California Cattlemen's Assoc. Land Use Comm. 1984-1988

Merced-Mariposa Cattlemen's Assoc. 1954-1988, Director 1964

American Quarter Horse Assoc. 1954-1988
American Simmental Assoc. 1969-1970

National American Cattlemen's Assoc. 1970-1988

Beef Health Conference Comm. Davis, California 1968

Livestock Research Advisory Board, Davis, California 1970

Pacific Slope Red Angus Association
California Beef Cattle Improvement Assoc.

1965-1988, President 1978-1980, Director 1966-1970

Rancheros Visitadores Member 1978-1988
Beef Improvement Federation

Commendation for Excellence for Feed Stock Breeder 1974

Cattlemen's Expo Member of Formation Comm. Representing Red Angus 1968

Red Angus Association 1951-1988:
Registration Comm. Chairman 1964-1968

Board of Directors 1962-1971
President of Assoc. 1969-1971

Top Hand Award 1972
Red Angus Assoc. of America Pioneer

Breeder Award 1988
Little League Baseball Coach, 1970

Weaver Union School District Board 1966-1970:

Clerk 1968
Vice President 1970

Merced County Planning Comm. 1964-1988, Chairman 1966-1967

Merced County District #1 Alternate Supervisor 1966-1970

Lone Tree Soil Conservation District:
Director 1957-1986

President 1957-1962
Secretary 1976-87

Eagle Scout Award, 1946
Boy Scouts of America Comm. Member

1969-1970
Boy Scouts Yosemite Area Council Century

Club 1978-1988
Central Presbyterian Church 1945-1988

Usher Comm.
Mercy Hospital Lay Advisory Board 1969-1984

Mercy Hospital Foundation Board 1984-1987, Vice Chairman 1985

Mercy Hospital Governing Board 1987-2005
Mercy Hospital Charriada Fiesta Benefit

1985 Host & Co-Chairman
Distinguished Eagle Scout Award 1988

Mr. Speaker, please join me in honoring Bert Stephen Crane for his unwavering leadership, and recognizing his accomplishments and contribution. Bert serves as an example of excellence to those in our community.

NATIONAL ADOPTION MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. REICHERT. Mr. Speaker, each year we recognize November as National Adoption Month. I encourage my colleagues in both chambers to raise awareness about the adoption of young boys and girls in our foster care

system who dream of one day having a forever family. Many of us have brothers or sisters, aunts or uncles, sons or daughters, who have lovingly decided to add to their family through adoption. By raising awareness about the many benefits of adoption, and the process for families and children in foster homes, we can make sure more children go to sleep in their own home every night.

According to the Congressional Coalition on Adoption Institute, 423,000 children are living without permanent families in the U.S. Today, 115,000 of these children are eligible for adoption but almost 40% will wait more than 3 years in foster care before being adopted. Every single year—and this number is climbing—over 29,000 of our young people “age-out” of foster care. A child that “ages-out” is more likely to be undereducated, unemployed, homeless, addicted to drugs or alcohol and/or utilizing government benefits to survive, compared to their peers who grew up outside the foster care system or were adopted before aging out. Our children deserve better than this, and the good news is we can help. We can help by encouraging more families to consider adoption, and offering assistance to those who do by extending the adoption tax credit.

Our young people are our greatest treasure. To continue to allow thousands of our young people to begin adulthood at a distinct disadvantage would be devastating. Please consider the plight of so many of our children and young adults living in foster care; shuttled back and forth between homes, towns, cities, schools, friends, support groups, and so on. Children in foster care without a more permanent structure and support system are more likely to distrust adults or have strained relationships with the adults in their lives and with their peers.

National Adoption Month is also an opportunity to recognize the foster parents in our communities who are selflessly giving so much to help our youth. They too deserve our support and our thanks. Foster parents across this nation are wonderful examples for all of us and provide some of our most vulnerable young people with protection and a sense of family and home. I appreciate their sacrifice and I hope they know it does not go unnoticed. The decision to become foster parents or adoptive parents can sometimes be scary; not knowing how one's family dynamics may be impacted or if you'll be able to create a bond with the child and the child with you. To all who may be considering these options today, trust me. I know from personal experience that the worry melts away as soon as you bring that special child into your home. As a foster grandparent, and now a proud grandpa of two adopted children, I can assure you that it won't be long before you realize that it's not just the children who gain so much through adoption. You too gain more joy and more love than you ever could have imagined.

Look for ways that you can get involved with adoption efforts in your local community. Locate adoption services in your community and help with your time, money, or both. Adoption is essential to the health of our nation. Supporting adoptive parents, adoption agencies, and foster parents is a duty for all of us.

RECOGNIZING THE ABILITYONE PROGRAM

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the AbilityOne Program, which has helped more than 47,000 blind or significantly disabled Americans develop skills and receive training ultimately leading to successful employment.

The AbilityOne Program harnesses the purchasing power of the federal government to buy products and services from participating community-based non-profit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and a higher quality of life.

I am proud to acknowledge two non-profit agencies, Skookum and Lighthouse for the Blind, both of which are closely associated with AbilityOne in my district. These organizations represent two of many non-profit social enterprises dedicated to the mission of enriching the lives of people with disabilities.

Skookum's mission is to create opportunities for people with disabilities, assisting government customers by delivering critical logistics, facilities maintenance and public works services. Skookum was recently awarded the 2010 National AbilityOne Award for Performance Excellence in Hiring Veterans with Disabilities which demonstrates a proud commitment to recruiting the right person for the right job and bringing Wounded Warriors into our workforce.

Lighthouse for the Blind has been providing employment, support, and training for people who are blind, deaf-blind, and blind with other disabilities in the Puget Sound since 1918. Lighthouse for the Blind expands employment opportunities by providing the technical and communication tools needed for self-sufficiency. The manufacturing operations center makes products for the Federal Government and various aerospace companies.

It is with great pleasure that I extend my support to the AbilityOne Program. The dedication and commitment of Skookum and Lighthouse for the Blind help individuals who are blind or have significant disabilities find employment, live fuller lives, and remain active members of our community. I commend everyone associated with AbilityOne for working to improve so many lives and make our country a better place for all.

IN RECOGNITION OF THE OUTSTANDING PUBLIC SERVICE OF SIX RETIRING OFFICIALS WITHIN USDA'S OFFICE OF RURAL DEVELOPMENT

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. CRITZ. Mr. Speaker, I rise to recognize the distinguished public service careers of six

retiring officers within the Department of Agriculture's Office of Rural Development, RD. These individuals have worked diligently and effectively over many years to promote economic prosperity and safe living in the various rural communities throughout southwestern Pennsylvania. Lambert Rosenbaum, Virginia Stump, Cindy Brandt, Barbara McMillen, Susan O'Donnell, and Mary Ellen Polosky have made clear through the quality of their work at RD that they see a place for rural areas in America's future. These individuals will leave a lasting legacy; their belief in the promise of rural America will surely live on in those who have had the privilege to work with them and manifest itself in all that RD does for the individuals, communities, and businesses of southwestern Pennsylvania for years to come.

Public service has been a calling for each of the six outgoing officials at USDA Rural Development. Lambert Rosenbaum, the outgoing Area Director for the Butler and Westmoreland Area Offices, boasts a 31 year career at USDA. In addition to his civil service, Mr. Rosenbaum served three years of active duty in the Army, during which he served a combat tour in Vietnam and earned the prestigious Bronze Star. He has also served in the Army Reserves for 42 years. Most recently, Mr. Rosenbaum's reserve service took him to Kuwait, where he earned the Meritorious Service Medal. His devotion to the public welfare has clearly made an impression on his children, as two of his sons have served in the Iraq War.

Virginia Stump, a Team Leader and Area Specialist, will leave RD after 30 years of civil service. She has worked extensively on the Water Waste Program, which furnishes rural communities with the means to install sanitary sewers. She has also helped to market several rural development programs, including the Value Added program and the Renewable Energy programs. Ms. Stump is married and has one daughter, as well as twin grandchildren.

Cindy Brant, a Loan Specialist, also has over thirty years of experience in civil service. She began her career with USDA in 1979 as a Comprehensive Employment and Training Act, CETA, Trainee. A year later, she became an Assistant County Supervisor, working out of the Somerset Office until its closure in 2007. While in the Somerset Office, she worked extensively on the Direct Housing Program, helping numerous low-income individuals to purchase homes in rural areas. Upon leaving Somerset, she moved on to the Greensburg Area Office and took on the additional roles of Guaranteed Housing Program Specialist and Multi-Family Housing Program Specialist. In recognition of her outstanding service, Cindy received USDA's Unsung Hero Award in 2009.

In her 28 years with USDA, Barbara McMillen, an Area Specialist, has worked on a number of different projects, including those that provide housing loans and loans to farmers and ranchers who are having difficulty obtaining commercial credit. Over the last seventeen years, she has worked ardently to help 51,450 households and businesses to obtain \$331 million dollars in loan and grant funds for public water and sewer service.

Susan O'Donnell, also an Area Specialist, has been with USDA since 1977 and has

done extensive work in the business, multi-family housing and community facility programs across six counties. She is extremely passionate about public service, and plans to continue to working to promote the welfare of others through volunteer work upon retirement.

Having performed over 36 years of Federal service, Mary Ellen Polosky has set a laudable example for current and aspiring public servants. While with USDA, she has worked mainly in the Housing Division. She has served in her current capacity for the last 9 years, during which time she has helped numerous individuals living in rural areas to procure loans for home purchases and improvements.

Mr. Speaker, I have had the privilege of working closely with these individuals while serving as the District Director for the late Congressman John Murtha, and can attest that they embody the highest order of integrity and proficiency. We should all be grateful that such exemplary individuals chose to engage full-bore in the effort to secure a prosperous future for rural America. Their work has given hope to countless individuals and businesses in southwestern Pennsylvania. All of us in the Federal Government should attempt to emulate their commendable public service in our own careers.

HONORING THE JEWISH FEDERATION OF SOMERSET, HUNTERDON AND WARREN COUNTIES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Jewish Federation of Somerset, Hunterdon and Warren Counties located in Bridgewater Township, Somerset County, New Jersey, on the occasion of its 50th anniversary.

For half a century, the Federation has helped raise funds to coordinate services and help support agencies that touch the lives of Jews in Somerset, Hunterdon and Warren Counties. Through numerous programs, they have not only assisted in funding but have also provided a place for Jews to come together both in their faith and in the spirit of community service. The Federation is the umbrella organization of the area's Jewish community, bringing together agencies, organizations, and communities to support and fulfill the needs of the Jewish people.

The Federation targets those in their twenties through forties with their Young Leadership Division (YLD) that aims to strengthen the Jewish community by focusing on three principles: "Live Jewishly. Live Socially. Live Generously." YLD encourages involvement in the Jewish community and provides members with opportunities to not only socialize within their faith but to join together to help others.

The Women's Philanthropy Division is a program that educates and engages women to be active in their religious community. These women work to support those in need locally, in Israel, and around the world through numerous events and fundraisers.

In an effort to aid local businesses, the Federation holds several events throughout the year for the business community to build valuable, lasting relationships. With the understanding that the success of a business is dependent on its visibility and connections within a community, the Federation gives them the boost they need to establish their credibility.

In addition to the programs the Federation offers, it also hosts mission trips overseas to Israel and other countries in an effort to show the history, status and future of Jewish People.

The Federation is a resource of information for anything from educational organizations to social services. No matter the needs or the issues, the Jewish Federation of Somerset, Hunterdon and Warren Counties, continues to work to address them.

Mr. Speaker, I task you and my colleagues to join me in congratulating the Jewish Federation of Somerset, Hunterdon and Warren Counties on 50 years of dedicated service.

HONORING FRED BIRCHMORE

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BROWN of Georgia. Mr. Speaker, I rise today to honor and celebrate the 100th birthday of one of the 10th Congressional District's most impressive and dedicated constituents, Mr. Fred Birchmore. Renowned for his round-the-world cycling trips, Birchmore has biked tens of thousands of miles worldwide on a one-speed 42-pound Reinhardt that now sits in the Smithsonian's National Museum of American History. His travels have taken him 25,000 miles across Europe, and through Africa, the far Middle East, Southeast Asia, Latin America, and 2,000 miles along the United States Appalachian Trail. He's traversed deserts, jungles, beaches and warzones, even once crossing paths with Adolf Hitler. Birchmore's adventures on his trusted bike opened his eyes to not only new horizons, but new cultures, peoples, and ways of life that enriched his own in many aspects.

Even more than a sportsman, Fred is a decorated World War II war hero, a loving father of four and has been a devoted husband to Willa Deane Birchmore for 72 years now. His eight grandchildren and six great-grandchildren know him to be an adventurer, an intellectual, and an all around outstanding man and role model.

Birchmore is a graduate of the University of Georgia and was a personal friend of the late Larry Munson. He carried the Olympic Torch under the Arch in the Classic City, takes great pride in his possession of the sword of Colonel Sanford who is the namesake of UGA's Sanford Stadium, and still remains a faithful community servant to Athens-Clarke County today.

I am honored to be able to wish Mr. Birchmore a happy 100th birthday on behalf of the United States Congress, and I am pleased to have the opportunity to shed light on a life that has been so filled with adventure, hard work, passion, and love for family, friends,

community, and country. Happy Birthday Fred and may you continue to set an example for all those who love and admire you for many more years to come.

NATIONAL LUNG CANCER AWARENESS MONTH

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BUCHANAN. Mr. Speaker, November is National Lung Cancer Awareness Month. This month is dedicated to raising awareness of lung cancer issues for people who have been affected across the country.

Lung cancer is the leading cause of cancer-related deaths in both men and women in the United States, claiming more lives each year than breast, prostate, colon, and kidney cancers combined. In fact, sadly one in fourteen Americans will be diagnosed with cancer of the lung and bronchus during their lifetime.

According to the American Lung Association, over 370,000 men and women in the U.S. are currently living with lung cancer. In Florida, an estimated 17,000 people were diagnosed with lung cancer just this past year.

While there are few early symptoms of lung cancer, treatment is available through surgery, chemotherapy, and radiation. Unfortunately, only 15 percent of people who develop the disease will live more than 5 years. A need still exists for further advancement in the detection and treatment of lung cancer.

Lung Cancer Awareness Month brings much-needed attention to a deadly disease. I hope in the years to come we can make advancements in detection and treatment of this deadly form of cancer.

HONORING FRANK KAMENY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Ms. NORTON. Mr. Speaker, before he died, Frank Kameny had already won a place reserved for Americans who make personal sacrifices for human rights. There can be no doubt that Frank's pioneering sacrifices for the lesbian, gay, bisexual, transgender, LGBT, community place him alongside the nation's human rights heroes. What exactly did Frank do? At a time when it was unthinkable, Frank refused to suppress who he was to keep his job with the Federal Government. A World War II veteran with a Harvard Ph.D., Frank had everything going for him except, of course, his identity and, thus, his legitimacy. It was being forced out, not coming out, that was the issue, and Frank took his dismissal from the federal service (for which he later received an apology) as a badge of honor. As we in the Civil Rights Movement began wearing our hair natural, i.e., nappy, to show that "black is beautiful," Frank coined "gay is good."

But it was Frank's lonely act of defiance, without reward, that sets him apart. Frank no

more set out to sacrifice his livelihood when he refused to deny his sexual orientation to federal authorities than Rosa Parks intended to give up her work as a seamstress when she refused to move to the back of the bus. Rosa Parks got tired of suppressing her full identity and dignity, and so did Frank. Frank did not put in those years of hard work for his Ph.D. in order to come out as a gay man. Like Rosa Parks, Frank wanted the same kind of life as the rest of us. But at a moment of reckoning, Frank summoned something few of us have: raw, pure courage. It is a brand of courage that is the opposite of self-preservation.

Long before there was a LGBT movement, Frank lost his job and his livelihood for the rest of his life. Yet Frank lived to see historic advances that bear his signature, including security clearances for gays in the Federal Government and the admission of gays into the United States armed services.

We honor those who fight for human rights. We revere those who make sacrifices for human rights. Martin Luther King, Jr., whose memorial we dedicated in October after he sacrificed his life. Anita Hill, whose fearless testimony 20 years ago brought her controversy, while she brought record numbers of women to the House and Senate.

As we honor Frank, in a place that is part of the government that dishonored him, we remember that it is one thing to join a movement; it is quite another to start one. We revere Frank because his life tells us that great human rights victories often begin with the courage of a single individual like Rosa Parks and, yes, Frank Kameny.

HONORING JANICE LANGBEHN, RECIPIENT OF THE 2011 PRESIDENTIAL CITIZENS MEDAL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Janice Langbehn, a recipient of the 2011 Presidential Citizens Medal, one of our Nation's highest civilian honors.

Each year, the President recognizes American citizens with the Presidential Citizens Medal who have taken exemplary steps outside of their daily lives to serve and improve their communities. Past honorees have addressed some of our nation's most persistent problems, such as hunger, homelessness, high school dropout rates, lack of access to health care, and several other pressing issues affecting the lives of millions of Americans. Citizen Medal honorees face challenging circumstances and act admirably while taking risks to help others. Out of over 6,000 nominees across the country, President Obama chose only thirteen recipients, including Janice Langbehn of Lacey, Washington.

In 2007, while on vacation with their children, Janice's partner of 18 years, Lisa Marie Pond, collapsed with a brain aneurysm. Lisa was rushed to Jackson Memorial Hospital's Ryder Trauma Center. When Janice and her children arrived, hospital officials refused to let Janice or her children see Lisa for eight long

hours even though they had a power of attorney in hand. Lisa eventually slipped into a coma and passed away while her loved ones continued to fight to be by her side.

Afterwards Janice brought a lawsuit against the hospital, which was dismissed in 2009, and then turned her experience into activism, fighting to make sure no partners or parents have to go through what their family experienced. Her story attracted the attention of President Obama, who revised hospital visitation rights for same-sex couples across the country. The executive order went into effect in January 2011 for any hospital receiving Federal Medicare or Medicaid funds.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in recognizing Janice Langbehn for her efforts to improve equal treatment for all Americans and congratulate her for being honored with the 2011 Presidential Citizens Medal.

HONORING LEAUTHA LANORA "LEE" ANDERSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved woman in the Modesto Community, Leautha Lanora "Lee" Anderson. She was born July 26, 1921, to Mary Alena (Carl) and Lloyd Buster Nutt near El Reno, Oklahoma and died November 15, 2011, in Modesto, CA. She was the second born of seven sisters.

Her parents were poor farmers and she grew up working the fields and herding cattle. Her father had hoped for a son, so he nicknamed her "Buck". Lee was one of the few remaining true Frontier Women. She could shoot a rifle from the back of a galloping horse and could light a match from a hundred paces with a rifle that is still in the family today. April 24, 1941, Lee married Alfred Anderson Jr. after a whirlwind relationship of three weeks. They began married life in Vinita, Oklahoma. On a wintry November day in 1942, they left for California with their savings of \$80.00. They settled in Carlsbad, California where their first-born son, Dwight was born May of 1943. They enjoyed the coastal town and beaches. While there, Lee worked for actress Rita Hayward, who allowed her to bring baby Dwight along with her to the home. In 1945, Lee and Andy moved and resettled in the lovely central valley town of Modesto with its fertile farming and dairy land.

They bought an unfinished home that had no interior walls or electricity. Their house payment was \$10.00 a month. Son, Thomas was born there February 1946. A new home was purchased in the then developing outskirts in 1951. Lee took great pride in caring for her new home until her dying day. Lee and Andy were blessed with two more sons with the arrival of Michael in May of 1960, and Troy, November 1961.

She was preceded in death by her late husband, Andy, of 63 years in March 2003. They had four sons together; Dwight A. Anderson (Leslie) of Oakdale, CA., Thomas E. Anderson

(Kathleen) of Sonoma, CA., Michael D. Anderson (Angela) of Modesto and Troy A. Anderson (Elizabeth) of Modesto. Lee is also survived by three remaining sisters; Gladys W. Antle, Joann Delhart, and Janice Pence, all of Ceres, CA. She was blessed with 12 grandchildren and 6 great grandchildren.

Lee was an active "Gold Star" grandmother. She was preceded by her grandson, Cpl. Michael Anderson Jr., who was a United States Marine, a member of the Famed 3/5 Darkhorse Infantry Unit. Cpl. Anderson Jr., was tragically killed in combat action during the successful "Battle of Fallujah" in December 2004.

Leautha was a devout Christian, accepting the Lord Jesus Christ as her savior at the age of 19 and was baptized in the Holy Ghost 6 years later. She attended and was a faithful member of Calvary Temple Worship Center in Modesto where she was also a member of the church choir. She was surrounded by love and will be dearly missed by those who knew or associated with her.

Mr. Speaker, please join me in honoring Leautha Lanora "Lee" Anderson for her unwavering faith in God and love of country and family. The life of Leautha Lanora "Lee" Anderson serves as an example of excellence to those in our community, and her legacy will not be soon forgotten.

HONORING THE 100TH ANNIVERSARY OF THE MILLS & MILLS LAW FIRM

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate the Mills & Mills law firm of Farmington, Maine on their 100th year anniversary.

A century ago, Sumner P. Mills came to Farmington in order to marry Flora Pearson and build a business. It was on the corner of Main Street and Broadway in downtown Farmington where his law firm set up shop, and to this day it remains a fixture of the community there. Sumner Mills had the good fortune to watch his son Peter inherit his legal talents, and the two began working together in 1940, forming the original Mills & Mills office. For generations, the Mills family has lent their expertise to serve the Farmington community, the state of Maine, and their country.

Over the years, Mills & Mills has remained an integral part of the Farmington community. In its early days, the firm took on a wide range of cases that covered everything from real estate to criminal and domestic law. The law firm has evolved over the decades, but its service to the town remains strong from each generation to the next.

I have had the distinct pleasure of working with Peter, Janet and Dora Mills, the grandchildren of Sumner. They have all reached a level of accomplishment befitting of their family's proud tradition of public service. It is this devotion to community which has sustained Mills & Mills for all these years.

Mr. Speaker, please join me in congratulating Mills & Mills on the 100th anniversary of its founding.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I submit the following remarks regarding my absence from a vote which occurred on November 16, 2011. Listed below is how I would have voted if I had been present.

Roll Number 851—H.R. 822—Motion to Re-commit, National Right to Carry Reciprocity Act of 2011—"nay."

IN HONOR OF REVEREND RICHARD
WALTER JORDAN, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Reverend Richard Walter Jordan Sr. for his decades of dedicated community service and pastoral leadership to

the numerous church congregations and communities that he served in the great state of Georgia and throughout the United States of America.

Reverend Jordan, a pillar in the Dougherty County, Georgia community, recently passed away at the age of 90 at the Wilson Hospice House in Albany. His funeral service was recently held at the Mount Zion Missionary Baptist Church on Saturday, November 26, 2011.

Reverend Jordan was born and raised in Albany, Georgia and his early spiritual rearing took place at the Saint Paul Missionary Baptist Church in Albany. During his early religious maturation and training in the Christian faith, Reverend Jordan served as an usher, choir member, and a deacon at Saint Paul Missionary Baptist Church before being called into the ministry in 1955.

Over the course of his distinguished career in the ministry, Reverend Jordan served as the Senior Pastor at over 10 churches. His riveting and inspirational messages of adhering to the word of God positively impacted the lives of those he encountered.

He was a principled man who devoted his life to Christ by not only preaching good sermons and practicing good deeds but by unrelentingly allowing God to direct his steps and use his immeasurable talents to bestow

motivation and inspiration upon those who had neither but needed both.

At the end of our mortal life's journey, our measure of greatness will not exclusively be determined by the number of degrees we have earned; the level of financial wealth we have obtained; the titles that have been imparted upon us; or by the tangibly expensive goods we have acquired.

The true measures of greatness are those time-honoured standards established by Jesus Christ that tell us, he who is great among you shall be your servant and he who is greatest shall be servant unto all. Reverend Jordan was great because he served and he will forever be remembered as one of Albany, Georgia's greatest because he sought to be a servant unto us all.

Mr. Speaker, my wife Vivian and I would like to extend our sincere sympathies and prayers to Reverend Jordan's beloved wife of 70 years, Martha Green Jordan, his lovely children and the congregation of Saint Paul Missionary Baptist Church.

Reverend Jordan's mortal journey on this earth has ended but his devotional faith and inspirational courage will continue to live on in the countless individuals he counselled and served.

SENATE—Wednesday, November 30, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy, holy, holy, Lord God of Hosts, Heaven and Earth are filled with Your glory. Lord, You have given us the hope that Your kingdom shall come on Earth. Help us to see the signs of its dawning as we labor for liberty.

May the work and deliberations of our lawmakers so reflect the nature of Your coming kingdom that people will be filled with faith.

Increase our hunger and thirst for righteousness, and feed us with the bread of Heaven. Lord, empower us all to work for that perfect day when Your will shall be done on Earth as it is in Heaven.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 30, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of S. 1867. The filing deadline for second-degree amendments to the Defense bill is 10:30 a.m. today. At about 11 o'clock, there will be a cloture vote on S. 1867.

It is my understanding the vote will be at 11 o'clock. Is that right, Madam President? It is not about 11, it will be at 11.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. We will continue working through the pending amendments. Senators LEVIN and MCCAIN are managers of this bill, and Senators will be notified when votes are scheduled. There was a little void here from 10:30 until the vote. That will be debate time on the motion to invoke cloture on the Defense bill.

PAYROLL TAX CUTS

Mr. REID. Madam President, Republicans love to talk about taxes. They like them low, we like them high—or so they would have you believe. By that logic, Republicans ought to be lining up to support our payroll tax legislation. Democrats propose we cut taxes for 160 million Americans and every single business in our country. The average American family would save about \$1,500. Yet Republicans appeared out of the woodwork to oppose our plan. They do not like these particular tax cuts because they are paid for with a small, 3.25-percent surtax on people making more than \$1 million a year. But we have learned that Republicans only care about keeping taxes low for a very small group of people. This small group is the richest of the rich.

Here is the contrast. One side has Democrats fighting to cut taxes for 160 million Americans who make an average of less than \$30,000 a year. On the other side, we have Republicans fighting to keep taxes low for fewer than 350,000 people who take home more than \$3 million every year. The contrast: 160 million Americans who make an average of less than \$30,000 a year; on the other side, Republicans are fighting to keep taxes low for the richest of the rich—350,000 people who make more than \$3 million a year.

What is worse, if Republicans get their way, if they are able to give the richest of the rich a pay increase, in effect, taxes will actually increase by about \$1,000 a year for 120 million American families. Every American

family will have \$1,000 less to spend on food, clothing, and diapers next year—except those 350,000 people.

Republicans can continue to try to protect people who earn an average of \$3 million apiece. We are not going to do that, not in today's economy. In other words, Republicans are increasing taxes on nearly every American family to protect people who make an average of \$37,500 a week—far more than most Americans make in a year. You can take Nevada, you can take Kentucky—take Kentucky, the home of my friend the Republican leader. There, 2.1 million middle-class workers will be hit with a tax increase if the Republicans block our proposal. In Nevada, we have fewer people than Kentucky, but the same basically applies in Nevada. But in Kentucky specifically, 1,345 Kentuckians earn an average of \$3.5 million each, each year, and that will be protected thanks to the efforts of Senate Republicans.

Why would Republicans throw 92 percent of American families under the bus, whacking them with a tax increase beginning January 1, to protect the richest of the rich? Why would they do that? It certainly sounds like political suicide, not to mention shockingly callous policy. One might assume there is a compelling reason for Republicans to stake out this seemingly indefensible ground, to take the side of the top two-tenths of 1 percent of American earners while raising taxes on 160 million others.

Here is their reason. They say they want to protect job creators. Of course that claim is laughable on its face. Our bill would cut taxes for literally every business in America, and for 98 percent of these companies, these firms, including virtually every small business, it would cut payroll taxes in half, from 6.2 percent to 3.1 percent.

I could quote virtually every member of the Republican caucus, all 47 of them, singing the praises of small businesses that create jobs because they have come at various times during this year and previous years to talk about small businesses, what good they do for America. And I agree with that. You will not get disagreement from Democrats. That is why our bill cuts taxes for every small business in America, including 50,000 firms in Nevada. Yet legislation that will cut taxes for 92 percent of American families and every single business in the Nation without adding a penny to the deficit may not get a single Republican vote because it would cost a few incredibly prosperous, rich Americans about 2 weeks of pay.

To top it all off, Republicans know the tax increase they are foisting on

middle-class families would be devastating for our economy. The Economic Policy Institute has stated that this Republican tax hike will reduce GDP by \$128 billion and cost almost 1 million jobs—972,000 to be exact. That would send our economy back into a tailspin, and it is impossible to tell how long would be our recovery.

Republicans often say we cannot afford to raise taxes on the top two-tenths of 1 percent of American taxpayers, so I ask, how can we afford a tax increase on 92 percent of American families?

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PAYROLL TAX CUTS

Mr. MCCONNELL. Madam President, I know my good friend the majority leader may have been a little busy during the last 24 hours. Maybe he missed the news. Reuters said:

U.S. Senate Republicans Back Payroll Tax Cut Extension.

The Wall Street Journal says:

GOP Set to Back Payroll Tax Cut.

IBD says:

GOP Open to Payroll Tax Cut.

U.S. News:

Mitch McConnell Says Congress Will Likely Extend Tax Cut One More Year.

CBS says:

GOP working on alternative proposal for payroll tax cut extension.

Washington Post:

"Majority" of Republicans likely to back payroll tax cut extension.

And Fox News:

Republicans Back Payroll Tax Cut Extension.

Madam President, this is not an argument about whether we ought to extend the payroll tax cut that was enacted last year for 1 year. The issue is how do you pay for that, and we have differences of opinion about that.

This week, as we all know, the Senate is debating the extension of a temporary payroll tax cut that the two parties agreed to last year to help those struggling in a bad economy. But before getting into any detail about the various proposals that are being considered for extending this temporary tax cut, I think it is important to establish a couple of things right here at the outset.

First, the debate we are having this week is not about whether to extend this temporary relief for millions of working Americans out there who are struggling as a result of the ongoing jobs crisis; it is about whether we should help those who are struggling in a bad economy by punishing the pri-

vate sector businesses the American people are counting on to help turn this economy around.

The President and Democrats here in Congress are saying we ought to recoup the revenue we will not get from one group of taxpayers by socking it to another group, a significant number of whom happen to be employers. What this really means is that one way or another they want the money coming back to Washington so that the President and his allies in Congress can divvy it up how they want, protecting and aiding the politically favored few. This really sums up the whole story of this President and the economic policies he has promoted over the past few years—send your money to Washington so the President and his allies in Congress can spend it their way, on things such as turtle tunnels or bailing out politically connected investors of failing solar companies.

The Democrats can say they just want some people to pay a little bit more to cover this or that dubious proposal, but what they do not tell you is that 80 percent of the people they want to tax are business owners—in other words, the very people we are counting on to create the jobs we need in this country. Think about that. The Democrats' response to the jobs crisis we are in right now is to raise taxes on those who create the jobs. This is not just counterproductive, it is absolutely absurd.

That brings me to my second point, which is this: The only reason we are talking about extending a temporary cut in the payroll tax right now, the only reason we are even talking about extending unemployment insurance right now is because President Obama's economic policies have failed working Americans.

Democrats and liberal pundits are fond of saying that Republicans are rooting against the economy, but it is easy to refute that one. If Republicans wanted the economy to stall, we would just stand on the side lines and wave through everything the President and his Democratic allies in Congress propose. That is what the Democrats did for the first 2 years of the President's term, and now we are living with the results. Unemployment is still stuck at around 9 percent, 14 million Americans are looking for work and can't find it, millions more are underemployed or have given up on finding a job altogether, and here we are, 3 years into this Presidency, still talking about temporary stimulus measures.

Republicans will put aside their misgivings and support this extension not because we believe, as the President does, that another short-term stimulus will turn this economy around but because we know it will give some relief to struggling workers out there who continue to need it nearly 3 years into this Presidency. Americans should not

have to suffer any more than they already are for the Democrats' failed economic policies.

Republicans reject the idea that the way to help people is for the government to write them a check every once in a while or adjust their pay stub at a time of our choosing. We think it is time to get past the idea that government should be the sole arbiter of people's futures and livelihoods. We need to get government out of the business of picking winners and losers, and that is why Republicans think the real answer is broad-based tax reform that clears out the deductions and the loopholes and the special carve-outs for those who are rich enough or politically connected enough to benefit from it.

If one is a small business owner, we don't think they should have to have an army of tax lawyers on staff to figure out how to keep their business profitable and their employees on the payroll. If one is an individual, they should not have to hire an accountant to keep from getting ripped off by the IRS. We think Americans are ready for tax reform that makes the system fair for everybody, that levels the playing field so people in small businesses can compete without having to beg for favors or beg for loopholes. We are going to keep pressing for it, and part of that is looking beyond these temporary stimulus measures.

Let's be very clear about this. The Democrats' quick-fix approach has failed. Nearly 3 years have passed since Democrats passed the mother of all stimulus bills, and we have 1.3 million fewer jobs in this country than we had when the President signed it into law. Yet they are still at it. Republicans in the House have passed an avalanche of legislation aimed at liberating the private sector and getting the economy growing again. It all dies at the Senate door. Democrats are not interested. With Democrats in control of two-thirds of the government in Washington, all we get is more temporary stimulus and calls to raise taxes on the very people we are counting on to jolt this economy back to life. That is why we are standing here 3 years into this administration still talking about temporary stimulus measures paid for by permanent tax hikes—temporary stimulus measures paid for by permanent tax hikes.

Democrats don't seem interested in doing anything that will lead to economic growth. They are stuck on stimulus. They are stuck on government. They are stuck on economic policies that have already failed. So we are not arguing against extending the payroll tax cut. We just think it should not be punishing job creators to pay for it. We think that if this kind of temporary relief engineered at some lawmakers' whim is the sum and substance of Democrats' plan for getting this economy going again, we are in trouble.

The American people don't want a temporary allowance from Democrats in Washington. They want us to get out of the way, to lift the burdens to growth so they can get this economy going. That is why Republicans are proposing a very different approach to paying for this extension. We can maintain this tax relief without raising taxes on job creators. If past experience shows us anything, it is that Washington will only spend every dime it gets and then some anyway, when we need to find a solution that doesn't give more power to Washington. We will never get this economy going or help people create the wealth and jobs America needs if we continue to allow Washington to dictate all the rules of the game when it comes to our economy. At the end of the day, the real question in this debate isn't whether lawmakers in Washington should or should not extend some temporary stimulus but whether the American people should continue to allow Washington to have so much power over their lives. That is what this debate is about.

Mr. REID. Will the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees.

MIDDLE CLASS TAX CUT ACT OF 2011

Mr. REID. Madam President, I now move to proceed to Calendar No. 238, S. 1917.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the motion to proceed to Calendar No. 238, S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes:

Harry Reid, Robert P. Casey, Jr., Jack Reed, Richard J. Durbin, Dianne Feinstein, Carl Levin, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Robert Menendez, Joseph I. Lieberman.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. Madam President, on one of the Sunday shows, the assistant leader, the Republican whip, my friend, the junior Senator from Arizona, indicated that Republicans would not support the withholding tax proposal we had made. On Monday, that was what the Senate leadership said. So I am very happy there has been a conversion and now they agree to support it but be careful. Remember, they are very clever and unclear on how they want this paid for. One Republican Senator said he didn't want it paid for, and that, in fact, has been the standard mantra of the Republicans: Tax cuts should not have to be paid for. The Bush tax cuts, amounting to trillions of dollars, were not paid for. That is, of course, one reason we have this huge problem with the deficit.

I think we also have to recognize that one thing our country lacks is confidence. There are a lot of reasons, but one reason the country lacks confidence is people out here are talking about how bad the economy is doing. It is doing very poorly, and I recognize that. But we have had growth over the last many months. Is it as significant and as robust as we want? Of course not, but we have a growing economy; that is to say about my friend, the prior President, President Bush, we had no growth there. That was downhill. When he came into office, there was a surplus of trillions of dollars. That was taken away with not paying for all these tax cuts, the unpaid war in Iraq, the unpaid war in Afghanistan, and at least 8 million jobs were lost. We are trying to work our way out of that, and we have worked very hard.

My friend talks about the stimulus bill, the Economic Recovery Act. Let's just talk about something I know a lot about, the State of Nevada. But for that bill, in the State of Nevada, which is very hard hit with the economic recovery, a State that for two decades had been the No. 1 place in America to come to start a business, to get a job,

to buy property, that is no longer the case. That is no longer the case. But the stimulus bill has kept the schools open, has allowed people on Medicaid to continue getting some help, and we have had—because of that bill—thousands and thousands of jobs created with solar projects, geothermal projects all over the State of Nevada. Is it enough? Of course not. But let's start building some confidence and allowing people with these companies that have trillions of dollars, let's have them start spending some of it and creating jobs.

We are for tax reform. I agree with my friend the Republican leader, we should have tax reform. It is important because the Tax Code is not working. It is helping the wrong people, and we look forward to doing what we can to work that out. I was hoping in the supercommittee that one of the things they would have given was instructions to the Ways and Means Committee and the Finance Committee to come up with some tax reform that would be meaningful and build the economy even more than we could have ever dreamed, and a lot of that can be done with tax reform. So I acknowledge that.

We look forward to working with my friends on the other side of the aisle. They say they are in favor of now extending withholding and we know that has created lots of jobs and we are glad they are going to do that. But, I repeat, let's be very careful of how it is paid for. The American people believe we should pay for it the way we have suggested. The only people in the world who don't think it should be paid for in the way we suggested are the Republicans in the Senate. All the polls show the vast majority of Americans believe the richest of the rich should contribute a little bit to bringing this country out of the economic problems we have.

So I would hope we can move forward. We are going to have a cloture vote on this matter soon. We have to get through this very important Defense bill, which is to take care of our troops. One of the managers of that, of course, is someone we look to for guidance with military matters. That is JOHN MCCAIN, who, as we know, is a certified war hero. When that is finished, we will work this out on the payroll tax.

I hope that prior to the cloture vote having taken place and being necessary, we will have some agreement on how to move forward because there are a lot of other things to do before the end of this year. There are other tax issues that are extremely important that traditionally have been completed before the end of a year such as we are in right now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. The last time my good friend the majority leader and I

had a discussion on the floor, he reminded everyone he would get the last word. Of course, since he has prior recognition to me, he can get the last word if he chooses. So I will just remind him of that at the outset. He will get the last word if he chooses to. I will not fight for the last word, but I will make this point with regard to the observation from my good friend.

We have just heard essentially the argument going into next year's election. Argument No. 1 is it could have been worse. That is an inspiring message to take to the American people. It could have been worse.

We also heard argument No. 2. The second argument goes essentially like this: After being in the administration in power for 3 years, No. 1, it is George Bush's fault. Among other causes of our current dilemma that have been cited by the President and others, in addition to the previous administration, it was a tsunami in Japan, it is the European debt crisis, of course it is the Republicans in Congress, it is those millionaires, it is those people in Wall Street. In short, it is everybody's fault but ours. That is the argument they are left with when they are going into an election year facing the American people and they have nothing else to say.

People don't think the stimulus worked. People don't like ObamaCare. They don't like Dodd-Frank. There is absolutely nothing, in terms of positive accomplishment, our good friends can cite; thus the argument: It is anybody's fault but mine.

It will be an interesting discussion going into next year, but it strikes me that our job in the Senate is not to frame campaign arguments on a weekly basis but actually try to get something done. As my friend indicated, there are things that need to be done before the end of this year: The Defense authorization bill that we will finish this week, the appropriations bills in one way or another—either a combination of them or a continuing resolution, each of them, through the end of the next fiscal year.

We have tax extenders. We have the doc fix. We have the completion, in spite of the exercise we will engage in tomorrow, with two approaches to continuing the payroll tax extension. I have already indicated the overwhelming majority of Republicans think it should be extended, and so we will have to figure out how to package that and actually accomplish something, not just come out on the floor and score political points but actually accomplish something for the American people on things such as unemployment insurance, extension of the payroll tax reduction enacted a year ago, and the doc fix. These are the kinds of things that actually have to be done. The more time we spend on the floor with these political mes-

saging votes, the less time we actually have to do what the American people sent us to do.

So I will be working with my friend, the majority leader. I mean, we work together every day. When we get past the political speeches and the show votes, there are things that need to be done, and we will be working together to get those things accomplished before Christmas.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I agree with virtually everything the Republican leader said. I do think the Presidential election will be based on what took place in the Bush administration and how we have tried to recover from that, and how things have been exacerbated because of the tsunami and because of the European debt crisis.

I also agree wholeheartedly with my friend that we need to work together the rest of this Congress. It is difficult to do, but we need to set aside Presidential politics and work in our sphere as legislative leaders to try to move this country along. So I look forward to that, and I appreciate the constructive remarks of my friend.

Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship Program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shahen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and posttraumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned

aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active-duty and full-time National Guard duty without a break in active service.

McCain (for Brown (MA)) amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall (NM) amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall (NM) amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall (NM)/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence

that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, OR.

Wyden amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) further modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of

Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the United States Force Posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the United States European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown (OH)) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

Levin (for Nelson (FL)) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG-51 class destroyers at Naval Station Mayport, FL.

Levin (for Nelson (FL)) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson (FL)) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) modified amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE Program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Levin (for Menendez/Kirk) amendment No. 1414, to require the imposition of sanctions

with respect to the financial sector of Iran, including the Central Bank of Iran.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN, or their designees.

Mr. MCCAIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I would like to say to my colleagues, we have been waiting approval of a managers' package of amendments that have been cleared by both sides. It is not a managers' package. It is simply a group of amendments that have been proposed by Members on both sides of the aisle, approved—no one has objected—and yet there are objections to moving forward with these amendments in a package. There are important amendments by Members on both sides.

I would urge my colleagues who would object to moving forward with this package of amendments which have been agreed to by both sides—and there has been no objection voiced to them individually—that I would like to move to adopt those shortly before the vote on cloture at 11 o'clock. If someone objects to that, then I would insist that they come over to the floor and object. That is the procedure we will follow that I would like to inform my colleagues.

In other words, we have a group of amendments. They have been cleared by both sides; no one objects. And yet there seems to be an objection to moving forward with a group of amendments that has already been agreed to. So according to parliamentary rules, I will insist that the Member be here present to object when I move forward with the package shortly before the hour of 11. Anyone watching in the offices, please inform your Senator of that decision.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, just to reinforce something the Senator from Arizona said, these are amendments there is no objection to on the substance. We have worked very hard, working with all the Senators, to clear amendments. That process will continue after the cloture vote as well. But we now have this group we have worked very hard on. We know of no objection. If there were an objection, they would not be in a cleared package.

So we know of no objection. None have been forthcoming. They have been here for a day or two now, and the Senate needs to work its will.

This is the way we should be operating, if there is no objection to an amendment, if people have had a chance to look at it. They have been cleared on both sides. Any committee on jurisdiction that has an interest has been talked to, and that has been taken care of. This is, it seems to me, the right way to proceed.

I commend Senator MCCAIN for what he just said and join with him in that sentiment.

The bill we have before us that we will be voting cloture on at about 11 o'clock would authorize \$662 billion for national defense programs. This is \$27 billion less than the President's budget request. It is \$43 billion less than the amount appropriated for fiscal year 2011. We have been able to find savings without reducing our strong commitment to the men and women of our Armed Forces and their families, without undermining their ability to accomplish the mission we have assigned to them that they handle so remarkably bravely and consistently. So we have identified and scrubbed this budget to find those savings, and the bill we will be voting cloture on—and, hopefully, adopting cloture—reflects those savings.

Because of our action last night on the counterfeit parts amendment, the bill now contains important new provisions to help fight the tide of counterfeit electronic parts, primarily from China, that is flooding the defense supply chain. I went through the provisions last night, and I will not repeat them here other than to say we are taking strong action to make sure the parts that are provided to our weapons systems are new parts as required and are not counterfeit parts.

There are a number of steps in this bill. They are effective and strong steps. We require, for instance, that parts that are being supplied come from the original manufacturer of those parts or an authorized distributor of those parts or, if that is not possible because the parts are no longer being manufactured or there is no authorized distributor, that whoever is supplying those parts be certified by the Department of Defense, the way they currently are, by one part of the Department of Defense, the Missile Defense Agency, as being a reliable supplier.

We have had too many cases of mis-siles and airplanes that have defective parts, and the lives of our people in uniform depend upon these as being quality parts. We are not going to accept the status quo anymore in terms of counterfeiting, mainly from China, and we are taking this strong action in this bill now, following last night's action, to make sure this status quo is reversed.

We have over 96,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan. We have 13,000, as we speak, remaining in Iraq. There are many issues upon which we disagree. But every one of us knows we must provide our troops with the support they need and deserve as long as they are in harm's way. Senate action on the Defense bill will improve the quality of life for our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world, and it will also send a critically important message that we as a nation stand behind our troops and their families and we appreciate their service.

So I hope we can adopt the cloture motion which is before us so we can proceed to the postcloture period, where we can then resolve the remaining amendments that can be resolved, and then pass this bill, hopefully, tomorrow. But we have a lot of work to do today and tomorrow. We have many dozens of amendments yet to be voted on, disposed of, and hopefully cleared in many cases.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, the following amendments have been cleared by myself and the ranking member. We have cleared a number of amendments on both sides. We are working with many Members. There will be an additional package after this one. We are going to continue to try to clear amendments. We expect that we will. We know of no objection to any of the following amendments despite their being available for review.

They are amendments numbered: 1056 on behalf of Senator WICKER, 1066 on behalf of Senator AYOTTE, 1102 on behalf of Senator INHOFE, 1116 on behalf of Senator WICKER, 1122 on behalf of Senator SHAHEEN, 1129 on behalf of Senator REID, 1130 on behalf of Senator REID, 1132 on behalf of Senator MCCAIN, 1134 on behalf of Senator BLUNT, 1143 on behalf of Senators HAGAN and PORTMAN, 1149, as modified by changes at the desk, on behalf of Senator BEGICH, 1162 on behalf of Senator WARNER, 1164 on behalf of Senator WARNER, 1165 on behalf of Senator WARNER, 1166, on behalf of Senator WARNER, 1167, as modified by changes at the desk, on behalf of Senator WARNER, 1178, as modified by changes at the desk, on behalf of Senator MURRAY, 1180, as modified by changes at the desk, on behalf of Senator COLLINS, 1183, as modified by

changes at the desk, on behalf of Senator SESSIONS, 1207 on behalf of Senator COBURN, 1210 on behalf of Senator NELSON (FL), 1227 on behalf of Senators MCCAIN and PORTMAN, 1215, as modified by changes at the desk, on behalf of Senator CASEY, 1228 on behalf of Senators MCCAIN and PORTMAN, 1237 on behalf of Senator SHAHEEN, 1240 on behalf of Senator WARNER, 1245 on behalf of Senator MCCAIN, 1250 on behalf of Senator MCCAIN, 1266 on behalf of Senator WARNER, 1276 on behalf of Senator BAUCUS, 1280 on behalf of Senator MCCAIN, 1281, as modified, on behalf of Senator MCCAIN, 1298 on behalf of Senators WEBB and GRAHAM, 1301 on behalf of Senator LEVIN, 1303 on behalf of Senators LEVIN and MCCAIN, 1315 on behalf of Senator HATCH, 1317 on behalf of Senator PORTMAN, 1324 on behalf of Senator COCHRAN, 1326 on behalf of Senator RISCH, and 1332 on behalf of Senators LIEBERMAN and CORNYN.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. They have been cleared on this side.

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate consider these amendments en bloc, that the modifications at the desk be adopted, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1056, 1066, 1102, 1116, 1132, 1134, 1210, and 1250) were agreed to.

The amendments (Nos. 1180, 1183, 1215, and 1281), as modified, were agreed to, as follows:

AMENDMENT NO. 1180, AS MODIFIED

At the end of subtitle C of title XII, add the following:

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and

mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) **REPORT REQUIRED.**—

(A) **IN GENERAL.**—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) **ELEMENTS.**—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) **FORM.**—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 1183, AS MODIFIED

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Since the early 1960s, the United States has developed and maintained a triad of strategic nuclear weapons delivery systems.

(2) The triad includes sea-based, land-based, and air-based strategic nuclear weapons delivery systems.

(b) **REPORT ON MODIFICATION.**—Whenever after the date of the enactment of this Act the President proposes a modification of the force structure for the strategic nuclear weapons delivery systems of the United States, the President shall submit to Congress a report on the modification. The report shall include a description of the manner in which such modification will maintain for the United States a range of strategic nuclear weapons delivery systems appropriate for the current and anticipated threats faced by the United States when compared with the current force structure of strategic nuclear weapons delivery systems.

AMENDMENT NO. 1215, AS MODIFIED

At the end of subtitle B of title XII, add the following:

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) **CERTIFICATION REQUIREMENT.**—

(1) **IN GENERAL.**—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund or transferred to the Pakistan Counterinsurgency Fund from the Pakistan Counterinsurgency Capability Fund should be made available for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) **SIGNIFICANT IMPLEMENTATION EFFORTS.**—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) **WAIVER.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

AMENDMENT NO. 1281

(Purpose: To require a plan for normalizing defense cooperation with the Republic of Georgia)

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) **PLAN FOR NORMALIZATION.**—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) **OBJECTIVES.**—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) **INCLUDED INFORMATION.**—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) **FORM.**—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

The amendments (Nos. 1122, 1129, 1130, 1143; 1149, as modified; 1162, 1164, 1165, 1166; 1167, as modified; 1178, as modified, 1207, 1227, 1228, 1237, 1240, 1245, 1266, 1276, 1280, 1298, 1301, 1303, 1315, 1317, 1324, 1326, and 1332) were agreed to, as follows:

AMENDMENT NO. 1122

(Purpose: To authorize the acquisition of real property and associated real property interests in the vicinity of Hanover, New Hampshire, as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory)

At the end of subtitle E of title II, add the following:

SEC. 2. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) **ACQUISITION.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the “Secretary”) may acquire

any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) **DESCRIPTION OF REAL PROPERTY.**—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) **AMOUNT PAID FOR PROPERTY.**—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) **REVOLVING FUND.**—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefiting appropriations.

(c) **RIGHT OF FIRST REFUSAL.**—

(1) **IN GENERAL.**—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) **NATURE OF RIGHT.**—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) **CONSIDERATION; FAIR MARKET VALUE.**—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) **DISPOSAL.**—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) **NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensa-

tion, and Liability Act of 1980 (42 U.S.C. 9620(h)).

AMENDMENT NO. 1129

(Purpose: To redesignate the Mike O'Callaghan Federal Hospital in Nevada as the Mike O'Callaghan Federal Medical Center)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) **REDESIGNATION.**—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking “Mike O'Callaghan Federal Hospital” each place it appears and inserting “Mike O'Callaghan Federal Medical Center”.

(b) **CONFORMING AMENDMENT.**—The heading of such section 2867 is amended to read as follows:

“SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.”

AMENDMENT NO. 1130

(Purpose: To clarify certain provisions of the Clean Air Act relating to fire suppression agents)

At the end of subtitle H of title X, add the following:

SEC. 1088. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

AMENDMENT NO. 1143

(Purpose: To require the Comptroller General to review medical research and development sponsored by the Department of Defense relating to improved combat casualty care and saving lives on the battlefield)

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

AMENDMENT NO. 1149, AS MODIFIED

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) **CONVEYANCES AUTHORIZED.**—

(1) **MUNICIPALITY OF ANCHORAGE.**—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the “Municipality”) all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(2) **EKLUTNA, INC.**—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible

with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) **RIGHT TO WITHHOLD TRANSFER.**—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) **CONSIDERATION.**—

(1) **MUNICIPALITY PROPERTY.**—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive, in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) **EKLUTNA PROPERTY.**—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) **OTHER OR ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1162

(Purpose: To provide for the consideration of energy security and reliability in the development and implementation of energy performance goals)

At the end of subtitle B of title III, add the following:

SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.”.

AMENDMENT NO. 1164

(Purpose: To promote increased acquisition and procurement exchanges between officials in the Department of Defense and defense officials in India)

At the end of subtitle H of title X, add the following:

SEC. 1088. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India to increase mutual understanding regarding best practices in defense acquisition.

AMENDMENT NO. 1165

(Purpose: To express the sense of Congress on the use of modeling and simulation in Department of Defense activities)

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

AMENDMENT NO. 1166

(Purpose: To express the sense of Congress on ties between the Joint Warfighting and Coalition Center and the Allied Command Transformation of NATO)

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

AMENDMENT NO. 1167, AS MODIFIED

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1178, AS MODIFIED

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ADVANCED BIOFUELS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels (as defined by section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B))). The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of advanced biofuels of sufficient length to reduce the impact to the Department of future price or supply shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

AMENDMENT NO. 1207

(Purpose: To require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense)

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) **ASSESSMENT REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) **PRELIMINARY REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) **BRIEFINGS.**—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “major automated information system program” has the meaning given that term in section 2445a of title 10, United States Code.

AMENDMENT NO. 1227

(Purpose: To require a Comptroller General report on redundancies, inefficiencies, and gaps in DOD 6.1-6.3 Science and Technology (S&T) programs)

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1-6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

AMENDMENT NO. 1228

(Purpose: To require a Comptroller General report on Science, Technology, Engineering, and Math (STEM) initiatives)

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to

the congressional defense committees a report on the findings of the study conducted under subsection (a).

AMENDMENT NO. 1237

(Purpose: To require a Department of Defense assessment of the industrial base for night vision image intensification sensors)

At the end of subtitle E of title VIII, add the following:

SEC. 889. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

AMENDMENT NO. 1240

(Purpose: To provide for installation energy metering requirements)

At the end of subtitle B of title III, add the following:

SEC. 316. INSTALLATION ENERGY METERING REQUIREMENTS.

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

AMENDMENT NO. 1245

(Purpose: To provide for increased efficiency and a reduction of Federal spending required for data servers and centers)

Beginning on page 573, strike line 10 and all that follows through page 575, line 16, and insert the following:

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

AMENDMENT NO. 1266

(Purpose: To establish a training policy for Department of Defense energy managers)

At the end of subtitle B of title III, add the following:

SEC. 316. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) **ISSUANCE OF POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) **BRIEFING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

AMENDMENT NO. 1276

(Purpose: To require a pilot program on the receipt by members of the Armed Forces of civilian credentialing for skills required of military occupational specialties)

At the end of subtitle D of title V, add the following:

SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) **PILOT PROGRAM REQUIRED.**—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) **ELEMENTS.**—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) **REPORT.**—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently

operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

AMENDMENT NO. 1280

(Purpose: To require the Secretary of Defense to submit, with the budget justification materials supporting the Department of Defense budget request for fiscal year 2013, information on the implementation of recommendations made by the Government Accountability Office with respect to the acquisition of launch services through the Evolved Expendable Launch Vehicle program)

At the end of subtitle E of title VIII, add the following:

SEC. 889. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) **IN GENERAL.**—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

AMENDMENT NO. 1298

(Purpose: To extend the time limit for submission of claims under TRICARE for care provided outside the United States)

At the end of subtitle A of title VII, add the following:

SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking “not later than” and all that follows and inserting the following: “as follows:

“(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

“(2) In the case of any other services, by not later than one year after the services are provided.”.

AMENDMENT NO. 1301

(Purpose: To authorize the award of the Distinguished Service Cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War)

At the end of subtitle I of title V, add the following:

SEC. 586. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

AMENDMENT NO. 1303

(Purpose: To authorize the exchange with the United Kingdom of certain F-35 Lightning II Joint Strike Fighter aircraft)

At the end of subtitle D of title I, add the following:

SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) **AUTHORITY.**—

(1) **EXCHANGE AUTHORITY.**—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the “United Kingdom”) all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) **AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—The aircraft authorized to be transferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) **AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) **FUNDING FOR PRODUCTION OF AIRCRAFT.**—

(1) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system,

long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) **EXCEPTION.**—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) **IMPLEMENTATION.**—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled “Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding”, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

AMENDMENT NO. 1315

(Purpose: To require the Secretary of Defense to submit to Congress a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors)

At the end of subtitle H of title X, add the following:

SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

AMENDMENT NO. 1317

(Purpose: To require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act,

the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1324

(Purpose: To extend the authorization for a military construction project for the Air National Guard to relocate a munitions storage complex at Gulfport-Biloxi International Airport, Mississippi)

On page 554, insert after the table relating to Air National Guard the following:

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	\$3,400,000

AMENDMENT NO. 1326

(Purpose: To require exploration of opportunities to increase foreign military training with allies at test and training ranges in the continental United States)

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

AMENDMENT NO. 1332

(Purpose: To require a report on the approval and implementation of the Air Sea Battle Concept)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle

Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) **FORM.**—The report required by subsection (a) shall be submitted in both unclassified and classified form.

Mr. LEVIN. I thank Senator MCCAIN and our staffs. We are going to continue to work to clear additional amendments following the cloture vote. We are now voting on cloture. We all as leaders and managers, of course, hope that this will pass.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my colleagues for allowing this package of these amendments to go through. We will be working on additional amendments that we can agree to.

We are about to vote on cloture, and if cloture is invoked, I want to inform my colleagues, those amendments that are pending and filed will be eligible for votes, and we will be using the chronology of when they were filed. We will be notifying every Member who has an amendment that is filed and pending and germane. We will try to arrange time agreements for those who want votes. We will be looking to also see areas where we could agree and adopt an additional package. It is my

understanding that if cloture is invoked, we will have 30 hours, and during that period we wish to get these amendments resolved.

I remind my colleagues that if the 30 hours expires and there are still pending germane filed amendments, there will have to be additional votes taken at some time after the 30 hours. So I would urge my colleagues who have filed, pending, germane amendments that we sit down during the cloture vote or just afterward and try and arrange a schedule of votes that is most convenient for them in keeping with their schedule.

Again, I thank my colleagues for allowing that package to go through. Those are very important amendments which have been agreed to by both sides. I realize we have a long way to go, but this is a significant step forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the only additional suggestion I would have is that Members who come here who have amendments that are both pending and germane, assuming we get cloture, if they could check with us, either side here, to see where they are on the chronology, they will get a feel as to where they are, because we are going to attempt to move down the chronology as amendments were made pending.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1867, the National Defense Authorization Act for Fiscal Year 2012.

Harry Reid, Carl Levin, Kent Conrad, Richard Blumenthal, Claire McCaskill, Kay R. Hagan, Joe Manchin III, Kirsten E. Gillibrand, Mary L. Landrieu, Ben Nelson, Joseph I. Lieberman, Bill Nelson, Jim Webb, Jack Reed, Christopher A. Coons, Mark Begich, Jeanne Shaheen.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, is it the sense of the Senate that debate on S. 1867, the National Defense Authorization Act for fiscal year 2012 shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 88, nays 12, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—88

Akaka	Graham	Moran
Alexander	Hagan	Murkowski
Ayotte	Harkin	Murray
Barrasso	Hatch	Nelson (NE)
Baucus	Heller	Nelson (FL)
Begich	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Roberts
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Johnson (WI)	Schumer
Brown (OH)	Kerry	Sessions
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kohl	Snowe
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coats	Lautenberg	Thune
Cochran	Leahy	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Durbin	McCain	Webb
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	
Gillibrand	Mikulski	

NAYS—12

Burr	DeMint	Paul
Coburn	Grassley	Risch
Cornyn	Lee	Rubio
Crapo	Merkley	Wyden

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 88, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I want to begin my comments today on this year's National Defense Authorization Act by thanking all the members of the Strategic Forces Subcommittee. I would especially like to thank the subcommittee's ranking member, Senator SESSIONS, for the close working relationship we have shared. It is always a pleasure to work with my friend from Alabama.

The annual National Defense Authorization Act is one of the most important pieces of legislation Congress passes every year, and this year marks what I hope will be the passing of the Defense Authorization Act for the 50th year in a row. I would like to give my colleagues a brief overview of the provisions in the National Defense Authorization Act we are considering today as they relate to the Strategic Forces Subcommittee.

The jurisdiction of the subcommittee includes missile defense, strategic forces, space programs, intelligence programs, cybersecurity, the defense-funded portions of the Department of Energy, and the Defense Nuclear Facilities Safety Board.

In preparing the provisions in the bill that relate to areas of our jurisdiction, the subcommittee held six hearings on defense programs at the Department of Energy, strategic nuclear forces, missile defense, and space programs at the

Department of Defense, and implementation of the New START treaty. The subcommittee's provisions were adopted in a bipartisan manner. I again want to thank Senator SESSIONS, our ranking member, and his staff and the professional staff on the Armed Services Committee for the close work we have enjoyed with them working on the hearings and preparing this bill.

Our committee oversees the nuclear strategic forces. As many know, the U.S. Strategic Command—in my home State of Nebraska—is charged with our Nation's nuclear deterrence.

It is important to note that this bill strengthens and improves our Nation's nuclear command and control and all the missions that fall under USSTRATCOM by providing the full authorization of the new command and control complex. Reliable and assured command, control, and communication from the President to the nuclear forces is fundamental to our strategic deterrent, and the new command and control complex at Offutt Air Force Base in Nebraska will provide this mission surety.

In the area of missile defense, we have funded the program at \$10.1 billion, including the full \$1.2 billion requested for the Ground-Based Mid-course Defense System. We have also included a provision that would set forth the sense of this Congress that it is essential for the Ground-Based Mid-course Defense System to achieve the levels of reliability, availability, sustainability, and operational performance necessary to ensure that the United States remains protected.

The bill also supports the development and deployment of the European Phased Adaptive Approach, EPAA, to missile defense. This is the U.S. Missile Defense Program to defend our military forces and NATO allies in Europe from Iranian missile threats. The Defense Department has nearly completed phase 1 of the EPAA with an Aegis Ballistic Missile Defense, BMD, ship now patrolling the Mediterranean and a missile defense radar now located in Turkey. The United States also successfully negotiated the agreements with Poland and Romania to deploy land-based Aegis BMD Systems in their countries in future phases of the EPAA.

The committee also made a few funding adjustments in the new bill to reflect the fact-of-life changes since the Armed Services Committee's markup of its earlier bill, S. 1253.

For example, the recent flight test failure of the Aegis Ballistic Missile Defense System, with the Standard Missile-3 Block IB interceptor, means the program will have a substantial delay before it can begin procurement. The program will also need additional research and development funds to fix the flight test problems. So the bill adjusts the funding to permit such fixes.

In addition, the Terminal High Altitude Area Defense, or THAAD, System has experienced slower production than expected and will not be able to use all the funds planned and requested in the budget. Consequently, the bill adjusts the funding accordingly.

In mid-2009, Secretary Gates directed U.S. Strategic Command to stand up U.S. Cyber Command as a subunified command. The command reached full operational capability a year ago.

Since that time, the Chairman of the Joint Chiefs of Staff characterized cyber warfare as one of the two “existential threats” to America, and a former Director of National Intelligence publicly proclaimed his belief that adversaries could take down the Nation’s power grid or devastate the country’s financial system. Very damaging intrusions into government, military, and industrial networks are almost a daily occurrence, resulting in the loss of precious and expensive advanced technology—the technology that fuels economic growth and sustains our security.

Over the last 2 years, the Strategic Forces Subcommittee has supported legislation to accelerate the arduous process of developing policies and doctrine to guide our responses to cyber attacks and to govern the use of cyber weapons by our own military forces. The subcommittee has also sponsored legislation to begin to close the gap in cyber defenses by developing new technological approaches in partnership with America’s cutting-edge information technology sector.

Moving on to space programs, the bill would provide the Air Force the authority to purchase in a block buy, using a fixed price contract, the next two Advanced Extremely High Frequency satellites—an important part of the nuclear command and control system. This will result in a 20-percent savings.

We have authorized the President’s level of funding for the nuclear modernization program at the DOE’s National Nuclear Security Administration, but we are fully aware that the Budget Control Act that was passed last summer has reduced the levels that can be appropriated by some \$400 million. I would note that even with this reduction, it is still a 5-percent increase over last year’s levels. I will be working with my colleagues to carefully evaluate the President’s request for fiscal year 2013 in light of the commitments both the Congress and the administration made under the New START treaty for modern nuclearization.

This Congress made commitments for modernization, and moving forward we must honor those commitments. Most importantly, we need to continue to ensure that our stockpile is safe, reliable, and works as intended by the military so that we maintain our strategic deterrent well into the 21st century.

We understand the budget climate that we are in, and it is likely that realistic adjustments must be made as a result of the mandated reductions to defense spending in the Budget Control Act. But we will work with the Department of Defense and U.S. Strategic Command to ensure that pressing priorities are met and our strategic deterrence are not undercut.

Let me again thank my colleague, Senator SESSIONS, and our staff for the productive and bipartisan relationship we have had on this subcommittee and also all members of the subcommittee. I look forward to working with our colleagues to pass this important legislation.

Madam President, I yield the floor.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CUBAN OIL DRILLING

Mr. NELSON of Florida. I want to speak while we are in this pause on the Defense bill about a looming problem that the entire eastern seaboard of the United States has; that is, the Spanish drilling company Repsol is bringing a rig in that has been constructed over in Asia, and sometime early next year they are going to drill in deep water off the north coast of Cuba.

The Spanish drilling company is a very competent company. As a matter of fact, they adhere to safety standards that are required by the United States because they drill in the Gulf of Mexico in American waters. So if there is a responsible party in drilling, then we have one. However, there are other leases the Cuban Government is granting to other countries for drilling that may not adhere to the safe standards that are set that Repsol will agree to abide by, the same safety standards that they use drilling in American waters and have agreed in principle that they will follow a plan of action with the U.S. Secretary of the Interior in the case that there should be a spill.

All of that is well and good, but there are other companies coming down the line drilling in other leases that may not adhere to their standards.

If there were a spill off the north coast of Cuba, guess who is going to be affected because that is where the Gulf Stream comes along, and then flows northeast, parallels the Florida Keys and all those delicate coral reefs, comes in and hugs the east coast of Florida from Miami all the way to

Palm Beach, goes off the coast a few miles, hugs the coast all the way up to the middle of the peninsula at Fort Pierce, FL, and then parallels the eastern seaboard all the way up past Georgia, South Carolina, North Carolina, and then leaves, paralleling the eastern seaboard at Cape Hatteras, and goes off across the Atlantic and ends up in the northern part of Europe. Now, if there were a major spill—it doesn’t have to be to the magnitude of the Deepwater Horizon spill off of Louisiana. If there were a major spill and all that oil is carried in the Gulf Stream and it comes into the coast at Miami, Fort Lauderdale, and Palm Beach—you know what happened to the tourism industry all along the gulf coast when, in fact, on some of those coasts there was not much oil at all, but people didn’t come as tourists because they thought the beaches were covered.

Can you imagine the economic calamity that would occur as a result of a spill? Therefore, my colleague, MARCO RUBIO, and I and other Senators—in particular, Senator MENENDEZ of New Jersey—have filed legislation that will require financial responsibility from a foreign source. If they spill in foreign waters, there would be a cause of action against them if damage is done to the interest of the United States, be it the governments of the United States, be it private individuals, or be it private companies.

If we do not have a cause of action where there is liability as a result of a spill, by whomever, in foreign waters, and if it comes in the scenario that I have laid out, which is real spilling oil off the north coast of Cuba in a major oil disaster that is carried by the Gulf Stream up the eastern seaboard of the United States—if we do not have financial responsibility, then there is no incentive for those foreign oil companies drilling to adhere to safety standards and, if there is a spill, to quickly adhere to a spill cleanup plan.

Talking about the economic disaster that occurred as a result of the gulf oil spill in the Deepwater Horizon, it would pale in comparison to the economic disaster that would occur in such a spill that would be carried by the Gulf Stream. It would not only affect Florida, it would affect Georgia, South Carolina, and North Carolina. If there were any eddy current that would carry it back in, it would take it right on into the Chesapeake on up into Cape May in New Jersey, and you see the particular consequences.

As a matter of fact, the gulf stream goes by Bermuda. It could have devastating effects on that country.

I hope our Senators, coming to this new reality, will realize that we have to remember the terrible consequences as a result of a major oil spill. Remember, this was a company off of Louisiana that was not adhering to the highest safety standards, and look at

the disaster that occurred from that. Remember how they tried to hide the amount of oil that was being spilled because it was 5,000 feet below the surface of the water? It was not until we got the streaming video that the scientists could calculate that it wasn't 1,000 barrels a day it was dumping into the gulf, it was 50,000 barrels a day. As a result, before they got that well capped, it ended up being almost 5 million barrels of oil in the Gulf of Mexico.

We don't even know the future consequences because there is a lot of oil out there sloshing around, and there is a lot of it down there deep. We don't know what is happening down there. We don't know what is happening to the critters. We know what is happening to some of the critters in the marshes where the oil has now mixed up into the sediment and the critters are down there digging around, and we are seeing the effect of that when we check the gills of these fish that are being hatched, living off the sediment. The consequences are not good.

It is the responsible thing to do, to make foreign oil companies drilling in foreign waters understand there is going to be an economic consequence if they damage the economic interests of the United States. That is the bill Senator MENENDEZ, Senator MARCO RUBIO, and I have filed. I commend it to the consideration of the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1211

Mrs. GILLIBRAND. Mr. President, one of the reasons I came to Congress was to be a voice for our troops and our military families. They answer a call higher than any other, fighting to protect our country, our way of life, our values—all that we hold dear. Our men and women in uniform fight, put their lives on the line every day for us, and our job is to fight for them and ensure that when they come home, they have an opportunity to go to college, find a good-paying job, afford a new home, start a family, have access to quality health care.

After a decade of two wars in Iraq and Afghanistan, we have asked more of our military than ever before, including our National Guard and Reserves. Our Reserve components are deployed in record numbers, including serving in combat zones. While they serve alongside our Active-Duty military, our Guard and Reserve members do not have access to all of the assistance, services, and benefits that the troops they fight shoulder to shoulder

with have. Currently, our Guard and National Reserve members are left largely on their own to find and obtain services that they need to recover from combat, rejoin their families, and adjust back to normal civilian life. This needs to change.

I am offering amendment No. 1211, together with my colleague, Senator BLUNT of Missouri, to give our National Guard and Reserve members the services they not only deserve but desperately need. This amendment would expand access to health care, family and financial counseling, and other services to which the Guard and Reserve members currently do not have full access. My amendment extends nationwide a highly successful program that is existing right now in Vermont. It would set up a system of support of fellow veterans across the country serving as outreach specialists, people our Guard and Reserve members can talk and relate to, and help them get access to the services they need. It would give the Defense Department the additional resources it needs to provide counseling and reintegration services for National Guard and Reserve members.

This amendment has the strong support of the National Guard Association, which said this amendment would help ensure that 448,000 National Guard men and women who have served in Iraq and Afghanistan since 9/11 are provided with the necessary services upon their return from war.

Members of the National Guard and Reserve are the citizen soldiers who step up and accomplish extraordinary acts of valor and bravery for our country. They are veterans. They deserve these services when they return because of the sacrifices they made and continue to make for our great country.

AMENDMENT NO. 1189

I would also like to speak in support of the amendment of Senator MURRAY, amendment No. 1189.

Mental health disorders, substance abuse, and traumatic brain injuries affect nearly 20 percent of all service-members who have been deployed to Iraq and Afghanistan—that is one in five. But, unlike Active-Duty service-members, Guard and Reserve members do not have direct access to the counseling services they need, putting enormous strain on these veterans and the families who stand by them and who have stood by them.

The amendment of Senator MURRAY would embed mental health professionals in armories and Reserve centers, bringing mental health support within reach for Guard and Reserve members where and when they need it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I have over the past year and a half, as a physician who has practiced medicine in Wyoming for a quarter of a century. I go home every weekend and visit with my former patients, my former colleagues. As I talk to people around the State of Wyoming about the newly passed health care law, their concerns are those we have heard from around the country and certainly those on the Senate floor. That is why I keep coming back to the Senate floor with a doctor's second opinion about the health care law.

What we know patients would like in terms of health care is that the care they get is the care they need from the doctor they want, at a cost they can afford. For many people across this country, a cost they can afford is a major issue, which is why I think so many people were happy to hear the President say, in his initial talk about what he was proposing for health care in this country, we need to get the cost of health care down. He said: If his bill were to pass and become law, the cost of care would drop about \$2,500 per family across the United States. That is what people were looking forward to.

In so many ways, the President overpromised and underdelivered because what people have seen is the cost of their health care has continued to go up as a result of the President's health care law.

The States around the country are now looking at ways to deal with this health care law. Many States have set up committees to deal with it based on their State legislatures, and we have done the same thing in my home State of Wyoming. In Wyoming, we have asked for a study to be done to take a look at what the impacts of the President's health care law would be on health care and the cost of care in our State. A report was authored by a Massachusetts group called Gorman Actuarial. The report examined how the health care reform law passed last year by Congress is going to affect the State of Wyoming specifically. This information is being used in Wyoming by our Health Benefits Exchange Steering Committee. That is the committee which is reviewing various options for a State-run health exchange, and that is what people are looking at: What is the best thing to do for our State.

As they have come upon this work effort, what they are telling us is about

the individual market for insurance—people who end up buying insurance individually because they don't get it necessarily through work; purchasing insurance in different ways, but they have to buy their insurance on the individual market. This report says that in Wyoming, as a result of the health care law, the current individual market enrollees will see average premiums increase by 30 to 40 percent based on the components of the law. Some supporters of the law say: Well, they are going to get more insurance than they would otherwise, and that is true because they are going to get a government-mandated amount of insurance which may be a lot more insurance than they want or need. That is one of the fundamental problems of this health care law, government-mandated levels of insurance. Many people in Wyoming feel they don't want that level of care, which is why I believe individuals should be able to opt out of this provision of the health care law. States ought to be able to opt out. States and individuals ought to be able to receive a waiver. But right now, that is not happening. So what we are seeing in Wyoming is a significant increase in the cost—not the decrease the President promised but an increase in the cost of health insurance beyond what it would have gone up had there not been a health care law at all.

I talk to young people around the State—and I met with a number of young people from my State just the other evening—and they ask about this and how it is going to affect the young. What we see is their rates are going to go up quite a bit. A lot has to do with the fact that there is—that the lowest amount they can end up charging someone who is young and then compare that to someone who is older, the ratio is 3 to 1. So for someone who is not very healthy and older, they will only be paying three times what a younger person will be paying based on what passed this House and this Senate. That means that for those younger people, they are going to pay a lot more than they necessarily would based on their own good health, exercise habits, fitness, diet, and in terms of what their real costs ought to be to be insured.

I guess it is not a surprise when we saw the election results coming out of the State of Ohio Tuesday a few weeks ago about the specific individual mandate that said everyone has to buy insurance. On that day, on election day in Ohio, 66 percent of the voters said they didn't want this government mandate, a mandate that people must buy government-approved insurance. They don't want that to apply to them. Two-thirds of the people in Ohio on election day voted against the mandate, which is not unusual to see because we have seen that across the country. We have seen that in Missouri last year on bal-

loting day. We saw it in the new national polls.

This health care law is less popular now than it was the day it was signed. People continue to want to be able to get out from underneath the health care law. That is why I continue to come to the Senate floor week after week with a doctor's second opinion as more information becomes available, just as this study in Wyoming became available. The President's promise, "If you like what you have you can keep it," we are finding out is not true, and the fact that the President promised health care premiums would drop for families by \$2,500 per family is not true.

That is why I continue to believe this health care law is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and it is bad for the taxpayers of this great country. That is why it is time to repeal and replace this broken health care law.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1125 AND 1126

Mr. UDALL of Colorado. Mr. President, I rise today in support of amendments Nos. 1125 and 1126, which have been offered by the Intelligence Committee chairwoman, Senator FEINSTEIN.

While the Senate did not adopt my amendment that would have instructed the Senate to consider these detainee matters separately from the Defense authorization bill, I believe Senator FEINSTEIN's amendments make important changes and improvements to the bill—improvements that may yet avoid a problem with a Presidential veto.

I thank the Presiding Officer for his comments yesterday on the detainee provisions that are in this proposed legislation. I urge my colleagues to support these amendments. I want to be clear. I intend to support them.

I have serious concerns going forward about the unintended consequences of enacting the detainee provisions in subtitle D of the Defense Authorization Act. These amendments help to alleviate some of my concerns.

I wish to, in the context of the debate we are having, note that in addition to the Secretary of Defense, Leon Panetta; the Director of National Intelligence, General Clapper; and FBI Director Mueller—who all oppose the detainee provisions—CIA Director Petraeus's senior staff has indicated they, too, oppose the detention provisions. The CIA believes it is important

to preserve the current U.S. Government's prosecution flexibility that has allowed both the Bush and the Obama administrations to effectively combat those who seek to do us harm.

After the vote yesterday, I had a chance to talk with a number of Members on the other side of the aisle and, frankly, on the other side of the debate, because this had bipartisan support on both sides of the debate. But the folks I talked to told me they did not support my amendment, but they were still interested in making some more targeted changes to the detention provisions. I hope those colleagues will take a close look at what Senator FEINSTEIN is offering here today.

Let me speak to specifically what she would help resolve with her amendments. There are two important shortcomings that still exist in the current bill. One of her amendments would preserve the flexibility of the military, law enforcement, and intelligence agencies to collaborate, without undue limitation, in any investigation, interrogation, and prosecution of suspected terrorists. The other amendment would make it clear that American citizens cannot be held indefinitely in military detention without a trial. Again, I know the Presiding Officer spoke powerfully to that very legitimate and important concern yesterday.

The current language in the bill—which is why I took to the floor yesterday and I know on other occasions to make this point—I believe will disrupt the investigation, interrogation, and prosecution of terror suspects by forcing the military to interrupt FBI, CIA, or other counterterrorism agency operations—against each of these organizations' recommendations, including the military's.

In sum, we are going to create an unworkable bureaucratic process that would take away the intelligence community's and the counterterrorism community's capabilities to make critical and, in some cases, split-second decisions about how best to save Americans' lives.

Further—I cannot emphasize this enough—although my friends on the other side of this debate argue otherwise, the detainee provisions do allow for the indefinite military detention of American citizens who are accused of planning or participating in terror attacks. Simply accused—that cuts directly against values we hold dear: innocent until proven guilty, presumption of innocence. That is why this is such an important debate.

Let me be clear. There are American citizens who have collaborated with our enemies. There are American citizens who have participated in attacks against our soldiers and civilians. Those Americans are traitors. They should be dealt with, and we already have a system for ensuring they are brought to justice and made to pay a

very heavy price for their crimes. That system is working. However, even in the darkest hours, we must ensure that our Constitution prevails. We do ourselves a grave disservice by allowing for any citizen to be locked up indefinitely without trial—no matter how serious the charges may be against them. Doing so may be politically expedient, but we risk losing our principles of justice and liberty that have kept our Republic strong, and it does nothing to make us safer. Our national security leadership has even said if we implement these provisions, it could make us less safe.

If I might reflect a bit on what we have learned. At least in three different wars—three wars we all learn about in our history classes: the Civil War, World War I, and World War II—as we look back at those three wars, we made the decision and we drew the conclusion as Americans that we overreached, that we constricted civil liberties. President Lincoln limited habeas corpus in the Civil War. I know the Presiding Officer is familiar with the Palmer Raids during World War I and the aftermath of World War I. Of course, we know all too well the history of the interment of Japanese Americans.

I am not suggesting these provisions, as they are now included in this bill, would result in historians drawing those similar kinds of conclusions 10 or 20 or 30 years from now. But why not be safe? Why not take the time to ensure that we keep faith with those core values that make America what it is? That is all I am asking. I think that is all Senator FEINSTEIN is asking for us to do. That is what the 38 Senators who joined us yesterday to vote for my commonsense approach were saying as well.

In sum, Senator FEINSTEIN has offered some small changes. It would help alleviate some of the justifiable concerns with these provisions. As I have said, I continue to worry that there will be unintended consequences to enacting the detainee provisions altogether. However, we can make some of these small improvements to avoid harming our counterterrorism activities and preventing the loss of rights and freedoms granted to all Americans by our Constitution.

In closing, I urge all of our colleagues to support Senator FEINSTEIN's amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, briefly, while my friend from Colorado is on the floor, he said: Take the time. We have been taking time, I tell the Senator from Colorado, since September 11, 2001, when the United States of America was attacked. We passed the Detainee Treatment Act. We passed other pieces of legislation—the PATRIOT Act, and others. Take the time?

I say, in all due respect, we have taken a lot of time—in fact, hundreds and hundreds of hours of debate, discussion—as to how to address this threat to the United States of America.

If the Senator from Colorado supports the Feinstein amendment, I agree with that. I cannot agree that we have not taken the time. I personally have taken—I cannot tell you—untold hours addressing this issue of how we treat detainees. We may have a fundamental disagreement, but I do reject the argument that we have not taken the time. I yield the floor.

Mr. UDALL of Colorado. Would the Senator respond to a question?

Mr. MCCAIN. Go ahead.

Mr. UDALL of Colorado. As the Senator from Arizona knows, I have the utmost respect for the time the Senator has spent in this very important area. I think what I have been trying to say is that in regard to this particular set of detainee provisions, I want to ensure that all of the questions the FBI Director, General Clapper, Secretary Panetta, and others have raised about how these provisions would actually be applied—I have no question that the intent is spot on—I just am aware that there have been some concerns raised about how these new provisions would actually be applied. I think Senator FEINSTEIN's amendments—and I do not know where the Senator from Arizona stands at this point—may provide some greater clarification. I know there have been some conversations on the floor as to how we will deal with these amendments. So I appreciate the Senator's comments.

Mr. MCCAIN. I thank the Senator from Colorado for his clarification, and I think I understand more clearly his rationale for his support of the amendment.

I yield the floor.

Mr. UDALL of Colorado. I yield the floor as well and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH AMERICAN ENERGY SECURITY ACT OF 2011

Mr. HOEVEN. Mr. President, I rise to speak on behalf of the North American Energy Security Act of 2011. This is legislation I am sponsoring, along with Senator LUGAR, Senator VITTER, Senator JOHANNES, and 37 other cosponsors—we already have 37 cosponsors on this legislation. This is a solutions-oriented bill that addresses concerns along the route of the Keystone Pipeline. The Keystone Pipeline is designed to carry 700,000 barrels a day of oil from Alberta, Canada, from the oil

sands area in Canada, to refineries in the United States along the gulf coast, both in Texas and in Louisiana.

This is a \$7 billion high-tech pipeline that will make a huge difference for our country, both in terms of energy security and also job creation. This is a project, Keystone Pipeline, that I have been working on for quite some time, formerly as Governor of the State of North Dakota and now as part of this body, the Senate. There already exists a pipeline called the Keystone Pipeline, which was built by TransCanada, that goes from Alberta, Canada, all the way down to our refineries. This pipeline runs through the eastern part of North Dakota and on down to Paducah, IL, and other locations as well, bringing approximately 600,000 barrels a day of Canadian crude into the United States.

The Keystone XL project would also be constructed by TransCanada, and it would come down from the Alberta area in Canada down just along North Dakota's western border in eastern Montana and go on down to Cushing and, as I said, to the refineries along the gulf coast.

In addition to bringing Canadian crude into the United States, it would also pick up crude along the way, crude produced in North Dakota. For example, in my home State of North Dakota, we will add 100,000 barrels a day of light sweet crude produced in the Williston Bay, centered in North Dakota and Montana, into that pipeline.

It is also designed to move our domestic crude to refineries as well. This is an important project that has been in the permitting process for 3 years. It has been going through the NEPA process, seeking an environmental impact statement and approval not only of EPA but of our State Department for 3 years.

We need to get it going because it is not only about reducing our dependence on oil from the Middle East, Venezuela, and other places in the world that are not friendly to the United States, but it is also a huge job creator. This project is a big-time job creator. We are talking about a \$7 billion investment to build the pipeline. We are talking about 20,000 construction jobs right away. We are talking about 250,000 jobs over time. We are talking about \$600 million in tax revenue to States and other localities.

This is a huge project, and we need to get it going. We particularly need to get it going at a time when we have 9 percent unemployment in our economy and more than 14 million people looking for work. So we need it to get that economic activity going. We need it to get people back to work. We need it for energy security. We need this project to reduce our dependence on oil from the Mideast.

Where is the project right now? The latest issue that has been raised as far as not getting approval for the project

from the Department of State was that the State of Nebraska had environmental concerns that the pipeline, this 1,700-mile pipeline running from the oil sands in Canada all the way down to our refineries, that in its route through the State of Nebraska, it was going through an area that was environmentally sensitive and that would create a problem.

It is the High Plains area, the Sand Hills area of Nebraska. The concern was that with the Ogallala aquifer underlying that area and the irrigation for that farming and ranching region, that pipeline was a problem. In fact, there was opposition in the State of Nebraska to the project for that reason.

However, working with the company, TransCanada, and with the State of Nebraska, we have addressed that issue. Recently, the State of Nebraska had a special session. Gov. Dave Heineman called a special session in Nebraska. They held the session, and they came up with a plan, through their Department of Environmental Quality, working with the EPA, to reroute the project in the State of Nebraska.

On the basis of that rerouting and going through the approval process they developed between the State and Federal Government, on that basis, they have now addressed that concern in Nebraska. What this legislation does, it essentially is a solutions-based piece of legislation that says: OK, we are addressing these issues that have been raised. Now we need to move forward to capture the tremendous benefits for our country that this project provides: big-time job creation and reducing our dependence on Middle Eastern oil.

How does the bill work? Specifically, what it provides is that 60 days after its passage, the pipeline is approved so work can commence on the Keystone XL pipeline. That means 20,000 jobs. That means \$7 billion in investment starts right away.

Then, as to the Wyoming piece, the State of Wyoming, together with EPA and the Federal Government, works through to reroute in Nebraska, so that a portion of the pipeline is then approved once they have gone through their process and decided on the route that meets the concerns in Nebraska.

In essence, this legislation, again, it is about addressing the concerns, solving the problem, and moving forward. This incorporates the special legislation and the solution that has been put forward by the State of Nebraska. It incorporates it right into the bill and enables us to move forward.

I have referenced the tremendous benefits in terms of energy security, in terms of job creation, in terms of working with our best friend and ally, Canada, in reducing our dependence on oil from places such as the Middle East and Venezuela.

But let me address one other point. Another point that has been brought up in opposition to the pipeline project is that the production of oil in Canada, in the oil sand region, produces CO₂. So that if this pipeline is built, some argue then there will be more CO₂ released because of production in Canada in the oil sands and that product coming into the United States.

But, in fact, without this pipeline, we will produce more CO₂. The point, let me underscore, is that this pipeline project will actually produce less CO₂ than we would otherwise produce without the creation of the pipeline.

Why is that? Let me go through it. If we do not have the pipeline, then instead of bringing that product into the United States, that product will still be produced. The production will still occur in Canada. But the pipeline, instead of coming into the United States, will be rerouted to the western border of Canada, and it will be sent to China.

That means large oil tankers will be hauling the product to refineries in China. The refineries in China produce higher emissions than our refineries. Plus, we have those ships that produce CO₂ as they haul all this product to the Far East. Furthermore, since that supply is not coming to the United States, we have to continue to import product from the Middle East and also from places such as Venezuela, as I mentioned.

In essence, we have supertankers bringing that product to the United States. So not only are we, in essence, now hauling the equivalent of 700,000 barrels a day around the world in supertankers and producing CO₂ emissions there, we are also taking this product over to the Chinese refineries, where they have higher emissions.

My point is, the oil sands are still produced, are they not, under either scenario? But without this pipeline, we actually have higher CO₂ emissions on a global basis. Again, it is about addressing all the concerns that have been raised with this project, and it does that. At the same time, we create tens of thousands of jobs right off the bat. We create hundreds of millions in revenue for States and localities at a time when they badly need it and, again, we reduce our dependence on oil from parts of the world where it truly is an issue for our country in regards to energy security.

It is about common sense. It is about addressing all the issues that have been raised. I urge my colleagues to join me and the 37 sponsors and cosponsors that we already have on this legislation to pass it and help put people back to work, help get our economy going, and help improve our national energy security.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1414

Mr. MENENDEZ. Mr. President, I come to the floor to speak to a bipartisan amendment my colleague from Illinois, Senator KIRK, and I have offered. We believe it is one of the most critical issues facing our country in terms of national defense and global security. We have come together to the floor to speak about it.

One of the greatest threats—if not the greatest—to the security of our Nation and Israel is the concerted effort by the Government of Iran to acquire the technology and materials to create a nuclear weapon that will do two things:

First, we can be sure it will alter the balance of power in the Middle East.

Second, altering the balance of power with a nuclear Iran dedicated to the destruction of the State of Israel would most certainly lead to hostilities—hostilities that could spill over to engulf the entire region and well beyond.

We cannot, we must not, and we will not let that happen. But the clock is ticking. Published reports suggest we may be just a year away from Iran having a nuclear weapon and the ability to deliver that nuclear weapon to a target. To forestall this scenario and, more importantly, to prevent it from happening in the first place, we must use all of the tools of peaceful diplomacy available to us. Simply put, we must do everything in our power to prevent Iran from obtaining a nuclear weapon. I do not believe there is anyone on either side of the aisle who disagrees with that proposition.

We come to the floor today to discuss a bipartisan amendment I have offered with my friend from Illinois, Senator KIRK, to limit Iran's ability to finance its nuclear ambitions by sanctioning the Central Bank of Iran, which has proven to be complicit in Iran's nuclear efforts. This amendment will impose sanctions on those international financial institutions that engage in business activities with the Central Bank of Iran.

This is a timely amendment that follows the administration's own decision last week designating Iran as a jurisdiction of primary money laundering. In fact, the Financial Crimes Enforcement Network of the Department of the Treasury wrote:

The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In making these transfers, the Central Bank of Iran attempted to evade sanctions by minimizing the direct involvement of large international banks with both the Central Bank of Iran and designated Iranian banks.

The Treasury Under Secretary for Terrorism and Financial Intelligence, David Cohen, has written this:

Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.

The administration's own decisions clearly show that Iran's conduct threatens the national security of the United States and its allies, and the complicit action of the Central Bank of Iran, based on its facilitation of the activities of the government, its evasion of multilateral sanctions directed against the Government of Iran, its engagement in deceptive financial practices and illicit transactions, and, most importantly, its provision of financial services in support of Iran's effort to acquire the knowledge, materials, and facilities to enrich uranium and to ultimately develop weapons of mass destruction, threatens regional peace and global security.

We recently learned just how far down the nuclear road Iran has come. The International Atomic Energy Agency's report indicates what all of us already suspected—Iran continues to enrich uranium and is seeking to develop as many as 10 new enrichment facilities; that Iran has conducted high-explosives testing and detonator development to set off a nuclear charge, as well as computer modeling of the core of a nuclear warhead; that Iran has engaged in preparatory work for a nuclear weapons test; that an August IAEA inspection revealed that 43.5 pounds of a component used to arm nuclear warheads was unaccounted for in Iran; and that Iran is working on an indigenous design for a nuclear payload small enough to fit on Iran's long-range Shahab-3 missile, a missile capable of reaching the State of Israel.

What more do we need to know before we take the next diplomatic step to address the financial mechanism that is helping make Iran's nuclear ambitions a reality? These revelations, combined with Iran's provocative effort in October to assassinate the Saudi Ambassador to the United States, demonstrate that Iran's aggression has taken a violent turn and that we have every reason to believe that if Iran gets a nuclear weapon, it may very well use it, and use it against our ally, the State of Israel.

This amendment will impose sanctions on any foreign financial institution that engages in significant transactions with the Central Bank of Iran, with the exception of transactions in food, medicine, and medical devices. It recognizes the administration's actions last week pursuant to section 311 of the PATRIOT Act designating the entire Iranian banking sector as a primary money laundering concern. It requires the President to prohibit transactions of Iranian financial institutions that touch U.S. financial institutions.

To ensure that we don't spook the oil market, transactions with Iran's Cen-

tral Bank in petroleum and petroleum products would only be sanctioned if the President makes a determination that petroleum-producing countries other than Iran can provide sufficient alternative resources for the countries purchasing from Iran and if the country declines to make significant decreases in its purchases of Iranian oil.

This bipartisan amendment has been carefully drafted to ensure the maximum impact on Iran's financial infrastructure and its ability to finance terrorist activities and to minimize the impact on the global economy. Iran has a history of exploiting terrorism against coalition forces in Iraq, in Argentina, Lebanon, and even, in their attempt to assassinate the Saudi Ambassador, in Washington. While Iran's drive to advance its nuclear weapons program has been slowed by U.S. and international sanctions, it clearly remains undeterred.

Today, we take—hopefully today or tomorrow when we vote on this amendment—the next step in isolating Iran politically and financially. I look forward to continuing to work with my colleagues on the other side and with the administration to achieve this goal and to also advance the legislation I introduced earlier this year with many others on both sides of the aisle—the Iran, North Korea, and Syrian Sanctions Consolidation Act, which has 80 bipartisan cosponsors at this point. Our efforts to date have been transformative. But just as Iran has been prepared to adjust to the sanctions and unanticipated loopholes, just as it has been prepared to take advantage of every loophole to circumvent the sanctions and keep moving forward in its effort to achieve a robust nuclear program, we must be equally prepared to adjust and adapt by closing each loophole and stopping the regime's nuclear efforts. By identifying the Central Bank of Iran as the Iranian regime's partner and the financier of its terrorist agenda, we can begin to starve the regime of the money it needs to achieve its nuclear goals.

I urge my colleagues to support this bipartisan amendment that will go a long way toward closing financial loopholes and helping prevent the Iranian regime from moving its nuclear ambitions to the weapons phase and closer to the warhead of a missile.

We cannot, we must not, and we will not allow Iran to threaten the stability of the region and the peace and security of the world. I appreciate the support of my distinguished colleague from Illinois who is on the floor, who has worked with us in this regard and come to a common view and effort to maximize the effect on Iran and minimize the effect to both us and the global economy, and certainly urge passage of this amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I rise in strong support of the Menendez-Kirk amendment. I particularly thank my partner Senator MENENDEZ, a member of the Banking Committee, who has been a leader regarding Iranian terror, proliferation of weapons of mass destruction, and repression of human rights for 20 or 25 years now.

We are reaching a decisive point now in the relations of Iran to other countries and, most importantly, to the United States. I think this amendment comes at one of the final hours of how peaceful means and economic sanctions can be used to avoid a conflict. That is why it is so important for the Senate to adopt the Menendez-Kirk amendment, with the long-term goal of collapsing the Central Bank of Iran, so that country doesn't produce nuclear weapons that would destabilize the entire Middle East. We launched this effort, along with Senator SCHUMER, particularly in August when we called on our President to sanction the Central Bank of Iran.

In these partisan times in which the two sides are far apart on many issues, we had 92 Senators—all but 8 Senators signed the letter—saying: Collapse the Central Bank of Iran and use this as a tool in our diplomatic war chest to make sure we can remove one of the greatest dangers from the country, from one of the most dangerous regimes.

The record is pretty clear. The International Atomic Energy Agency has ruled on the subject of Iran. We remember the IAEA because they, with regard to Iraq and the Saddam Hussein weapons of mass destruction program, were consistently correct and the Bush administration was wrong. The IAEA said in its intelligence estimate that the threat was overstated in Iraq. So with that level of credibility, we should listen to the IAEA on the subject of Iran. There, they have been extremely clear as well.

They have outlined how Iran has a separate enrichment cycle, going way above the enrichment of uranium necessary to fuel a civilian reactor—5 percent—now toward 20 percent, where there is no civilian use, moving toward the 98 percent needed to power a nuclear weapon.

They talked about undisclosed nuclear facilities, especially a brandnew one, which appears to be the final cascade necessary to enrich uranium to bomb-grade material.

They most ominously talk about a warhead of a particular weight that would equate what would be in a nuclear weapon. Unlike a conventional warhead, which basically has a spark initiator and explosive material, this warhead has an electric generator aboard. That is only used to power and initiate a nuclear explosion.

So it is clear from the statements of the independent United Nations agency

that Iran—a signatory on the Nuclear Non-Proliferation Treaty—is violating its obligation and is creating, as fast as it can, a nuclear weapons program.

We also know that Iran has become the first space-bearing nation of the 21st century and that, unlike the North Koreans, who have failed in space launch time after time, Iran was able to orbit the Omid satellite aboard the Safir rocket and is the first nation to be able to accomplish that technological feat in this century. If you can orbit anywhere over the Earth, you can deorbit over the Earth—an ominous sign for the future of Saudi Arabia, Iraq, our allies in Turkey, but especially our friends in Israel, and, in the long term, the United States.

The record of Iran with regard to its own citizens shows the character of its government. Long ago, we knew about 330,000 Baha'i citizens of Iran who have been forced to register their addresses, whose kids have all been kicked out of universities, and whose families are not allowed any contracting with the Government of Iran. The bureaucratic mechanisms of *Kirstallnacht* have formed. We have seen this movie in a different decade, wearing different uniforms, in a different country, but the ominous signs are that it may turn out in the same way.

Many people on the international committee know about Neda, who was protesting the stealing of an election in Iran, and of her death simply for protesting that stolen election. We know about Hossein Ronaghi, the first blogger, who called for tolerance in Iran, who is now languishing in Evin prison. We know about Nasrin Sotoudeh, age 48, mother of two, whose sole crime was representing Shirin Ebadi, a Nobel laureate, and how she was thrown in jail.

Beyond the nuclear program, beyond the missile program, beyond the repression of human rights in the country, we know about Iran's long record of terror; that Iran is the paymaster for Hezbollah. We have known that for a long time. They have tortured the poor country of Lebanon. But in some sense, there was a symmetry. We understood how this Shiite power would support a Shiite sect in Lebanon even though they spoke Arabic. But then, over the last decade, they jumped the Shiite-Sunni divide, and they also backed a new terror group called Hamas that was trying to surround our allies in Israel with missiles and the terror necessary to extinguish the Jewish people and the Jewish State.

We know how the Iranian regime is now one of the central pillars of the Syrian dictatorship and how, as that dictatorship hangs onto power, it is somewhat on the back of Iranian money and Iranian weapons and expertise that allows them to repress their own people. Most recently, on the back of a bipartisan certification that Iran

supports terror from President Reagan, President Bush, President Clinton, President Bush, and President Obama, we have seen a higher level of irresponsibility on behalf of the Iranian regime.

According to our own Attorney General, the head of the Iranian Revolutionary Guard's Quds Force, Suliman, tried to contact and hire a Mexican drug cartel—one of the most dangerous, the Zetas—to assassinate the Saudi Arabian Ambassador to the United States at a Georgetown restaurant. It was only because the incompetent Iranians hired a DEA agent in Mexico that we found out about this. They would have, had they been able to accomplish their goals, lit off a car bomb in Washington, DC, paid for by the Government of Iran and briefed all the way to the top level of their government.

Today, we find—after they had their Basij radical young person's movement overrun the British Embassy, seizing classified documents and holding, for a time, 50 British personnel—shades of the 1979 hostage crisis, when for 440 days Iranian radicals held Americans. Our allies in the United Kingdom have now made the decision to remove all Iranian diplomats from the United Kingdom.

We have seen other calls, brave calls, of allied action. A man I admire greatly, the President of France, President Sarkozy, has called for seizing all purchases of Iranian oil. He has publicly called for the collapse of the Iranian Central Bank.

So it is with this level of irresponsibility—on nuclear technology, on missiles, on the repression of human rights, on the support of terror, on the plot to kill Americans inside Washington, DC, and the overrunning of an embassy of our closest ally in Europe, the United Kingdom—that we come forward with the bipartisan Menendez-Kirk amendment.

What does this amendment do? It basically says, in part, if you do business with the Central Bank of Iran, you cannot do business with the United States of America. It forces financial institutions and other businesses around the world to choose between the small and shrinking \$300 billion economy of Iran and the \$14 trillion economy of the United States. In that contest, we all know how just about everyone will choose, and we wish that choice to be made. We seek to break the stable financial intermediary in between Iranian oil contracts and the outside world so that it will just be easier to buy oil from elsewhere and, working with our allies, to make that oil more plentiful.

We realize the concerns with this amendment. Some have said this amendment comes too quickly; that it is too soon. So that is where Senator MENENDEZ and I have agreed, working

with the administration, to give time and flexibility. Under this amendment, nothing happens right away. Several weeks and several months go by before any action is required. That is intended as a signal to oil markets that this requirement is coming, that we seek for them, as our allies—for example, in Japan or South Korea or in Turkey—to wind up their current contracts and supplies and meet their needs by other means.

By the way, other means are coming. We are expecting Libyan production to double. We are also expecting Iraqi production to go way up. Of course, we know the swing production of Saudi Arabia—no love lost toward the Iranians after having tried to kill their ambassador here. We will be working with the oil suppliers to make sure that everyone's needs are met while funding to the Iranian regime is slowly choked off.

We also provide two waivers in this amendment—and this is very important—at the request of the administration. We say if there is a temporary restriction of oil supply, this amendment can be suspended for a time. If there is some unforeseen national security disaster, some real problem the President can see, he has that flexibility.

But the general picture is this: The Central Bank of Iran, the heart and financial soul of a web of terror, of nuclear production, of human rights abuse, and the oppression of other people—principally in Syria—is no longer acceptable to the international community, and so this regime should operate without the benefit of funding from the international community.

I think this amendment is one of the last best hopes for peace and to bring effective economic sanctions to bear so that a burden doesn't fall on our friends in Saudi Arabia or our allies in Israel to do the far more tough military work that may be required to remove this common danger.

Many people say we can't convince a country that is on a nuclear weapons course to reverse course. I say, well, we show our ignorance of history because we saw the Argentines give up a nuclear program, the Brazilians, and likely the South Africans detonated a weapon and then decided to give up their program. In Kazakhstan and Ukraine, nuclear weapons were given up. In Libya, nuclear weapons were given up. With effective pressure, my hope is that it can happen here.

We know President Ahmadinejad is not popular. We know the regime in general does not enjoy the support especially of its younger citizens. We know at least half of Iranians, in a stolen election, voted for the other guy who was not allowed to take power.

So this amendment comes forward with a solid bipartisan pedigree. It has been endorsed specifically by Senators LIEBERMAN, SCHUMER, KYL, FEINSTEIN,

GILLIBRAND, MANCHIN, NELSON of Florida, NELSON of Nebraska, STABENOW, and HELLER under the leadership of Senator MENENDEZ and myself. For us, it gives time for the oil markets to adjust and unhook from Iran. It gives flexibility to the administration. But, most importantly, it helps us deal in an economic and diplomatic way with one of the greatest dangers to our society.

We think about the future ahead, and some people say this amendment could cause some disruption in oil markets. Yes, we are asking countries to unhook from the terror regime in Iran. But just think about the instability that would come if military conflict broke out between Iran and Israel or worse if nuclear weapons were loosed from Iran in the Middle East. If we do nothing, as soon as 2 years from now we could have a detonation of an Iranian nuclear weapon in the Middle East. If we show weakness and a lack of resolve, then countries in that region will decide they need nuclear weapons programs of their own. We will give birth to the Saudi nuclear weapon program, the Egyptian nuclear weapon program, and others.

This amendment is an attempt to make sure that for young Americans the 21st century is not the most dangerous century they will face, and to use the full economic weight of the United States, working with our allies, to remove what is the greatest emerging danger.

I think Senator MENENDEZ is living in the spirit of those who watched the 1930s and worried about when America slept. Well, we are not asleep. We know exactly what is happening. By decisive bipartisan action of the Senate, we are bringing the best pressure to bear, of nonmilitary means, to make sure our kids inherit a much safer 21st century.

With that, I commend my partner in this effort, and I urge the Senate to adopt the Menendez-Kirk amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I rise in full support of this amendment, and I thank Senator MENENDEZ for his leadership on this issue, which dates from a long time back, and Senator KIRK, who has really lit a flame of concern under this body about this issue, and justifiably so. They have done a great job, and I thank both of them for their strong efforts.

I believe when it comes to Iran we should never take the military option off the table, but I have long argued that economic sanctions should be tried first and could be actually very effective in choking Iran's nuclear ambitions before any military option need be considered. But they have to be done strongly, they have to be done well, and they have to be done toughly.

Earlier this month, the report on Iran's nuclear program by the IAEA

was alarming and proved beyond a shadow of a doubt that, despite the lies—and there is no other word to use—by the Iranian Government, they are developing a nuclear weapon. According to recent reports, Iran could have at least one workable nuclear weapon within a year and another maybe 6 months after that.

The new information shows that Iran has been working relentlessly to acquire the capability to produce a nuclear weapon. Additionally, the IAEA report details a highly organized program dedicated to acquiring the skills necessary to produce and test a bomb.

So I say to America and the world: Enough is enough. The extreme and dangerous leader of the Government of Iran, Mahmoud Ahmadinejad, must be held accountable. One of our greatest problems that we will live with for decades is a nuclear Iran. We do not want to look back and say: If we were only a little quicker, a little stronger, a little tougher, we might have prevented it. The Iranians, when they see they might face real economic punishment if they proceed in developing nuclear weapons, have turned back in the past, and they will do that again.

We have begun to impose economic sanctions, and I salute the President, who has worked very hard on this issue. I have talked with him on this issue. I know he believes in it strongly. I know the President knows the danger of a nuclear Iran and is working very hard in that regard. But every time we find ways to impose economic sanctions that have real teeth against Iran, they try to find a way around it. Our job is to move quickly and to plug those loopholes.

We have sanctioned Iranian banks and pretty much prevented them from doing what we don't want them to do. According to all reports, it has had a real effect on the Iranian National Guard and on the economy of Iran itself. But the Iranian Government has now tried to move through the Central Bank of Iran. It has been heavily involved in terrorism and the financing of nuclear and conventional weapons technology. The Central Bank has played a critical role in helping other Iranian banks circumvent our effective financial sanctions.

To close 10 holes but leave 1 open will not achieve our goal, and the last remaining open hole through which financial commerce can flow into Iran for prohibited activities is the Central Bank of Iran. The threat of sanctions against the Central Bank will frighten Iran. It might make them think twice before they proceed in developing this nuclear weapon because they will pay real economic consequences that will hurt the Iranian regime and its henchmen, above all, and will, unfortunately, hurt the Iranian people as well. But there is no choice in this matter.

So we must strengthen the President's hand as he continues to work to

build an international coalition determined to prevent the rise of a nuclear Iran. By giving the administration the capability to impose crippling sanctions on Iran should they continue with their nuclear weapons program, Congress is putting forth a tough and smart plan to address the real threat Iran poses to the United States and our allies and, of course, Israel.

This amendment will do three important things to strangle Iran's ability to continue with its nuclear weapons program. First, it will freeze the assets of Iranian financial institutions that come under U.S. jurisdiction. Second, it would prevent the maintenance in America of correspondence accounts by foreign financial institutions conducting significant petroleum-related transactions with Iran's Central Bank. And lastly, it would urge the President to undertake a diplomatic initiative to wean other nations off Iranian crude.

The amendment supports the administration's actions last week designating the entire Iranian banking system as a threat to government and financial institutions because of Iran's illicit activities, including its pursuit of nuclear weapons and its support of terrorism.

Senators KIRK and MENENDEZ have done an excellent job in crafting a comprehensive plan, a smart plan, a tough plan, to arm the administration with the tools it needs to put a stop to Iran's nuclear rogue program. I have optimism that this will have a real effect and could indeed deter Iran if we move, and move quickly.

I urge my colleagues to support this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I rise in support of the amendment offered by our colleagues, Senators MENENDEZ and KIRK, and I thank them for their leadership on this issue. To me, this is an extremely important amendment that I hope will get the support of all the Members of the Senate. It tightens the restrictions we already have against Iran.

I compliment the Obama administration for the work they have done internationally by expanding the sanction against Iran and against Iran's petroleum and petrochemical industries. It has been effective, because we have gotten other countries to follow the leadership of the United States.

I think everyone in this body understands the risks of Iran to the security of not only its region but the entire

world. Iran is a very dangerous nation. It has ambitions to spread terrorism in the region and to affect U.S. interests. It is for that reason that we cannot allow Iran to become a nuclear weapons state. Our most effective way to deal with this is to isolate Iran and to make sure the sanctions that are imposed actually will accomplish the objective of penalizing the country but not the individual people of Iran.

The amendment offered by Senator MENENDEZ and Senator KIRK would allow us to expand the sanctions against Iran to the Central Bank of Iran. The amendment requires the President to prohibit all transactions and property and interest in property of the Iranian financial institutions that touch U.S. financial institutions, and to prohibit the maintenance of correspondence or payable-through accounts by foreign banks that have conducted financial transactions with the Central Bank of Iran.

What does that mean? It means we are trying to put the sanctions where they will have the most impact, and that is on the financial system of Iran itself. The Iranian Central Bank depends upon other banks around the world, and this amendment would allow us to have an effective way to isolate the Central Bank of Iran, putting additional focus on the Iranian policies that have violated the United Nations' resolutions.

Iran has violated their commitments. They violated their commitments as they relate to their nuclear programs. They haven't complied with agreements they have entered into. It is important that the international community stand united. This is important for the stability of the region, it is important for the security of Israel, our closest ally in that region, it is important for the Arab states that have talked to us about the danger of Iran, it is important for U.S. interests. So it is important that we get this moving.

Iran's complete disregard for its obligations under the Nuclear Non-proliferation Treaty and its directives of the multiple U.N. Security Council Resolutions belies the government's continued insistence that its nuclear program is one based upon its energy needs. It is not based upon its energy needs. It is trying to become a nuclear weapons state, something we must make sure does not occur.

We need to take all steps we can in order to deny Iran the ability to have international legitimacy while they are violating their international commitments. This amendment continues the U.S. leadership on this issue and follows up on the work our Nation has done in getting international support to make clear to Iran that if they continue along these policies of violating their international commitments, they are going to continue to be isolated and it is going to affect the economy of their nation.

I urge my colleagues to support the amendment.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I would ask that I be notified after 10 minutes.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 1274

Mr. SESSIONS. Mr. President, I have offered an amendment that clarifies—although that is not exactly the right word—the fact that an unlawful combatant or a combatant who is held by the U.S. military for being an enemy of the United States, a combatant against the United States, or an unlawful combatant, is not therefore entitled to be released if the U.S. military or the civilian courts choose to prosecute him and he is acquitted or after he serves his sentence but before hostilities have ended. These are entirely different matters.

There are two questions: Are you an enemy combatant of the United States? These are the kinds of prisoners of war in World War II, Germans, for example, who were kept in Aliceville, AL. They stayed in a prisoner-of-war camp until the war was over, and they went home. They didn't violate the rules of war; they weren't prosecuted for any crimes. They simply were not released so that they could go and rejoin the battle in an attempt to kill more American service men and women. But they were lawful. They wore uniforms, they complied with the rules of war, and they were not able to be prosecuted.

But when a person sneaks into the country with an intent to murder women and children and innocent non-combatants, does not wear a uniform, and violates other provisions of the rules of war, then they can be not only held as a combatant but they can be held and tried for commission of crimes against the United States. That is the classic standard of the law of war.

I believe it is clear that if a person is captured and tried for a crime and, let's say, acquitted—whether in a civilian court or a military commission—they are not entitled to be released. To that end, I would quote a number of statements to that effect. But I believe the legal system would be a lot better off if we spoke clearly on that matter today so there is no doubt whatsoever.

President Obama, on May 21, 2009, said this:

But even when [the prosecution] process is complete, there may be a number of people

who could not be prosecuted for past crimes, but who nonetheless pose a threat to the security of the United States.

In other words, they remain prisoners of war who are likely to join the enemy if they are released. He goes on to say:

These are people who, in effect, remain at war with the United States. As I said, I am not going to release individuals who endanger the American people.

I think that is consistent with all rules of war, and I think the President was right in that statement.

Attorney General Eric Holder, in November of 2009, before the Judiciary Committee, said:

I personally think that we should involve Congress in [ensuring that the Executive Branch has the authority to make that decision], that we should interact with . . . this committee in crafting a law of war detention process or program.

In other words, he was calling on us to work with them in developing statutes. But, historically, I think the law is clear at any rate.

Jeh Johnson, General Counsel to the Department of Defense, who came from the New York Times as general counsel for the New York Times—not a career Department of Justice defense attorney—said this before the Senate Armed Services Committee:

The question of what happens if there's an acquittal is an interesting question . . . I think that as a matter of legal authority, if you have the authority under the laws of war to detain someone, and the Hamdi decision said that in 2004, that is true irrespective of what happens on the prosecution side . . . as a matter of legal authority, I think we have law-of-war authority, pursuant to the authority Congress granted us with AUMF, as the Supreme Court interpreted it, to hold that person provided they continue to be a security threat, and we have the authority in the first place.

So, again, he is saying if they are not convicted, they can still be held if they continue to be a threat.

Secretary of State Hillary Clinton on "Meet the Press" November of last year:

MR. GREGORY: But my question is, are we committed with these terror suspects that if they are acquitted in civilian courts, they should be released?

SECRETARY CLINTON: Well, no. . . .

Senator JACK REED, our West Point graduate and a member of the Armed Services Committee—I am proud to serve with my Democratic colleague—this is what he said the November before last:

There are no guarantees [of conviction], but under basic principles of international law, as long as these individuals pose a threat, they can be detained, and they will. . . . I do not believe they will be released . . . under the principle of preventive detention, which is recognized during hostilities.

I believe this is legislation that would do nothing more but, importantly, will affirm the classical understanding of our laws of war, and as a result, the people who are charged can

be tried, and if they are not convicted of a crime, they can still be detained.

I would note that an individual American soldier or German soldier or Japanese soldier who is lawful and released has a duty to report back to their military unit and commence hostilities until the war is over.

Senator GRAHAM is here, a current JAG officer in the U.S. Air Force who has studied these matters very closely and has been engaged in this debate so eloquently. I am delighted to have him here and to have his support on this amendment. Perhaps he has some comments?

Mr. GRAHAM. Perhaps the Senator will yield for a question?

Mr. SESSIONS. I will be pleased to.

Mr. GRAHAM. As I understand the purpose of this amendment, it is basically to have the Congress on record for the concept that once you are determined to be an enemy combatant, a part of the enemy force, there is no requirement to let you go at any certain time because in war it would be silly to let an enemy prisoner go back to the fight for no good reason.

As the Senator has indicated, in the law of war, you can be prosecuted for a war crime. You could be taken to a Federal court and prosecuted for an act of terrorism, but if you are acquitted, that is not an event that would require us to release you if the evidence still exists that you are a threat to the country and part of the enemy forces; is that correct?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. What I would like my colleagues to understand is that no German prisoner in World War II had the ability to go to a Federal judge and say: Let me go.

If you had brought up the concept in World War II that an American citizen who was collaborating with the Nazis could not be held as an enemy combatant, you would have been run out of town.

Does the Senator agree with me that in every war we have fought since the beginning of our Nation, unfortunately, there have been episodes where American citizens side with the enemy?

Mr. SESSIONS. That is certainly true.

Mr. GRAHAM. Does the Senator agree with me that our Supreme Court, as recently as about 3 to 4 years ago, affirmed the fact that we can hold our own as enemy combatants when the evidence suggests they have joined forces with the enemy? That is the law?

Mr. SESSIONS. That is the law as I understand it.

Mr. GRAHAM. Does my colleague agree with me that makes perfect sense, that an American who helps the Nazis has committed an act of war, not a common crime?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. Does he agree with me that our courts understand that when an American citizen collaborates with an enemy of our Nation, that is an act of war by that citizen against his own country and the law of war applies, not domestic criminal law?

Mr. SESSIONS. I certainly agree with the Senator that an American citizen can join in a war against the United States.

Mr. GRAHAM. And they can be treated as an enemy combatant in accordance with our laws?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. And the law of war allows the following: trial or detention or both. Is that correct?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. You can be held as an enemy combatant without trial?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. There is no requirement in international law to prosecute an enemy prisoner for a crime?

Mr. SESSIONS. Absolutely. It is up to the detaining authority whether they believe a person has committed a crime.

Mr. GRAHAM. Does the Senator agree with me that we do not want to start the practice in the United States that everybody we capture as an enemy prisoner is automatically a war criminal because that could come back to haunt our own people in future wars?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. That we should reserve prosecution for a limited class of persons among enemy prisoners?

Mr. SESSIONS. That is correct.

The PRESIDING OFFICER (Mr. CARDIN). The Senator has consumed 10 minutes.

Mr. GRAHAM. I ask unanimous consent to have 1 more minute.

The PRESIDING OFFICER. The Chair was informing the Senator that 10 minutes has elapsed.

Mr. SESSIONS. I asked to be informed at 10. I see Senator SANDERS is here.

Mr. GRAHAM. Let's just logically walk through this. In every war in which America has been involved, American citizens unfortunately have chosen at times to side with the enemy. Our courts say the executive branch can hold them as enemy combatants, and the purpose is to gather intelligence. Does the Senator agree with that?

Mr. SESSIONS. That is a very important purpose of that.

Mr. GRAHAM. The Senator has been a U.S. attorney; is that correct?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. Does criminal law focus on intelligence gathering?

Mr. SESSIONS. Absolutely not. It focuses on punishment for a crime already committed, normally.

Mr. GRAHAM. Does the Senator agree that holding an enemy prisoner—one of the benefits of capturing someone is gathering intelligence?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree that our criminal system is not focused on that?

Mr. SESSIONS. Absolutely. In fact, we specifically tell people arrested that they have a right not to provide any intelligence, and it indicates it is clearly not the primary function.

Mr. GRAHAM. Does the Senator agree with me that if this Congress chose to change the law and say that an American citizen who has associated himself with al-Qaida cannot be interrogated for intelligence-gathering purposes, we would be less safe?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. And that would be a change in the law as it exists today.

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree with me that his amendment that says you can be acquitted but still be held as an enemy prisoner is consistent with the law today?

Mr. SESSIONS. I certainly believe it is.

Mr. GRAHAM. I thank the Senator for offering this amendment.

To my colleagues, we are trying to fight a war, not a crime, within the value systems of being the United States, being the champion of the free world. I do not believe in torturing people, but I do believe—does the Senator agree with me that when it comes to interrogating people, sometimes the best tool is time?

Mr. SESSIONS. Absolutely. Someone may not be willing to talk today, but as time goes by they might be willing to completely change and be forthcoming.

Mr. GRAHAM. Does the Senator agree with me that we gathered good intelligence over time from people held at Guantanamo Bay?

Mr. SESSIONS. That is certainly true.

Mr. GRAHAM. Without water boarding them?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. My point to my colleagues—and I enjoyed this discussion—is that if you take the ability to hold someone as an enemy combatant off the table, you cannot interrogate them for intelligence-gathering purposes, and if you put a time limit on how long you can hold them, you defeat the purpose of gathering intelligence. Does the Senator agree with that?

Mr. SESSIONS. Absolutely. That would undermine one of the functions of the U.S. military in dealing with enemies of the state.

Mr. GRAHAM. Does my colleague also agree that in this war, we provide a due process unlike any other war in the past?

Mr. SESSIONS. There is no doubt. No war has ever been lawyered to the degree this has.

Mr. GRAHAM. Does the Senator agree with me that every enemy combatant, citizen other otherwise, held at

Guantanamo Bay or captured in the United States has their day in Federal court through habeas proceedings?

Mr. SESSIONS. They do, and to a large degree that is different from any other war in our history.

Mr. GRAHAM. We never had, in the history of other wars, a Federal judge determining whether the military has the ability to determine whether someone is an enemy combatant, but we have that in this war. Does the Senator agree with that?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree that the government has to prove to an independent judge by a preponderance of the evidence that the person is a member of al-Qaida involved in hostilities?

Mr. SESSIONS. Yes.

Mr. GRAHAM. So everybody held after judicial review for the first time in the history of warfare.

Does the Senator agree with me that the annual review process that we have created by this law, this bill, the Defense Authorization Act, is something we have not done in other wars?

Mr. SESSIONS. We have not done that before, yes.

Mr. GRAHAM. Every detainee not only gets their day in Federal court, the government must prove they have a solid case to hold them as an enemy combatant, and everyone gets a yearly review as to whether they are a continuing threat?

Mr. SESSIONS. I believe so, yes, consistent with the language in the recent Supreme Court opinions—recent opinions—and perhaps it even goes further than what the Supreme Court requires.

Mr. GRAHAM. Is the Senator familiar with competency hearings in the civilian court?

Mr. SESSIONS. Yes.

Mr. GRAHAM. In our civilian law, we can hold people who are a danger to themselves or others without a trial but with judicial oversight; is that correct?

Mr. SESSIONS. That is done every day, yes, with judicial oversight.

Mr. GRAHAM. Would the Senator agree with me that it is very smart to evaluate whether we should allow someone to be let go and intelligence professionals should be able to make that decision as to whether the individual is a military threat, that that is a logical process?

Mr. SESSIONS. Absolutely it is. And just for the fact of my amendment, it does not require people to be held. It only gives the government the authority to do so if they deem it appropriate for the defense of America.

Mr. GRAHAM. Does my colleague agree with me that the recidivism rate of people we are releasing from Guantanamo Bay has gone up?

Mr. SESSIONS. Yes. It is extraordinarily disappointing, actually, and against projections of many of those advocating for early release.

Mr. GRAHAM. Some of these people have gone back to fighting and killed American soldiers?

Mr. SESSIONS. They certainly have.

Mr. GRAHAM. Does the Senator agree with me that the dangers our Nation faces do not justify changing existing law, denying this country the ability to gather intelligence even against an American citizen joined with al-Qaida, that that would be an unwise decision given the dangers we're facing?

Mr. SESSIONS. Yes.

Mr. GRAHAM. Does he agree with me that we need a legal system that understands the difference between fighting a war and fighting a crime?

Mr. SESSIONS. So well said, I agree.

Mr. GRAHAM. I thank the Senator.

Mr. SESSIONS. Mr. President, with regard to the question of citizenship, I would just say to my colleague that this in no way deals with that. Whatever the courts, whatever the bill and other laws say about citizenship will apply here. It does not change that status at all. I do believe the legislation is clearly consistent with the statements and testimony of President Obama; Attorney General Eric Holder; Jeh Johnson, counsel of the Secretary of Defense; Secretary of State Clinton, and others.

I urge acceptance of my amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1073 WITHDRAWN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Cardin amendment, No. 1073, be withdrawn. That has the approval of the sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to say a word about two amendments I have offered, both of which I think are important and both of which should be agreed to.

As I think you know, this country has a recordbreaking deficit and a \$15 trillion national debt. What many people do not know is that one of the reasons our deficit is as high as it is is because there is a significant amount of fraud from defense contractors who sell their products to the Department of Defense.

I think the American people are very clear that when we pay one dollar for a product that goes to our military, we want to get one dollar's worth of value; that we do not want to see the taxpayers of this country or the Department of Defense ripped off because of fraudulent contractors. Unfortunately, fraud within the DOD in terms of private contractors is widespread.

During the last number of years, we have seen company after company engaged in fraud, including some of the largest defense contractors in the

United States. For example, Lockheed Martin, the largest defense contractor in our country, in 2008 paid \$10.5 million to settle charges that it defrauded the government by submitting false invoices on a multibillion-dollar contract connected to the Titan IV space-launch vehicle program. That did not seem to sour the relationship between Lockheed and the DOD, which gave Lockheed \$30.2 billion in contracts in fiscal year 2009—more than ever before. One of the patterns we see is that a company gets convicted or reaches a settlement with regard to charges of fraud, but next year they continue to get very significant contracts.

In another case regarding one of the very large defense contractors, Northrop Grumman paid \$62 million in 2005 to settle charges that "it engaged in a fraud scheme by routinely submitting false contract proposals" and "concealed basic problems in its handling of inventory, scrap and attrition." Despite that serious charge of pervasive and repeated fraud, Northrop Grumman received \$12.9 billion in contracts the following year, 16 percent more than the year before.

It seems clear to me that we need to do a much better job in terms of attacking fraud within the Department of Defense. Several years ago, I offered an amendment—which was passed—which provided that the DOD list virtually all of the fraud committed within the DOD. We have that report, and it is rather astounding. People should read it. Right now what this amendment does is it says to the DOD: Get your act together, hire the necessary well-trained staff so they are monitoring the contracts and making sure we do not continue to see the pervasive amount of fraud committed against the taxpayers of this country or the Defense Department. I would hope very much that amendment gets widespread support and that we see it passed.

There is another amendment we have offered, which I think is equally important, and that deals with making sure the Department of Defense—which turns out to be the largest single consumer of energy in the United States of America. Obviously, the Department of Defense has huge resources, controls huge numbers of buildings, has enormous aircraft, and so forth and so on. It is by far the single largest consumer of energy in the United States, accounting for approximately 90 percent of Federal energy consumption, with an annual energy cost of up to \$18 billion. So the Department of Defense spends \$18 billion on energy costs alone. I think, in recent years, the Department of Defense has understood the importance of trying to move toward energy efficiency in terms of saving energy, but we have a long way to go.

The major program to help cut energy consumption and costs at our

military bases is called the Energy Conservation Investment Program. This is a very important program, although a relatively small program. This program has operated for more than 10 years, helping to invest in programs for more energy-efficient lighting, for example, at an Air Force base in Alaska, geothermal heating at Fort Knox Army Base in Kentucky, wind turbines for an Army base in Arizona, and solar power for the Air Force in Colorado.

Historically, according to the Department of Defense, every \$1 used by the Energy Conservation Investment Program yields \$2 in savings. We invest in energy efficiency; we invest in sustainable energy. For every \$1 invested, we save \$2. This makes it a very positive program for the DOD. Some projects, such as energy efficiency improvements at a Navy base in California, achieve greater than \$15 in savings for every \$1 invested.

The Department itself, the DOD, has stated this program achieves “long-term public benefits by investing in technologies that increase economic efficiency and health benefits, build new sources of renewable energy, enhance job creation/retention, improve military facilities, and improve the quality of life for our troops and their families.”

Unfortunately, the authorization for this program in the current Defense authorization bill is \$135 million, a relatively small amount of money for a Department of Defense which spends about \$18 billion every year on energy. I think what we want to see is, A, the DOD save money through energy efficiency and sustainable energy and, secondly, become a model for the country as we attempt to break our dependence on fossil fuel, foreign oil, and we attempt to cut back on greenhouse gas emissions.

I can tell you that in the State of Vermont, we have our National Guard base, where we have worked with them to install a major solar installation which will pay a significant part of their electric bill. Frankly, I would like to see this done on National Guard bases all over the country and to the Active-Duty structures as well.

The bottom line is, we are currently spending about \$135 million, a relatively small amount of money compared to the \$18 billion energy bill run up by the DOD. What this amendment would do is increase the authorization for the Energy Conservation Investment Program to \$200 million, up from \$135 million—not anywhere near as much as I think we should be doing, but it is a step forward in helping the Department of Defense save money on their energy bill, break our dependence on foreign oil, and help us cut greenhouse gas emissions.

We know there remain many worthy projects at our military bases that

have not yet been funded at today's funding levels that could be funded if my amendment were to pass. The amendment is fully offset and paid for by reducing expenditures on construction at overseas' bases, while still leaving nearly \$300 million in funding for that purpose. I think that is a decent offset.

I applaud the Department of Defense and the military for the strides they have made so far in investing in energy efficiency and renewable energy. There are some wonderful projects going on all over this country—in fact, all over the world—under the DOD, and they deserve credit for that. They can and should be a leader for our country, but we still have a very long way to go.

I would ask for support from my colleagues for this amendment, which will save the Department of Defense money, will help break our dependency on foreign oil, move us to energy independence, and cut greenhouse gas emissions.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 1230, AS MODIFIED, WITHDRAWN

Mr. MCCAIN. I ask unanimous consent to withdraw McCain amendment No. 1230, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1172, AS MODIFIED

Mr. CORKER. Mr. President, I ask unanimous consent that a modification to amendment No. 1172 be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1172), as modified, is as follows:

(Purpose: To require a report assessing the reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom)

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act,

the Secretary of Defense, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the effectiveness of Coalition Support Fund reimbursements in supporting operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations if any, relative to potential alternatives to or termination of reimbursements from the Coalition Support Fund to the Government of Pakistan, taking into account the transition plan for Afghanistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Mr. CORKER. Mr. President, I wish to speak briefly about this amendment. I think most people in this body understand we are reimbursing the Pakistani military for efforts they are putting forth on behalf of what we are doing in Afghanistan in Enduring Freedom. We have crafted an amendment that asks for certain reporting to take place from the Pentagon and for them to look at ways of diminishing this reimbursement over time as we wind down our operations in Afghanistan.

This amendment has been drafted in such a way as to not further escalate tensions between us and the Government of Pakistan. This is a good-government type of amendment that asks the Pentagon to begin looking at ways of decreasing the support we are giving to the Pakistani military on our behalf regarding Afghanistan as we wind down our operations there simultaneously.

It is my understanding that both the chairman and ranking member of the Armed Services Committee have accepted this, there is no hold from the majority on the Foreign Relations Committee, and I hope we will have an opportunity to vote and pass this by voice vote very soon.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I support the amendment, as modified, by the

Senator from Tennessee, Mr. CORKER, who has devoted a great deal of time and effort and thought to this issue, and the result is this amendment. I point out that it would require the Secretary of Defense to prepare a report on the effectiveness of coalition support fund reimbursements made to Pakistan in support of coalition military operations in Afghanistan.

Before I proceed, let me once again express my deep condolences to the families of the Pakistani soldiers who were killed this weekend in a cross-border air action. All Americans are deeply saddened by this tragedy, and I fully support NATO and the U.S. military in their commitment to conduct a thorough and expeditious investigation.

As my colleagues will recall—this is an important aspect of Senator CORKER's amendment—Congress has authorized and appropriated funding for coalition support fund reimbursements to Pakistan since we began our military operations in Afghanistan. At the time, Pakistan made a strategic decision to support the U.S. war effort against the Taliban government in Afghanistan and their al-Qaida terrorist allies. In response, Congress and the Bush administration agreed to reimburse the Pakistani Government for military activities that support our mission in Afghanistan.

Over the past decade, Congress has provided billions of dollars worth of these reimbursements to Pakistan, and we should acknowledge that much good has come of it. Over the past few years in particular, Pakistan has shifted tens of thousands of their soldiers from the eastern border of their country opposite India to the tribal areas in western Pakistan. Pakistani troops have been deployed and engaged in military operations in their western provinces and tribal areas for more than 2 years straight. They have paid a heavy price in this prolonged fighting.

Hundreds of Pakistani troops have given their lives to fight our mutual terrorist enemies in their country, and thousands of Pakistani civilians have been tragically murdered in the same time by these militant groups who show no compunction about attacking weddings and funerals and mosques. We honor the sacrifice of Pakistan's soldiers, and we mourn the loss of innocent Pakistani civilians.

It must be noted, however, that certain deeply troubling realities exist within Pakistan. It must be noted that elements in Pakistan's army and intelligence service continue to support the Haqqani Network and other terrorist groups that are killing U.S. troops in Afghanistan, as well as innocent civilians in Afghanistan, India, and Pakistan. It must also be noted that the vast majority of the materials for improvised explosive devices that are maiming and killing U.S. troops in Af-

ghanistan originate within Pakistan. These are facts. We cannot deny them. Any effective strategy for Pakistan and Afghanistan must proceed from this realistic basis.

It is for this reason that I believe this amendment and this report would be extremely useful. Already, in response to recent Pakistani activities, the administration has chosen to withhold coalition support fund reimbursements to Pakistan. Over the past two quarters, that withheld money amounts to roughly \$600 million. I can imagine that, amid the current tensions, further administration requests to Congress for reimbursement of coalition support funds for Pakistan will not be forthcoming.

The report requested in this amendment would seek additional information on the amounts, types, and effectiveness of coalition support fund reimbursements to the Government of Pakistan. It also would seek recommendations as to the future disposition of this program, including potential alternatives to it or the possible termination of it altogether. That option cannot be ruled out. This is valuable information and recommendations to have as Congress continues to discuss and debate not just the future of the coalition support fund reimbursements to Pakistan but the future of our relationship with Pakistan more broadly. I strongly support this amendment.

Again, I don't want to spend too much time stating the facts. This is a terrible dilemma. The fact is that Pakistan is a nuclear nation. They have a significant nuclear inventory. The fact is that for 10 years we and Pakistan had virtually no relations. We found that not to be a productive exercise. But at the same time, when there exists—as my colleague from Tennessee agrees—two fertilizer factories from which come the majority of the materials used for the majority of IEDs manufactured and that are killing young Americans, it is not tolerable. I understand, as I have said earlier in my comments, the tragedy that resulted from the deaths of these young Pakistani soldiers. I also understand, as every one of us does, what it is like to call a family member of a young man or woman who has lost their life in Afghanistan, which has happened many times, as a result of an IED.

In a hearing of the Armed Services Committee, the then-Chairman of the Joint Chiefs of Staff ADM Mike Mullen, stated:

The fact remains that the Quetta Shura and the Haqqani Network operate from Pakistan with impunity.

I wish to repeat, these are the words of the former Chairman of the Joint Chiefs of Staff.

Extremist organizations serving as proxies of the government of Pakistan are attacking

Afghan troops and civilians as well as U.S. soldiers. For example, we believe the Haqqani Network—which has long enjoyed the support and protection of the Pakistani government and is, in many ways, a strategic arm of Pakistan's Inter-Services Intelligence Agency—is responsible for the September 13th attacks against the U.S. embassy in Kabul.

He goes on to say:

This is ample evidence confirming that the Haqqanis were behind the June 28th attack against the Inter-Continental Hotel in Kabul and the September 10th truck bomb attack that killed five Afghans and injured another 96 individuals, 77 of whom were U.S. soldiers . . .

Finally, another comment by Admiral Mullen who, by the way, worked very hard for a long period of time to develop a close working relationship with General Kayani and other military leaders in Pakistan. He went on to say:

The Quetta Shura and the Haqqani Network are hampering efforts to improve security in Afghanistan, spoiling possibilities for broader reconciliation, and frustrating U.S.-Pakistan relations. The actions by the Pakistani government to support them—actively and passively—represents a growing problem that is undermining U.S. interests and may violate international norms, potentially warranting sanction. In supporting these groups, the government of Pakistan, particularly the Pakistani Army, continues to jeopardize Pakistan's opportunity to be a respected and prosperous Nation with genuine regional and international influence.

Finally, I wish to say again this is an incredibly difficult challenge for U.S. security policy. We have a country on which we are dependent in many respects for supplies, for cooperation, for, hopefully, not to be a sanctuary, although it is not the case, for Taliban and al-Qaida elements. We have a country that is a nuclear power, and we have a country that has a government that I will say charitably is very weak.

It seems to me the Corker amendment is important for the American people to know exactly where we are, what policy we are going to formulate, and what measures need to be taken, because we have, as I mentioned earlier, spent billions of U.S. taxpayers' dollars. That doesn't play very well in States such as mine where we have 9 percent unemployment and more than half—or just less than half the homes underwater. So the Corker amendment isn't all we need. In fact, we need to have a national debate and discussion about the whole issue of our relations with Pakistan. But I believe the Corker amendment is a very important measure so we can assure the American people that not only are their tax dollars wisely spent but that actions are being taken to prevent needless wounding and death of our brave young men and women who are serving in the military.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment of the Senator from

Tennessee. It is a balanced amendment which deals with a very complex situation. What Senator CORKER is doing is pointing out very important facts. One is that Pakistan has received a lot of funds from the United States for this particular purpose which is aimed at helping the success of our operations in Afghanistan. The whole purpose of the coalition support fund is to reimburse Pakistan for the support they provide—for instance, in providing security for trucks and other equipment that is going through Pakistan that have oil, fuel, food going into Afghanistan to support the effort in Afghanistan. That is the purpose of these funds. It is a good purpose. This is not a foreign aid deal; this is a reimbursement deal.

The problem is that while on the one hand the Pakistanis are assisting us, on the other hand they are assisting our enemy and the enemy of mankind and the enemy of the Afghan people and the enemy of the coalition forces in Afghanistan. That is the problem. That is the dilemma which we all face and which this amendment seeks to address. Again, it does so in a way which doesn't prejudge the outcome of the assessment, but it makes a very important point, which is, as is now stated in the amended final paragraph, that we need recommendations given this "on the one hand they are with us, on the other hand they are against us" situation. We need recommendations from the administration, if any, relating to potential alternatives to or termination of reimbursements for the coalition support fund, the Government of Pakistan, taking into account the transition plan for Afghanistan.

I agree with my friend from Arizona that we send condolences to the families of troops in Pakistan who have recently lost their lives. We also have to understand that Pakistan has paid a huge price for terrorism in their country against their people. They have paid a massive price. But what is unacceptable to us is that they are making us pay a price by providing a safe haven for the Haqqanis and for the Quetta Shura. Our troops, our families, coalition troops, coalition families, Afghan troops, and Afghan families are paying a heavy price because of the Pakistan support through their ISI for the insurgency in Afghanistan.

Admiral Mullen, a former Chairman of the Joint Chiefs of Staff, put it very succinctly. He said the Haqqani Network is a veritable arm of the Pakistan intelligence service. When he was pressed on that formulation, he said he meant every word of it.

So we have to send an important message to Pakistan, and the message is that we want a normal relationship if we can have one, but we cannot have a normal relationship if you are, on the one hand, supporting the very people who are attacking us in Afghanistan

and, on the other hand, purporting to help us through the protection of supplies going through Pakistan, helping us succeed in Afghanistan.

We cannot have it both ways. They cannot have it both ways. This amendment sends a very significant and important message, I believe, to the Pakistanis and to our coalition allies and to our Afghan partners that what is going on inside Pakistan has to come to an end. I believe this will help bring that important result about. So I very much support the amendment of Mr. CORKER, the Senator from Tennessee, and hope we can adopt it.

If there is no further debate about it—there may be others who do want to debate, so I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, because of the tremendous cooperation of the Senator from Michigan and the Senator from Arizona—obviously, my goal is to call for this amendment to be adopted—I did not provide a lot of context because I know they both support this amendment. But I want to thank them both for their comments.

I do not think there are two Senators who can better articulate the issue we face in Afghanistan with Pakistan, which is both a friend and a foe on many occasions. None of us who have traveled to Afghanistan—I know these two Senators have probably more than most, but all of us who have been there have heard our generals talking about the fact that they are fighting a war in Afghanistan that is really being led and directed out of Pakistan.

So basically we have an issue here. I think the two Senators have articulated the issue very well. The fact is, we need to know, first of all, if what we are doing in support of the Pakistan military is effective for us, and the two Senators have outlined that is a big issue.

The second piece is how we are actually reimbursing. If you talk with folks at the State Department, we literally are going through reams of invoices and documents, looking at how many bullets they have used, how much food has been supplied to the military, what is going to be counted, what is not going to be counted. We are spending more time, in many ways, accounting for this than we are really looking at how effective the aid is.

This amendment would deal with both of those issues. I thank the Senators for putting this in the proper context, and I do hope, with the Senators' support and the support of the chairman of the Foreign Relations Committee, that this is an amendment we can voice vote. I thank both Senators for their leadership on this issue but also for putting this in the appropriate context.

I yield the floor.

Mr. McCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1172), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe Senator CANTWELL will want to be recognized.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, we continue to make progress on the Defense authorization bill. Hopefully somewhere in the Halls of Congress, we are also making progress on the FAA authorization bill and, maybe before the end of the year, getting that to a final resolve.

I know my colleagues on both sides of the aisle are working very hard, but I had to come to the Senate floor at this moment to say that Christmas came early in the Northwest today when a major deal between the Boeing Company and aerospace workers, machinists, resolved what had been a conflict in the past on how to work together.

A new relationship of working together on incentives and efficiency and performance has resulted in the Boeing Company making a decision to build the next-generation 737 MAX plane in the Pacific Northwest. That is great news for aerospace workers in Puget Sound. It means there is going to be a skill set for building fuel-efficient planes for many years to come. But it is a great testament to both the company and the workers who—a year ago you probably heard more about the NLRB issue, and now what you are hearing about is an agreement on a multiyear contract that is going to get these workers jobs in building planes with the next-generation technology.

This is very big and important news not just for the Pacific Northwest but for the country because it means we can come together to resolve differences. I would hope the Senate might apply some of the same things because the dispute as to where these two organizations were about how to proceed to the future obviously had a lot of discussion, even here on the Senate floor, and yet now today we see them coming together in a huge milestone agreement that means more planes are going to be built, in an

agreement where workers and the company are working together to improve performance and deliver these planes, which many people want because they are so fuel-efficient, on time.

So for the Northwest to have this kind of boost, this shot in the arm, at this point in time is really important. I expect that as this agreement and the agreement details are seen by many people, they will see this really is a way forward for the Northwest to continue to be at the top of the aerospace game. That is important because the United States needs to be at the top of the aerospace game. We are facing tough competition from many countries such as China and Europe and others that are trying to lure the manufacturing base away from the United States.

What we see in the Northwest is that not only do you have a company such as Boeing, but you have a chain of many suppliers that are also working to make aerospace manufacturing in the United States one of the key industries in which the United States is world premier.

So I say congratulations to both the company and to the machinists and to Machinists International for their hard work on inking this deal. I hope it will bring much benefit and economic growth not just to Puget Sound—certainly to there—but to the rest of the country as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1126

Mr. KIRK. Mr. President, I rise in support of the Feinstein amendment with regard to section 1031 of this legislation. I am particularly worried because, unlike the authorized use of force original doctrine and legislation passed by the Congress, we limited the authority of the President and the U.S. military to those connected directly to the September 11 mass murder of Americans. I think, in times of emergency, I understand that. But the legislation would be the first congressional authorization to go far beyond that, to say that any “person who . . . substantially supported al-Qaeda, the Taliban, or associated forces”—undefined—“ . . . including any person who has committed a belligerent act” would be allowed to be picked up by U.S. military authorities and held in U.S. military detention.

While I am in favor of robust and flexible U.S. military action overseas, including action against American citizens waging war against the United States, such as Anwar Al-Awlaki, I think we all should agree on a special zone of protection inside the jurisdiction of the United States on behalf of U.S. citizens.

I say this in support of the Feinstein amendment because I took the time—as we all should from time to time,

serving in this body—to re-read the Constitution of the United States yesterday. The Constitution says quite clearly: In the trial of all crimes—no exception—there shall be a jury, and the trial shall be held in the State where said crimes have been committed. Clearly, the Founding Fathers were talking about a civilian court, of which the U.S. person is brought before in its jurisdiction.

They talk about treason against the United States, including war in the United States. The Constitution says it “shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.

The following sentence is instructive:

No person—

“No person,” it says—

shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

I would say that pretty clearly, “open court” is likely to be civilian court.

Further, the Constitution goes on, that when a person is charged with treason, a felony, or other crime, that person shall be “removed to the State having Jurisdiction of the Crime”—once again contemplating civilian, State court and not the U.S. military.

As everyone knows, we have amended the Constitution many times. The fourth amendment of the Constitution is instructive here. It says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures—

Including, by the way, the seizure of the person

shall not be violated, and no Warrants shall issue, [except] upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Now, in section 1031(b)(2), I do not see the requirement for a civilian judge to issue a warrant. So it appears this legislation directly violates the fourth amendment of the Constitution with regard to those rights which are inalienable, according to the Declaration of Independence, and should be inviolate as your birth right as an American citizen.

Recall the fifth amendment, which says:

No person—

By the way, remember, “no person”; there is not an exception here.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment—

Hear the words—

of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War—

Meaning there is a separate jurisdiction for U.S. citizens who are in the uniformed service of the United States. But unless you are in the service of the United States, you are one of those “no

persons” who shall be answerable for a “capital” or “infamous crime,” except on “indictment of a Grand Jury.”

The sixth amendment says:

In all criminal prosecutions—

Not some, not by exception; in all criminal prosecutions—

the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. . . .

I go on to these because I regard all of these rights as inherent to U.S. citizens, granted to them by their birth in the United States.

If we go on through the Constitution’s amendments, we find in the fourteenth amendment that it says:

No State shall make or enforce any law—

Any law—

which shall abridge the privileges or immunities of citizens of the United States. . . .

I realize these powers have been defined by courts. But we would recall that even Abraham Lincoln *ex post facto* lost his ability to suspend the writ of habeas corpus pursuant to a Supreme Court decision; that in the case of *Hamdi v. Rumsfeld*, the Court did recognize that under the 2001 statute, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan. But I will recall—and, by the way, this included American citizens—I will recall that was in Afghanistan.

Clearly, we see in the case where an American citizen has gone to a foreign jurisdiction, joined a terrorist organization or foreign military, and is waging war on the United States, they can be held as a detainee of the U.S. military. Why didn’t this legislation say that? Why did it not restrict its purview to those provisions? In *Padilla v. Hanft*, the Fourth Circuit did allow the capture of a U.S. citizen, Padilla—by the way, arrested at O’Hare Airport, a U.S. citizen and held in military detention. The Fourth Circuit said because he had foreign training and a foreign connection that it was legal to hold him.

But, remember, very soon thereafter the Bush administration surrendered this case. I think the Bush administration realized they were about to lose in the Supreme Court on the subject of whether the U.S. military could arrest and detain a U.S. citizen and to deprive them of their rights and subject them only to review under a petition of habeas corpus. I think they realized they had to kick Padilla into the civilian court system, and therefore they did. It is only in that context that we should read the Padilla decision.

I think the bottom line is this: We funded a multihundred-billion-dollar Department of Defense, in the words of the movie, to put men on that wall, that we need on that wall, to defend us against foreign threats, and they must do hard and difficult things, including

sometimes to U.S. citizens, such as Anwar al-Awlaki, who are waging war on the United States from a terrorist base in Yemen.

But the whole purpose of this exercise and this institution is to defend the rights of the United States and U.S. citizens inside their own country. One of the first things a person does when they join the U.S. military is not to swear allegiance to a President or to a foreign leader but actually swear allegiance to the Constitution of the United States and to its rights.

What is the whole purpose of the Constitution? It is to defend our rights against the government because we are one of those unique governments that “posits” a limited government and which rights are reserved according to the 10th amendment to the States or the individuals; that our rights supersede the government’s. So we cannot say for an individual, for example, in Wisconsin, who has never been abroad, who may or may not have committed an act or may or may not have one association, that suddenly the U.S. military can roll in on that person, seize him or her, hold them in military detention, and only subject review of that case by one habeas corpus petition.

I would argue, then, that all of our rights as American citizens hang on the decision of the President of the United States; that if the President of the United States decides a person is substantially part of al-Qaida, the Taliban, or associated forces engaged in hostilities against the United States or they have committed a belligerent act or supported such hostilities in aid of such forces, all of their rights as an American citizen are now forfeited. Clearly, that is not the case.

The Founding Fathers understood the power of the state run amok under a distant king who did not regard the rights of the individual as worth much. We founded a republic and then wrote a constitution to defend those rights. While we face a very difficult and dangerous world overseas and have to do difficult and dangerous things, which I support, we should make sure there is a place for peace and justice and rights inside the United States.

So for us, in looking at this provision, the Feinstein amendment clearly limits the scope of this legislation in an appropriate way—that we do the difficult things overseas. But the whole purpose of the Department of Defense is to defend the United States and those rights inside our country, but that we as U.S. citizens, especially when we are inside this country, have inalienable rights which cannot be separated from us by any executive action; that we can only be held, incarcerated, that we can only have our liberties taken away from us on indictment of a grand jury, before a civilian court, and with a presumption beyond

a reasonable doubt by unanimous vote of that jury.

That is the essence of who we are as Americans, and it is a historic decision that we would make if we allow this power to go forward. I think that is why Senator PAUL and I were the only two Republicans to vote against this. That is why so many e-mails and letters that I have received in the last few hours support this decision.

I understand that others have a different view. They describe the United States as a battlefield. I would say that is an overly harsh determination of how cheaply our rights can be held; that we have a multihundred-billion-dollar Defense Department; that we have a substantial and capable FBI; that we have enormous State and city and local police establishments, all with the capabilities to investigate and prosecute crimes, but under the Constitution of the United States; and that if we hold U.S. citizens as capable of losing their rights on an executive branch decision, that not beyond the shadow of a doubt but on a lower standard of care, that in the executive branch’s view a person is connected to one of those things, then our rights are not worth very much.

I would say the whole purpose of the Constitution is to hold our rights higher than the government and subject only to review by a civilian court. That review, as described in the Constitution of the United States, is far more than a habeas corpus review. The text of the Constitution specifically refers to grand jury indictment.

For those who have questions, I would urge them, first, take a moment to reread the Constitution, that first document which, as a member of the U.S. military or as an elected Member of this body, we have to swear allegiance to, and then make up their minds. I think when they do, they will support the Feinstein amendment.

I yield the floor.

THE PRESIDING OFFICER (Mr. TESTER). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I must admit that I have heard some bizarre arguments in my time as a Member of this body in referencing the Constitution of the United States as a basis for the argument. Now, it is my understanding my friend from South Carolina—I ask unanimous consent to enter into a colloquy with the Senator from South Carolina.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. It is my understanding that under the Constitution, it is the Supreme Court of the United States that gives the interpretation of the Constitution as to various laws and challenges to the Constitution. It is their responsibility. Is that a correct assumption?

Mr. GRAHAM. Yes, it is.

Mr. MCCAIN. So our colleague from Illinois who continues to quote from

the Constitution of the United States fails to quote from the specific addressing of this issue by the U.S. Supreme Court, specifically the Hamdan decision. Is that correct?

Mr. GRAHAM. That is correct.

Mr. MCCAIN. Is it not true that according to that decision, the U.S. Supreme Court, whom we ask to interpret the Constitution of the United States—they have made many interpretations over the years—says there is no bar to this Nation’s holding one of its own citizens as an enemy combatant.

Now, one would think to the casual observer that is exactly what the U.S. Supreme Court meant. It is fairly plain language, not really complicated. I am not a lawyer, but how the Senator from Illinois, quoting from inalienable rights, can somehow totally disregard in every way what the U.S. Supreme Court says—they go on to say we hold that “citizens who associate themselves with the military arm of the enemy government”—and I believe, in the view of most, they would view that as a member of al-Qaida, which this legislation specifically addresses. We hold that “citizens who associate themselves with the military arm of the enemy government and with its aid, guidance and direction,” which is exactly, basically, the language of our legislation, “aid, guidance and direction enter this country,” enter this country, “bent on hostile acts are enemy belligerents within the meaning of the law of war.”

How can anything be more clear to the Senator from Illinois? I mean, it is beyond belief. It is beyond belief.

They then go on and talk about the Civil War, the U.S. Supreme Court does. They talk about the Civil War. They talk about a code binding the Union Army during the Civil War that captured rebels would be treated as prisoners of war. So a citizen, no less than an alien, can “be part of or supporting forces hostile to the United States or coalition partners and engaged in an armed conflict against the United States.”

Now, after 9/11, we declared that we were at war with al-Qaida. Is that correct?

Mr. GRAHAM. Yes.

Mr. MCCAIN. So we are at war. We have American citizens who are enemy combatants. Yet the Senator from Illinois, in the most bizarre fashion that I have heard, says, therefore, they are guaranteed the protections of—as he said—a trial.

I mean, I do not get it. Maybe the Senator from South Carolina can explain.

Mr. GRAHAM. I will be glad to yield to my friend from Illinois. Let me just try to set the stage the best I can. And I would love to have Senator LEVIN weigh in and anyone else.

The law, as it exists today, to my good friend from Illinois, has long held

that when an American citizen collaborates with the enemy, that is an act of war, not a common crime. The constitutional review provided by the Supreme Court in cases involving American citizens collaborating with the enemy has said that we view that as an act of war and we apply the law of war. So our Supreme Court, in the Hamdi case just a few years ago, upheld the ruling in the *In re Quirin* case, which went back to World War II.

In that case, we had American citizens assisting Nazi saboteurs. The Supreme Court ruled that citizenship status does not prevent someone from being treated as part of the enemy force when they choose to join the enemy.

Why is this important? My good friend from Illinois is an intel officer. Intelligence gathering is part of war. An enemy combatant can be interrogated by our military intelligence community without Miranda rights. They can be held for an indefinite period of time to be questioned about past, present, and future attacks. The Supreme Court has legitimized that process because the individual in question was an American citizen captured in Afghanistan.

He pled to the Court: You cannot hold me as an enemy combatant because I am an American citizen.

The Court said: No, there is a long history in this country of having American citizens who collaborate with the enemy to be held as an enemy combatant.

Unfortunately, in every war we have engaged in, American citizens have provided aid and comfort to the enemy. In World War II we had American citizens assisting Nazi saboteurs.

Mr. MCCAIN. Was not one of the most famous cases a woman whose name was Tokyo Rose, who propagandized—she was an American citizen. She propagandized on behalf of the Japanese when we were in the war. Afterwards she was given a military trial.

Mr. GRAHAM. Yes. The point is—

Mr. MCCAIN. Not a civilian trial, not given her Miranda rights, but tried by military tribunal.

Mr. GRAHAM. Right. What we have done in the Military Commissions Act in 2009, civilians, American citizens cannot be tried in military commissions. It can only go to Federal court. But the point we are trying to make is it has been long held in this country that when an American citizen abroad or on the homeland decides to help the enemy, we have the right to hold them, not under a criminal theory but under the law of war because their effort to help the enemy, I say to my good friend from Illinois, is an act of war against their fellow citizens.

This is so important. If we deny our country the ability to hold and interrogate an American citizen who has

joined forces with al-Qaida, we lose the ability to find out the intelligence they may have to keep us safe. If the choice is that an American citizen who chooses to collaborate with al-Qaida must be put in the criminal justice system, meaning they will have criminalized the war, the Congress will have restricted executive branch power.

To make it clear—please understand, I say to Senator FEINSTEIN—the courts of the United States have acknowledged that the executive branch can hold an American citizen as an enemy combatant when they engage and assist the enemy. The courts of the United States recognize the power of the executive to do that as Commander in Chief.

The question for us is, Do we want to be the first Congress in the history of the Nation to say to the executive branch that they no longer have that power given to them by the courts, inherent with being Commander in Chief, to protect us against enemies foreign and domestic.

I argue to my colleagues, given the threats we face from homegrown terrorism, from al-Qaida groups and their affiliates, that now is not the time to change the law preventing our military intelligence community from holding an American citizen who is helping the enemy on the homeland and prevent them from gathering intelligence.

I argue that the reason no other Congress has done this in past wars is because it didn't make a lot of sense. I argue that if a Senator came to the floor of the Senate during World War II and suggested that an American citizen who sided with the Nazis to sabotage American interests here could not be held as an enemy combatant, they would have been run out of town because most citizens would say anybody who helps the enemy—citizen or not—is a threat to our country.

Unlike other wars, we do have due process that exists today that never existed before. No Nazi soldier was able to go to a Federal court and say: Judge, let me go. The reason I have agreed, and the courts have applied habeas review to enemy combatant determination, is this is a war without end.

How does one become an enemy combatant? The executive branch makes the accusation. They have to follow the statutory criteria. This is a limited group of people in a limited classification. American citizen or not, if someone falls into this group, they can be held as an enemy combatant. But the executive branch has to prove to an independent judiciary that the case is sufficient, and under the law the judge has to agree with the military; we have an independent judiciary looking over the shoulder of the military in this war, unlike at any other time. So the government has to prove to a Federal judge, by a preponderance of the evidence, that this person is, in fact, an

enemy combatant. If the judge disagrees, they are let go. If the judge agrees, we hold the enemy combatant, and they get an annual review process as to whether future detention is warranted. So we have robust due process.

But please understand what the Feinstein amendment is about. It is about the Congress of the United States, the Senate of the United States, for the first time in American history, restricting the ability of the executive branch to hold an American citizen who is collaborating with the enemy and question them under the law of war. If we do that to ourselves, we will regret it. I don't want to be in the first Congress, in the times in which we live, to change the law to deny our intelligence community and the Department of Defense the ability to deal with American citizens who have decided on their own to become part of al-Qaida. The day one decides they are going to side with al-Qaida, they have committed an act of war against the rest of us, and the courts acknowledge they can be held as an enemy combatant, not a common criminal.

The question for the Congress is, Do we want to undo that in the times in which we live? I plead with everybody in this body, get yourself educated about what the law is today. I ask Senator LEVIN, we have done nothing to change the law in this bill; is that correct?

Mr. LEVIN. Not only does 1031, the overall section, not change the law, it incorporates it, according to the administration's own statement of policy on what the current law is. The Senator is right. There is nothing in here which in any way affects habeas corpus, nor should we seek to do so. Habeas corpus remains exactly as it is. We could not change it if we wanted to, and we don't want to.

While the Senator asked me a question, I wish to answer a question with a question to him. Is it not true that for the first time, we provide that where there is going to be an unprivileged enemy belligerent who could be held in long-term detention under the law of war—for the first time we provide a judge and a lawyer to that person; is that right?

Mr. GRAHAM. That is correct, and we have been working on that together for 5 years. To respond, if I may, because I think it is a very good discussion, does the Senator agree with me that under the law that exists today, in terms of the Supreme Court rulings, an American citizen can be held as an enemy combatant?

Mr. LEVIN. I read this yesterday, and I will read it again now. The Senator is right. I don't know how anybody reading this can reach any other conclusion but what the Supreme Court says, not because they are right or wrong but because of the Supreme Court: "There is no bar to this Nation's

holding one of its own citizens as an enemy combatant."

By the way, nor should there be, in my judgment.

Mr. GRAHAM. Does the Senator agree that in past wars American citizens, unfortunately, have collaborated with the enemy?

Mr. LEVIN. They have, and they have been treated as enemy combatants.

Mr. GRAHAM. Does he agree with me that in World War II some American citizens agreed to assist the Nazis and were held as enemy combatants?

Mr. LEVIN. I agree.

Mr. GRAHAM. Does the Senator agree it is good policy to hold and interrogate someone who is helping al-Qaida to find out what they know?

Mr. LEVIN. It is good policy. If they decline, under the procedures under our language, the person should be first interrogated for whatever length of time those procedures provide—by the FBI, local police or anybody else. They have the right to do that.

Mr. GRAHAM. Does the Senator agree that the criminal justice system is not set up to gather military intelligence?

Mr. LEVIN. Yes.

Mr. MCCAIN. To interrupt, briefly, I wonder—in the interpretation of the Senator from Illinois of the Constitution of the United States—if it is an American citizen, say, somewhere over in Pakistan, who is plotting and seeking to destroy American citizens, it is OK for us to send a predator and fire and kill that person, but according to the interpretation of the Senator from Illinois, if that person were apprehended in Charleston planning to blow up Shaw Air Force Base, then that person would be given his Miranda rights, how in the world does that fit?

Again, this is one of the more bizarre discussions I have had in the 20-some years I have been a Member of this body.

Mr. GRAHAM. Under the law as it exists today, an American citizen can be held as an enemy combatant. The question we are debating on the floor—Senator FEINSTEIN is saying that in the future an American citizen who is deemed to have collaborated with al-Qaida or the Taliban or others could no longer be held as an enemy combatant for an indefinite period, which means we cannot gather military intelligence as to what they know about past, present, and future attacks.

I argue we would be the first Congress in history to bring about that result and that now would be the worst time in American history to do that. If we cannot hold a citizen who is suspected of assisting al-Qaida under the law of war, the only option is to put them in the criminal justice system. Then we cannot hold them indefinitely, and we cannot ask about present, past or future attacks because now we are

investigating a crime, nor should we be allowed to do that under criminal law.

The point is that when a person assists the enemy, whether at home or abroad, they have committed an act of war against our citizens, and the Supreme Court has acknowledged that the executive branch has the power to hold them as an enemy combatant. The question is, Are we going to change that and say in the 21st century, in 2011, every American citizen who chooses to cooperate with al-Qaida can no longer be interrogated for intelligence-gathering purposes by our Department of Defense and our intelligence community; that they have to go into the criminal justice system right off the bat, where they are given a lawyer and are read their Miranda rights? If we do that, we are going to deny ourselves valuable intelligence. We would be saying to our citizens that we no longer treat helping al-Qaida as an act of war against the rest of us.

If one suggested during World War II that someone who collaborated with the Nazis should be viewed as a common criminal, most Americans would have said: No, they turned on their fellow citizens and they are now part of the enemy.

All I want to do is keep the law as it is because we need it now more than ever. I am sensitive to due process. There is more due process in this war. Every enemy combatant being held at Guantanamo Bay, captured in the United States, has to go before a Federal judge. The military has to prove their case to a Federal judge. There is an annual review process. That makes sense to me. What doesn't make sense to me is for this country and this Senate to overturn a power that makes eminent sense when we need it the most. It doesn't make sense to set aside a Supreme Court case that acknowledges that when an American citizen affiliates with al-Qaida, that is an act of war against the rest of us and to criminalize that conduct, denying us the ability to gather intelligence. If we go down that road, we have weakened ourselves as a people, without any higher purpose.

To those American citizens thinking about helping al-Qaida, please know what will come your way: death, detention, prosecution. If you are thinking about plotting with the enemy inside our country to do the rest of us harm, please understand what is coming your way: the full force of the law.

The law I am talking about is the law of armed conflict. You subject yourself to being held as an enemy of the people of the United States, interrogated about what you know and why you did what you did or planned to do, and you subject yourself to imprisonment and death. The reason you subject yourself to that regime is because your decision to turn on the rest of us and help a group of people who would destroy our

way of life is not something we idly accept. It is not a common, everyday crime. It is a decision by you to commit an act of aggression against the rest of us.

I hope and pray this Senate will not, for the first time in American history, deny our ability to interrogate and find intelligence from those citizens who choose to associate with the enemy on our soil, because if we do that, it will be a deviation from the law that has existed at a time when we need that law the most.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I will yield to Senator FEINSTEIN in a minute. I appreciate the debate with my friends and mentors. The three of us who were just debating were all military officers, but we have different views. We are dangerously close to being similar to the House of Representatives, where they have face-to-face debate. I appreciate that.

The law that should not be changed is the Constitution of the United States, and we realize the regulations of the United States have force, that the statutes of the United States have greater force, and the Supreme Court decisions have even greater force. But no document is above the actual words of the Constitution. I will say those words are our birthright as American citizens.

The sixth amendment says you shall be secure in your person and that shall not be violated and no warrant shall issue except upon probable cause—meaning that a court has made that decision. Your first amendment rights say that no person—and there is no exception in the Constitution—shall be held to answer for capital or otherwise infamous crimes, unless presentment or indictment of a grand jury.

By the way, I am talking specifically about a U.S. person inside the jurisdiction of the United States. Our sixth amendment right says that in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial. Our fourteenth amendment right says no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States. These are, without question, for U.S. citizens. There is a balancing act between the threats we perceive. We know the threats from foreign enemies and terrorists. That is well known to us, especially the new generation of Americans who witnessed the mass murders of September 11.

The Founding Fathers were also wrestling with another threat—the threat of the state, the government itself, against its own individuals and the abuse of power. We would forget the lesson of history, unless we understood that is a threat as well. We are told there will be no intelligence benefit if a U.S. citizen who is arrested

can't be interrogated by Homeland Defense or FBI people. And yet, I would say, as a member of the intelligence community, the FBI and the Department of Homeland Security are part of the intelligence community and feed information into the intelligence community and can be used.

One of the key ideas behind our American government is it is not what we do, it is how we do it. One of the things missing in section 1031 is who is the decider. The decider in this case is the suspicion of being part of the al-Qaida, the Taliban, or committing that belligerent act, but we have no court making the decision. As an American, you no longer have a right to the civilian court system, and those rights are inherent to you and are your birthright as an American citizen.

We should make sure that what we do here and now is that we understand your rights; that as an American citizen you can only be incarcerated on indictment by a grand jury, which is by a preponderance of evidence; and then conviction is beyond the shadow of a doubt. Under this language, if you are accused of being part of al-Qaida or the Taliban, or of committing an act, you can be held subject to only one habeas review on a preponderance of evidence.

Most Americans think you can only be convicted of a crime in the United States beyond the shadow of a doubt by a jury of your peers. But if this is passed, that is no longer true. We want to make sure the decider always is a civilian article III court. We are talking about a very specific definition here inside the jurisdiction of the United States among American citizens.

I agree we can kill Anwar al-Awlaki, who is making war on the United States from a foreign jurisdiction. But when we are inside the United States, the whole point of the U.S. military and our establishment is to defend our rights, and those rights cannot be taken away from us by any executive action. They can only be taken away from us by action of a civilian court, by a jury of our peers and by their decision beyond a shadow of a doubt.

With that, I yield for the Senator from California, whose amendment I so strongly support.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want one quick moment to respond and then I will propound a unanimous consent request.

We couldn't change the Constitution here if we wanted to, and nobody does want to. And that includes the right of habeas corpus. All the constitutional rights which the Senator from Illinois talked about are constitutional rights. They are there. They are guaranteed. They couldn't be changed by the Congress if we wanted to, and I hope nobody wants to change those rights.

But what the Senator ignores, and what has been ignored generally here,

is that there is another path, and the Supreme Court has approved this path so that if any American citizen joins a foreign army in attacking us, that person may be treated as an enemy combatant. That is not me speaking. That is the Supreme Court in Hamdi.

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

If you join an army and attack us, you can be treated as an enemy combatant. The Supreme Court has said so more than once.

My unanimous consent request is the following: that the Senator from California be recognized first for whatever comments she wishes to make, then the senior Senator from Illinois be recognized to speak on whatever subject he wishes—on the amendment of the Senator from California or whatever—and then Senator MERKLEY's amendment be in order to be called up by Senator MERKLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. I thank the distinguished manager of the bill, and I say to the distinguished senior Senator from Illinois, who is here, I will try to be relatively brief. But I would also say that seldom do we get an opportunity on the floor of the Senate to debate what is fundamental to this American democracy. In a sense, I am pleased this issue has now been aired publicly because I think we can address it directly.

Senator DURBIN, I also want to thank your colleague, the junior Senator from Illinois, Senator KIRK, for his cosponsorship of this amendment.

The fact of the matter is, the original draft of this defense bill had this language in it:

The authority to detain a person under this section does not extend to the detention of citizens or lawful resident aliens of the United States on the basis of conduct taking place in the United States except to the extent permitted by the Constitution of the United States.

That was removed from the bill. Essentially, what we are trying to do is put back in that you cannot indefinitely detain a citizen—just a citizen—of the United States without trial. Due process is a basic right of this democracy. It is given to us because we are citizens of the United States. And due process requires that we not authorize indefinite detention of our citizens.

Where I profoundly disagree with the very distinguished chairman and ranking member of the Armed Services Committee is by saying that Ex parte Quirin established the law for U.S. citizens in this area that still holds. It does not. I went to the Hamdi opinion, and I wish to read some of the plurality opinion as written by Justice O'Connor. This first quote is from page 23 of her opinion.

As critical as the government's interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

Continuing on page 24:

We reaffirm today the fundamental nature of a citizen's right to be free from involuntary confinement by his own government without due process of law, and we weigh the opposing governmental interests against the curtailment of liberty that such confinement entails.

It then goes on, referring to the Hamdi case, on page 26:

We therefore hold that a citizen-detainee seeking to challenge his classification as an enemy combatant must receive notice of the factual basis for his classification, and a fair opportunity to rebut the government's factual assertions before a neutral decision-maker.

Then to quote from Justice Scalia's opinion, which is important commentary on the 1942 case Ex parte Quirin, he says:

The government argues that our more recent jurisprudence ratifies its indefinite imprisonment of a citizen within the territorial jurisdiction of Federal courts. It places primary reliance on Ex parte Quirin, a World War II case upholding the trial by military commission of eight German saboteurs, one of whom, Hans Haupt, was a U.S. citizen.

Justice Scalia concludes:

This case was not this Court's finest hour.

Mr. President, the difference today is that we as a Congress are being asked, for the first time certainly since I have been in this body—and I believe since the senior Senator from Illinois has been in this body—to affirmatively authorize that an American citizen can be picked up and held indefinitely without being charged or tried. That is a very big deal, because in 1971 we passed a law that said you cannot do this. This was after the internment of Japanese-American citizens in World War II. It took that long, until 1971, when Richard Nixon signed the Non-Detention Act, and that law has never been violated.

The Quirin case was not about whether a U.S. citizen captured during wartime could be held indefinitely, but rather whether such an individual could be held in detention pending trial by military commission. The recent case of an American put into military custody, of course, was Jose Padilla, and there was a good deal of controversy over the years about his case. He was ultimately transferred out of military custody, tried and convicted in a civilian court.

What we are talking about here—and I am very pleased Senator KIRK and Senator LEE have joined us as cosponsors in this—is the right of our government, as specifically authorized in a law by Congress, to say that a citizen of the United States can be arrested

and essentially held without trial forever.

The hypothetical example that has been offered by the Senator from Arizona, the ranking member of the committee, is: Would we want someone who is an American—who is planning to kill our people, bomb our buildings—not to be held indefinitely under the laws of war? I believe it is a different situation when it comes to American citizens. What if it is an innocent American we are talking about? What if it is someone who was in the wrong place at the wrong time? The beauty of our Constitution and our law is it gives every citizen the right of review—review by a court, and this is what the Hamdi decision is all about. The defense bill on the floor, as written, would take us a step backward. The bill, as written, would say an American citizen can be picked up, can be held for the length of hostilities—is that 5 years, 10 years, 15 years, 20 years, 25 years, 30 years—without a trial. I say that is wrong. I say that is not the way this democracy was set up. And I also say that is totally unnecessary because our federal courts work well to prosecute terrorists. We can go back to the Shoe Bomber, as a case in point. We can go back to Abdulmutallab as a case in point. We can go back to the record of the Federal courts prosecuting over 400 terrorists since 9/11.

I want to thank Senator DURBIN for his interest in this issue and his cosponsorship of this amendment. It is very much appreciated. I don't know whether we can win this, but I think it is very important that we try and I know we are getting more and more support as people learn more about what this bill does. I think it is very important that we build a record in this body, because I have no doubt this is going to be litigated. I hope we are successful with this amendment. I hope we can protect the rights of Americans.

Mr. President, as we have occasion to look at people in Guantanamo, we know there are people there who were in the wrong place at the wrong time. If they are going to be held forever, that is a mistake, and we don't want the same thing to happen to American citizens in this country.

This is another example of how we are over-militarizing things that aren't broken. As I have said previously here on the floor, I don't see a need for the military to go around arresting Americans. The national security division of the FBI now has some 10,000 people. They have 56 field local offices with special agents who are well equipped to arrest terrorists and also interrogate them. Certainly the Justice Department is equipped to prosecute terrorists in Federal criminal court. The conviction rate and the long sentences achieved shows their success.

I am hopeful we will be able to pass this amendment and change the bill to

reflect that Americans are protected from permanent detention without trial. That is all we are trying to do.

I thank the Senator from Illinois, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset what an extraordinary job my colleague from California has done. There was a time in American history, before law schools, when people read the law and practiced the law. The Senator from California has not only read the law, she has written many laws, and her competence in advocating this important constitutional question has been proven over and over. So I thank her for having the determination and courage to stand up for her convictions against some who would be critical of anyone who broaches the subject.

This is a controversial subject. We are talking about the security of Americans. We are talking about terrorism. We all remember a few years ago when our lives were interrupted—a time we will never forget—when terrorists attacked the United States and killed 3,000 innocent American people on 9/11. We came together in this Congress, Democrats and Republicans, and said we need to keep this country safe; that we never want that to happen again. So we passed new laws, suggested by President George W. Bush, and enacted by Democrats and Republicans in Congress.

We created new agencies, such as the TSA security agency at airports and we empowered our intelligence branches—which Senator FEINSTEIN has a particular responsibility for as chairman of the Senate Intelligence Committee—by giving them more people, more technology, and more authority, and we said to them, keep us safe.

We said to our military: We want you to be the best in the world and continue to be, and we will provide the resources for that to happen. Then we turned, as Senator FEINSTEIN has noted, to the Federal Bureau of Investigation and said: We are going to dramatically increase your numbers and give you the technology you need to keep us safe.

Here we are some 10 years later, and what can we say? We can say thanks to the leadership of President George W. Bush and Barack Obama, 9/11 was not repeated—and we never want it repeated.

We can also say, with very few exceptions, in the 10 years since 9/11 that we have done all these things consistent with America's values and principles. Other countries—and we see them even today—faced with uncertainty and insecurity throw out all of the rules of human conduct even to the point of killing their own people in the streets to maintain order. Thank God that never has occurred in the United

States, and I pray it never will. Those of us who are elected to represent our States in the Senate take an oath, an oath that we are going to uphold and defend the Constitution with its values and principles. We understand that taking that oath may mean that we are accepting due process, and due process says a fair day in court for someone accused of a crime. Other countries dispense with that. They don't need a trial. They find someone suspected of a crime, whatever it might be, that person is given summary execution, and that is the end of the story. No questions asked.

We don't do it that way in America. We establish standards of conduct and justice, and particularly as it relates to the people who live in America, our citizens and legal residents who are in the United States. That is what this debate is about.

This is an important bill, S. 1867. It comes up every year in a variety of different forms, and we are lucky to have Senator CARL LEVIN and Senator JOHN MCCAIN who put more hours into it than we can imagine to write the bill to authorize the Department of Defense to do its job. It is the best military in the world, and their hard work makes certain that it stays in that position.

But this provision they have added in this bill is a serious mistake—serious. It is serious enough for me to support Senator FEINSTEIN in her efforts to change and remove the language. Why?

First, we know the law enforcement officials in the United States of America, the Attorney General's Office, the FBI have done a good job in keeping America safe. They have arrested over 300 suspected terrorists in the United States—over 300 of them—and they have tried them in the criminal courts of America, on trial, in public, for the world to see that these people will be held to the standards of trial as an American citizen. Of those 300, they have successfully prosecuted over 300 alleged terrorists, then incarcerated them in the prisons of America, including Marion, IL, in my home State, where they are safely and humanely incarcerated.

The message to the world is: We are going to keep America safe, but we are going to do it by playing by the rules that make us America. Due process is one of those rules, and it has worked. It has worked under two administrations.

Now comes this bill and a suggestion that we need to change the rules. The suggestion is, in this measure, that we will do something that has not been done in America before. Section 1031 of this bill, for the first time in the history of America, will authorize the indefinite detention of American citizens in the United States. This is unprecedented. In my view, as chair of the Constitution Subcommittee of Senate Judiciary, it raises serious constitutional concerns.

Senator LEVIN and Senator MCCAIN disagree. In an op-ed piece for the Washington Post, they recently wrote:

No provision in the legislation expands the authority under which detainees can be held in military custody.

But look at the plain language of section 1031. There is no exclusion for U.S. citizens. So the question is, If we believe an American citizen is guilty or will be guilty of acts of terrorism, can we detain them indefinitely? Can we ignore their constitutional rights and hold them indefinitely, without warning them of their right to remain silent, without advising them of their right to counsel, without giving them the basic protections of our Constitution? I don't believe that should be the standard.

I listened to Senator MCCAIN. He makes a pretty compelling argument: Wait a minute. You are telling me that if you have someone in front of you who you think is a terrorist who could repeat 9/11, you are going to read their Miranda rights to them?

Well, as an American citizen, yes, I would. I would say to Senator MCCAIN the same argument would apply if that person in front of me was not a suspected terrorist but a suspected serial killer, a suspected sexual predator; we read them their Miranda rights. We believe our system of justice can work with those rights being read.

Do you remember the case about 2 years ago of the person who was on the airplane, the Underwear Bomber, Abdulmutallab? He was coming to the United States to blow up that airplane and kill all the people onboard, and thank God he failed. He tried to ignite a bomb and his clothing caught on fire, and the other passengers jumped on him, subdued him, and he was arrested. This man, not an American citizen, was taken off the plane and interrogated by the Federal Bureau of Investigation. After he stopped talking voluntarily, they read him his Miranda rights. We all know them from the crime shows that we watch on TV: the right to remain silent, everything you say can be used against you, the right to retain counsel. He was read all those things, and he shut. But that wasn't the end of the story.

By the next day, they were back interrogating him and they had contacted his parents, brought his parents to this country. He met with his parents and turned and said: I will cooperate. I will tell you everything I know. He started talking, and he didn't stop.

At the end of the day, he was charged with terrible, serious crimes, brought to trial in Detroit, and pled guilty under our criminal system. Now, he wasn't an American citizen, but even playing by the rules for American citizens we successfully prosecuted this would-be bomber and terrorist.

What is the message behind that? The message behind that is we will

stand by our principles and values and still keep America safe. We will trust the Federal Bureau of Investigation and the Department of Justice to successfully prosecute suspected and alleged terrorists. We will not surrender our principles even as we fight terrorism every single day.

Now, this bill changes, unfortunately, a fundamental aspect of that. It says if an American citizen is detained and suspected to be involved in terrorism with al-Qaida or other groups, they can be held indefinitely without being given their constitutional rights.

I appreciate that Senator LEVIN and Senator MCCAIN have said they are willing to consider excluding U.S. persons, but section 1031 doesn't. I hope they do.

I want to address a couple statements that have been made by my Republican colleagues. I like them and respect them.

I would say to Senator GRAHAM, my colleague and friend from South Carolina, I listened to Senator LEVIN tell us privately and publicly over and over again: What we have here doesn't change the law. Then I listened to your arguments on the floor saying: Well, the law needs to be changed. That is why we are doing this. So I am struggling to figure out if Senator LEVIN and Senator GRAHAM have reconciled.

Mr. GRAHAM. May I respond?

Mr. DURBIN. I want the Senator to respond, but I want to ask point blank, is there an exclusion currently in the law for U.S. citizens under section 1031 and whether or not under 1031 American citizens can be detained indefinitely?

Mr. GRAHAM. No. And there should not be. Could I finish my thought?

Mr. DURBIN. Of course.

Mr. GRAHAM. Now, we are good friends, and we are going to stay that way. But you keep saying something, Senator DURBIN, that is not true. The law of the land is that an American citizen can be held as an enemy combatant. It is the Hamdi decision, and I quote:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Hamdi was an American citizen captured in Afghanistan fighting for the Taliban. Justice O'Connor specifically recognized that Hamdi's detention could last for the rest of his life because law of war detention can last for the duration of the relevant conflict.

The Padilla case involves an American citizen captured in the United States, held for 5 years as an enemy combatant, and the Fourth Circuit reviewed his case and said that we could hold an American citizen as an enemy combatant.

To my good friend from Illinois, throughout the history of this country American citizens in every conflict have, unfortunately, decided to side

with the enemy at times. In re Quirin is a 1942-1943 case that involved American citizens assisting German saboteurs. They were held under the law of war because the act of collaborating with the enemy was considered an act of war, not a common crime.

So the law of the land by the courts is that an American citizen can be held as an enemy combatant. That has been the law for decades.

What Senator FEINSTEIN would do is change that. The Congress would be saying we cannot hold an American citizen as an American combatant.

I do appreciate the time. Now, let me tell you why I think that is important.

The Senator is a very good lawyer. Under the domestic criminal law, we cannot hold someone indefinitely and question them about enemy activity: What do you know about the enemy? What is coming? What were you doing? Where did you train? Under domestic criminal law, we can't question somebody in a way that would put them in jeopardy.

Under military intelligence gathering we can question an enemy prisoner without them having a lawyer to be able to find out how to defend America. If we can't hold this person as an enemy combatant, the only way we can hold them is under domestic criminal law. When the interview starts and the guy says: I want my lawyer; I don't want to talk to you anymore—under the criminal justice model there is a very limited time we can hold them or question them without reading them their rights or giving them a lawyer.

Under intelligence gathering our Department of Defense, the FBI, and the CIA can tell the individual: You are not entitled to a lawyer. You have to sit here and talk with us because we want to know what you know about present, past, and future attacks.

If we can't hold an American citizen who has decided to collaborate with al-Qaida as an enemy combatant, we lose that ability to gather intelligence. That is the change that Senator FEINSTEIN is proposing; that the law be changed by the Congress to say enemy combatant status can never be applied to an American citizen if they collaborate with al-Qaida. That would be a huge loss of intelligence gathering, it would be a substantial change in the law, and it would be the first time any Congress has ever suggested that an American citizen can collaborate with the enemy and not be considered a threat to the United States from the military point of view. I don't want to go down that road because I think that is a very bad choice in the times in which we live.

So to my good friend, the law is clear we can hold an American citizen as an enemy combatant. The Congress is contemplating changing that, and I think it would be a very bad decision in the times in which we live to deny our ability to hold an American citizen and

question them about what they know and why they decided to join al-Qaida.

Mr. MCCAIN. Mr. President, I ask for the regular order. What is the regular order?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. GRAHAM. Simply stated, if a person decides to collaborate with al-Qaida in a very limited way, can we hold them? They have to be a member of al-Qaida or affiliated with it or be involved in a hostile act. But if they do those things, historically, American citizens who chose to side with the Nazis—in this case, al-Qaida—have been viewed by the rest of us not as a common criminal but as a military threat.

Now is not the time to change that. We need that ability to question that person: Why did you join al-Qaida? Where did you train? What do you know about what is coming next? And the only way we can get that information is to hold them as an enemy combatant and take all the time we need to protect this Nation and interrogate.

Mr. DURBIN. I would like to reclaim the floor.

Mr. GRAHAM. Yes, sir. I appreciate the exchange.

Mr. DURBIN. And would the Senator end that with a question mark?

Mr. GRAHAM. And, was I right?

Mr. DURBIN. I thank my colleague from South Carolina.

What the Senator concluded with, though, I think is critical to this conversation. He said the only way to get to the bottom of whether there is an al-Qaida connection that could threaten the United States is military detention. Well, the Abdulmutallab case argues just the opposite. It was the Federal Bureau of Investigation that he sat before and told all of the information that the Senator has just discussed.

Mr. GRAHAM. May I respond and say the Senator is right.

I am an all-of-the-above guy. I believe that military and civilian courts should be used.

When an American citizen is involved, does the Senator agree with me that military commissions are off the table?

Mr. DURBIN. So the Senator is arguing that every President should have all the options, criminal courts as well as military commissions and tribunals?

Mr. GRAHAM. Absolutely.

Mr. DURBIN. Well, what is the difference, then, with what the Senator is standing for and what is the current situation? From my point of view, our Presidents—President Bush and President Obama—since 9/11, have used both, with more success on the criminal courts side—dramatically more success on the criminal courts side.

The obvious question that Senator FEINSTEIN poses is, if the system isn't broken, if the system is keeping us

safe, if we have successfully prosecuted over 300 alleged terrorists in our criminal courts and 6 in military commissions, why do we want to change it?

Mr. GRAHAM. Here is the point I am trying to make.

Mr. DURBIN. Retaining the floor.

Mr. GRAHAM. Thank you. And this is a very good exchange.

My view is that when we capture somebody at home and the belief is that they are now part of al-Qaida, that if we want to read them their Miranda rights and put them in Federal court, we have the ability to do that. This legislation doesn't prevent that from happening.

Does it, I ask Senator LEVIN?

Mr. LEVIN. It does not.

Mr. GRAHAM. But what Senator FEINSTEIN is proposing is that no longer do we have the option of holding the American citizen as an enemy combatant to gather intelligence, and we don't have the ability to hold them for a period of time to interrogate them under the law of war.

What I would suggest to the Senator is that the information we receive from Guantanamo Bay detainees has been invaluable to this Nation's defense. To those who believe it was because of waterboarding, I couldn't disagree more. The chief reason we have been able to gather good intelligence at Guantanamo Bay is because of time.

The detainee is being humanely treated, but there is no requirement under military law to let the enemy prisoner go at a certain period of time.

If you take away the ability to hold an American citizen who has associated himself with al-Qaida to be held as an enemy combatant, you can no longer use the technique of interrogating him over time to find out what he knows about the enemy.

You are worried about prosecuting them. I am worried about finding out what they know about future attacks. They are not consistent. You can prosecute somebody. That is part of the law. What the Senator is taking away from us is the ability to gather intelligence. Our criminal justice system is not set up to gather intelligence.

Mr. DURBIN. I want to reclaim the floor. I know Senator MCCAIN is anxious for me to conclude and there is something he is anxious to do quickly, but I will try to do this in appropriate time for the gravity of the issue before us.

But to suggest the only way we can get information about a terrorist attack on the United States by al-Qaida and other sources is to turn to the military commissions and tribunals and not use the FBI and not use the Department of Justice defies logic and experience. Abdulmutallab, the Underwear Bomber, a member of al-Qaida, failed in his attempt to bring down that plane, interrogated successfully by the FBI, basically told them every-

thing he knew over a period of time. It worked. To argue that you cannot do this defies the experience with Abdulmutallab.

I want to say a word about the Hamdi case. I listened as Senator FEINSTEIN read the Supreme Court decision. I do not think the Supreme Court decision stands for what was said by the Senator from South Carolina. I think what he said was inaccurate. I do not believe Justice O'Connor went to the extent of saying you can hold an American citizen indefinitely.

Let me also say when it comes to the Hamdi case, Hamdi was captured in Afghanistan. He was captured on the battlefield in Afghanistan, not the United States. And Justice O'Connor, in that opinion, was very careful to say the Hamdi decision was limited to "individuals who fought against the United States in Afghanistan as part of the Taliban." She was not talking about American citizens and their rights. She was talking about this specific situation.

Now let's go to the case of Jose Padilla. Jose Padilla, some will argue, is a precedent for the indefinite detention of American citizens. But look at what happened in the case of Padilla, a U.S. citizen placed in military custody in the United States. The Fourth Circuit Court of Appeals, one of the most conservative courts in our Nation, upheld Padilla's military detention.

Then, before the Supreme Court had the chance to review the Fourth Circuit's decision, the Bush administration transferred Padilla out of military custody and prosecuted him in an article III criminal court.

I do not think that Hamdi or Padilla makes the case that has been made on this floor.

I want to say I think Senator FEINSTEIN is proper in raising this amendment. I think the fact is that Hamdi is a U.S. citizen, but it does not stand for the indefinite detention of U.S. citizens as this new law would allow.

It troubles me that as good, as professional, as careful as our government has been to keep America safe, we now have in a Defense authorization bill an attempt to change some of the most fundamental, constitutional principles in America. This bill went through a great committee, our Armed Services Committee, but not through the Judiciary Committee which has specific subject matter jurisdiction over our Constitution. It did not go through the Intelligence Committee. And for the record, the provisions in this bill—which some have said are not that significant, that much of a change—are opposed by this administration, opposed by the Secretary of Defense, Leon Panetta, who received a 100-to-nothing vote of confidence from the U.S. Senate when he was appointed, opposed by our Director of National Intelligence, who says these provisions

will not make America safer but make it more difficult to protect America, and opposed by the Federal Bureau of Investigation.

I entered a letter from Director Muller in the RECORD yesterday, as well as the Department of Justice.

You have to ask yourself, if all of these agencies of government, which work day in, day out, 24-7 to keep us safe, tell us not to pass these provisions because it does not make America safer, it jeopardizes our security, why are we doing it?

Senator FEINSTEIN has the right approach: Let us try to preserve some of the basic constitutional values here. I think we can. I hope my colleagues will take care before they vote against Feinstein. Despite the respect, which I share, that they have for our Armed Services Committee and its leadership—this is a matter of constitutional importance and gravity. It is important for us to take care and not to change our basic values in the course of debating a Defense authorization bill. Let's keep America safe but let's also respect the basic principle that American citizens are entitled to constitutional rights. The indefinite detention of an American citizen accused—not convicted, accused of terrorist activity—the indefinite detention runs counter to the basic principles of the Constitution we have sworn to uphold.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. I wonder if the Senator will yield for a question. Would the Senator agree that the majority opinion in Hamdi said the following:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Mr. DURBIN. I would respond by saying Justice O'Connor in that decision said:

[A]s critical as the Government's interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat. . . .

We therefore hold that a citizen-detainee, seeking to challenge his classification as enemy combatant, must receive notification of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decision-maker.

Mr. LEVIN. Would the Senator agree that specifically referred to there is that a citizen being held as an enemy combatant is—excuse me. Would the Senator agree that what he read refers to the exact statement of the Justice that a citizen who is held as an enemy combatant is entitled to certain rights? Would the Senator agree that that, by its own terms, says that a cit-

izen can be held as an enemy combatant?

Mr. DURBIN. In the particular case of Hamdi, captured in Afghanistan as part of the Taliban.

Mr. LEVIN. She did not say that. She said "a citizen." I know what the facts of the case are. She did not limit it to the facts of the case.

Mr. DURBIN. I am sorry but she did. The quote:

. . . individuals who fought against the United States in Afghanistan as part of the Taliban.

Mr. LEVIN. She did not limit it to that. She described the facts of that case.

Mr. DURBIN. She limits it to that case. If I could make one response and then I will give the floor to the Senator. This is clearly an important constitutional question and one where there is real disagreement among the Members on the floor. I think it is one that frankly we should not be taking up in a Defense authorization bill but ought to be considered in a much broader context because it engages us at many levels in terms of constitutional protections.

Mr. LEVIN. I agree with the Senator that Justice O'Connor said what the Senator said she said. Would the Senator agree with me that Justice O'Connor said:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Would the Senator agree that she said that?

Mr. DURBIN. As it related to Hamdi captured in Afghanistan.

Mr. LEVIN. Would the Senator agree she said that, however?

Mr. DURBIN. As it related to Hamdi, of course.

Mr. LEVIN. I am giving the Senator an exact quote. I know the facts of the case.

Mr. DURBIN. I can read the whole paragraph rather than the sentence.

Mr. LEVIN. You already have. Given the facts of the case, I understand the facts of the case, that it was somebody captured in Afghanistan. My question is, of the Senator: Would he agree that Justice O'Connor said—she is talking about this case, of course—

Mr. DURBIN. Yes.

Mr. LEVIN. "There is no bar to this Nation holding one of its own citizens?"

Mr. DURBIN. Captured on the field of battle in Afghanistan.

Mr. LEVIN. Would the Senator agree that the Justice said the following, that a citizen, no less than an alien, can be "part of or supporting forces hostile to the United States or coalition partners" and "engaged in an armed conflict against the United States," and would pose the same threat of returning to the front during the ongoing conflict? Would the Senator agree that she said that?

Mr. DURBIN. Of course.

Mr. LEVIN. Would the Senator agree that she quoted from the Quirin case, in which an American citizen was captured on Long Island?

Mr. DURBIN. She did make reference to the Quirin case.

Mr. LEVIN. Did she cite that with approval?

Mr. DURBIN. I would say there was some reservation in citing it. I say to the Senator, our difficulty and disagreement is the fact we are dealing with a specific individual captured on the field of battle in Afghanistan with the Taliban.

Mr. LEVIN. I understand.

Mr. DURBIN. We are not talking about American citizens being arrested and detained within the United States and being held indefinitely without constitutional rights.

Mr. LEVIN. My question, though—my question is: Did Justice O'Connor say that, in Quirin, that one of the detainees alleged that he was a naturalized United States citizen, we held that—these are her exact words:

Citizens who associate themselves with the military arm of the enemy government, and with its aid, guidance and direction enter this country bent on hostile acts, are enemy belligerents within the meaning of . . . the law of war.

Did she say that?

Mr. DURBIN. I can tell the Senator there were references in there to the case, but the Supreme Court has never ruled on the specific matter of law which the Senator continues to read. Until it rules, we will make the decision in this Department of Defense authorization bill, and it is not an affirmation of current law because there has been no ruling.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Isn't it true that Justice O'Connor was specifically referring to a case of a person who was captured on Long Island? Last I checked, Long Island was part—albeit sometimes regrettably—part of the United States of America.

Mr. LEVIN. She is quoting with approval from the Quirin case in which one of the detainees was—

Mr. MCCAIN. Captured in the United States of America.

Those are the facts of the case.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. MCCAIN. Madam President, I am afraid we have to move to the amendment of Senator MERKLEY, who has been very patient.

Mr. LEVIN. According to a unanimous consent agreement which was entered into—

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I understand Senator MERKLEY was going to be recognized next to offer his amendment. That was according to the unanimous consent

agreement. I understand the Senator from New Hampshire, I don't know for how long, needed to make a unanimous consent request. Am I correct? No? I am incorrect.

According to the existing unanimous consent agreement, which was entered into—

Mr. MCCAIN. Can I ask the indulgence—

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Could I ask the indulgence of my friend from Oregon, that the Senator from South Carolina be allowed 2 minutes, and the Senator from New Hampshire be allowed 5 minutes? Would that be all right with the Senator from Oregon?

Mr. MERKLEY. Yes.

Mr. MCCAIN. I thank him for his courtesy too. I say to the Senator from Illinois, this is an important debate and discussion. I appreciate his presentation. I think a lot of people are getting a lot of good information, on what is a very complex and very central issue. I thank the Senator from Illinois.

I yield.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Please understand what you are about to do if you pass the Feinstein amendment. You will be saying as a Congress, for the first time in American history, an American citizen who allies himself with an enemy force can no longer be held as an enemy combatant. The *In Re Quirin* decision was about American citizens aiding Nazi saboteurs, and the Supreme Court held then that they could be held as enemy combatants. So as much respect as I have for Senator DURBIN, it has been the law of the United States for decades that an American citizen on our soil who collaborates with the enemy has committed an act of war and will be held under the law of war, not domestic criminal law. That is the law back then. That is the law now.

Hamdi said that an American citizen—a noncitizen has a habeas right under law of war detention because this is a war without end. The holding of that case was not that you cannot hold an American citizen, it is that you have a habeas right to go to a Federal judge and the Federal judge will determine whether the military has made a proper case. It has nothing to do with an enemy combatant being held as an American citizen. What this amendment would do is it would bar the United States in the future from holding an American citizen who decides to associate with al-Qaida.

In World War II it was perfectly proper to hold an American citizen as an enemy combatant who helped the Nazis. But we believe, somehow, in 2011, that is no longer fair. That would be wrong. My God, what are we doing in 2011? Do you not think al-Qaida is

trying to recruit people here at home? Is the homeland the battlefield? You better believe it is the battlefield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Madam President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. That is the point. Why would you say that if you are in Afghanistan, we can blow you up, put you in jail forever, but if you make it here, all of a sudden we cannot even talk to you about being part of al-Qaida. What a perverse outcome, to say if you make it to America, you are home free; you cannot be interrogated by our military or our CIA; you get a lawyer. And that is the end of the discussion. That is what you would be doing. That is crazy. No Congress has ever decided to do that in other wars. If we do that here, we are changing the law in a way that makes us less safe. That is not going to be on my resume.

It is not unfair to make an American citizen account for the fact that they decided to help al-Qaida to kill us all and hold them as long as it takes to find intelligence about what may be coming next. And when they say "I want my lawyer," you tell them "Shut up. You don't get a lawyer."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. "You are an enemy combatant, and we are going to talk to you about why you joined al-Qaida."

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I also rise in opposition to the amendment offered by Senator FEINSTEIN, and I certainly appreciate the comments of my colleague from South Carolina. It would lead to an absurd result that if we were in a situation where an American citizen became a member of al-Qaida and from within our country attacked Americans and we could not gather the maximum amount of information from them to make sure we could prevent future attacks against our country—that is what is at issue here.

I would like to point out a couple of issues that have not been addressed with respect to Senator FEINSTEIN's amendment.

If you look at the language of that amendment, she says that the authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of hostilities. I think this provision is going to create some real problems for the executive branch. If I were they, I would be in here raising these issues because it does not distinguish—the language—between an American citizen who is captured overseas versus

an American citizen captured in the United States of America.

Let's use the example of Anwar al-Awlaki. Mr. al-Awlaki, a member of al-Qaida, was actually killed by us overseas. So it would lead to the absurd result that we could not detain him to gather intelligence, but we believe that we are authorized—by the way, I agreed with the administration taking that step to take out Mr. al-Awlaki, who was a great danger to our country overseas. So the language as written would lead to that absurd result that would tie the administration's hands, that they can actually kill these individuals, but they can't detain them under military custody and interrogate them to make sure we can find out what they do know and what other attacks are being planned against the United States of America.

Also with respect to the language in this amendment, the language itself is a defense lawyer's dream. You can't hold a U.S. citizen until the end of hostilities. Well, how long can you hold them? I mean, it is not clear. There is no language in that. This is going to be litigated to heaven, and this is an area where our intelligence professionals need clarity. This is going to create more issues for the executive branch in an area that needs clarity and where there needs to be some identified rules and they have to be focused on gathering intelligence to protect Americans.

Senator DURBIN has cited the Abdulmutallab case on numerous occasions as a way—as a great case as an example of how we can gather intelligence from enemy combatants to protect America. Let's review the facts of that case again. Fifty minutes into the interrogation, he was told: You have the right to remain silent. He exercised that right because he was given Miranda warnings, and it was only 5 weeks later that we were actually able to get through the Miranda warnings after we went to his parents. Is that the type of system we want? What happened in that 5 weeks? What did we lose in terms of information that could have protected America?

If we can't hold an American citizen who has chosen to be a member of al-Qaida and has participated in a belligerent act against our country to ask them what other attacks they are planning and whom they are working with, how are we going to get information to make sure that—God forbid—we can prevent another 9/11 on our soil, because that is why they want to come to the United States of America. Also, how do we deal with this issue of homegrown radicals?

Unfortunately, this amendment, in my view, is going to be a situation where we are opening the welcome mat. If you get to America and you can recruit one of our citizens to be a member of al-Qaida, then you don't have to

worry about them being held in military custody. You don't have to worry about us using our maximum tools to gather intelligence to protect Americans.

I think this amendment is very misguided. I again would point out that the administration should be concerned about the language in this amendment. It does not distinguish between an American citizen who is captured on our soil who is trying to attack us and one overseas. But either way, if an American citizen has joined al-Qaida and is trying to kill us from within our own country, they have become part of our enemy and are at war with us.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. Thank you, Madam President.

I urge my colleagues to oppose the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I believe it is now in order for Senator MERKLEY to offer amendment No. 1257, as amended, with the amendment at the desk. The amendment at the desk has four words added to the printed amendment, and those words are "NATO and coalition allies"; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1257, AS MODIFIED

Mr. MERKLEY. Madam President, I call up amendment No. 1257, as modified, under the unanimous consent agreement and rise to speak to it.

The PRESIDING OFFICER. Under the previous order, the amendment No. 1257, as modified, is now the pending question.

The amendment (No. 1257) as modified, is as follows:

On page 484, strike line 22 through 24 and insert the following:

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, NATO and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress.

Mr. MERKLEY. Madam President, this amendment requires the President of the United States to develop a plan to expedite the reduction of U.S. combat troops in Afghanistan and to accelerate the transfer of responsibility for military and security operations to the Government of Afghanistan. Before I

speak to some of the details, I want to thank the original cosponsors who have worked hard on this amendment: Senator MIKE LEE, Senator TOM UDALL of New Mexico, Senator RAND PAUL, and Senator SHERROD BROWN.

The United States went to Afghanistan with two main goals that were laid out by President Bush: to destroy al-Qaida training camps and to hunt down those responsible for 9/11. Our very capable American troops and their NATO partners have aggressively pursued these objectives. There are very few al-Qaida operating in Afghanistan. Secretary of Defense Leon Panetta said in June 2010 that there were at most only 50 to 100 al-Qaida members in Afghanistan. Afghanistan is no longer and has not been for some time a central arena for al-Qaida activity.

American forces have also effectively pursued the second objective, which is capturing or killing those who attacked America on 9/11. In recent years, America has captured or killed two dozen high-level al-Qaida operatives, including Khalid Shaikh Mohammed, the alleged operational mastermind of the September 11 attacks, who was captured in a raid on a house in the Pakistani garrison city of Rawalpindi near the capital, Islamabad; Ramzi bin al-Shibh, described as a key facilitator of the September 11 attacks; Sheikh Sa'id Masri, an Egyptian believed to have acted as the operational leader of al-Qaida, who was killed in a U.S. drone strike. Most importantly, our exceptional intelligence teams and armed services have tracked down and killed Osama bin Laden, the founder and head of al-Qaida.

Citizens may fairly ask—and they do ask—given that we have successfully pursued our original two missions, isn't it time to bring our sons and daughters home? Our citizens remind us that the United States has been at war in Afghanistan for over 10 years, the longest war in American history. Our citizens recognize that the war in Afghanistan has come at a terrible price. More than 1,200 Americans have died from snipers, from improvised explosive devices, and other deadly weapons of war. More than 6,700 Americans have been wounded by those same weapons. Thousands of our soldiers have suffered from—and will suffer for years, decades to come—traumatic brain injuries and post-traumatic stress disorder. Our soldiers have paid a huge price. Their families have paid a huge price.

In addition, the war in Afghanistan has consumed and is consuming an enormous share of our national resources. According to the Congressional Research Service, by the end of this year—just over a month from now—we will have spent the better part of \$½ trillion or approximately \$444 billion. In 2011 alone, we will spend about \$120 billion.

So what is the answer to our citizens who ask, given our success in destroying al-Qaida training camps and given our success in pursuing those responsible for 9/11, why we haven't brought our troops and our tax dollars home. The official answer is that America has expanded its mission in Afghanistan from the narrow two original objectives of destroying al-Qaida and hunting down those responsible for 9/11 to the broad mission of nation building.

Destroying al-Qaida—our original mission—and building a modern nation state where one has never existed are two entirely different things. The expanded mission of nation building in Afghanistan goes way beyond those original two military objectives. This expanded nation-building mission involves creating a strong central government. It involves creating an election process for a functioning democracy. It involves building infrastructure—roads and bridges and schools. It involves a major mission to create a sizable national police force and a sizable and effective national army.

We have spent a lot on this mission, but the success is limited. Over 10 years, as I mentioned, we have spent \$444 billion. Now, that is in a nation that had a prewar gross domestic product, or economy, of about \$10 billion a year. So we have spent an amount equal to 44 times the economy of Afghanistan. One would think the result is we would have rebuilt the infrastructure of Afghanistan 10 times over or 20 times over. But the reality is there is very little to show for this nation-building mission. Why is that the case? Most simply, this nation-building mission is systematically stymied by multiple forces. One is high illiteracy.

On my recent trip to Afghanistan, I was told that among those recruited for the national police, the literacy rate at a first grade level is only about 16 percent—first grade level, 16 percent. The goal is to be able to raise that literacy rate so that soldiers can read the serial numbers on their rifles. That is a very different world from the world we live in.

The second huge factor is vast corruption. Just after my first trip to Afghanistan, the newspapers were full of stories about the family members and the associates of the President of Afghanistan building massive mansions in Dubai. Well, sending our money to Afghanistan so the elite can send it to Dubai to build mansions does not serve our national security.

The efforts in nation building are stymied by deeply felt, ancient tribal and ethnic divisions. Moreover, there is a strong national aversion to the very mission of building a strong central government. I had an interesting experience where I met with six Pashtun tribal leaders in Kabul, the capital. They came in to share their stories and each one of them said that some form

of the government you are trying to build is an affliction to our people. Please do not build a stronger government that exploits and afflicts our people. I said to them, help me understand this, because building a government means a force that can help with education, that can help with health care, that can help build transportation infrastructure, that can help provide security for businesses to prosper. They spoke to me and said—one of them summed it up and said, Senator, you don't understand. All of the government positions here are sold. The people who buy them do not buy them to serve our people. They buy them to exploit our people. And when you build a strong central government, which we oppose, the exploitation increases.

So this nation-building mission is systematically stymied by high illiteracy, vast corruption, extensive and deep tribal and ethnic divisions, and a historic national aversion to a strong central government.

We have been in Afghanistan for more than 10 years. It is time to change course. Our President recognizes this. He has worked out an agreement with the NATO partners to remove the remaining combat troops by the end of 2014. That is just over 3 years from now. But what happens during this next 3 years? This amendment says: Mr. President, during these next 3 years, seize the opportunity to diminish the combat role of American soldiers and increase the responsibility placed with the Afghanistan Government and the Afghanistan forces. Seize that opportunity.

I say to my colleagues today, this is incredibly important for our success in transferring responsibility. If we do not provide the opportunity and the necessity for the Afghanistan institutions to take responsibility for their own security, they will not be prepared to exercise that responsibility down the road.

The United States is facing a global terrorist threat. We will be well served by using U.S. troops and resources in a counterterrorism strategy against terrorist forces wherever in the world they may locate and train. That strategy was highlighted by the pursuit of Osama bin Laden in Pakistan or more recently our successful pursuit of Anwar Awlaki in Yemen. Our intelligence and our military, the best in the world, have proven without a doubt that they excel at this strategy. Thus, it makes sense to expedite the reduction of U.S. combat troops in Afghanistan and accelerate the responsibility for military and security operations to the Government of Afghanistan. That is what this amendment does.

The amendment specifically requires the President to prepare a plan for the expedited reduction of troops and accelerate transfer responsibility based on inputs from military commanders, from NATO and coalition allies, from

diplomatic missions in the region, from appropriate members of the Cabinet, and from consultation with Congress. What this amendment does not do is it does not limit our ability to identify an attack by al-Qaida or terrorist forces wherever they may be in the world. It does not limit our ability to destroy al-Qaida or associated terrorist training camps wherever they may be, wherever they are in the world. It does not restrict funding for supplies and equipment needed by our troops deployed in the field.

If our national security is well served by taking the fight to al-Qaida wherever they are, if our nation-building strategy in Afghanistan is confounded by illiteracy and corruption and cultural opposition and tribal and ethnic conflicts, if our national resources are needed in that global antiterrorism strategy and are needed as well for nation building here at home, if our men and women have suffered enough on Afghan soil, then we should encourage our President to seize every opportunity over these next 3 years to reduce our forces in Afghanistan and to transfer security responsibilities to the Afghan Government.

That is what this amendment does, and I encourage every colleague to support it.

Thank you, Madam President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I oppose this amendment for one simple reason. It requires the President to submit a plan to Congress for an accelerated drawdown from Afghanistan—an accelerated withdrawal; not just the withdrawal that is already planned, not the withdrawal that has already been accelerated on several occasions, but a new accelerated drawdown.

The President is supposed to submit a plan to Congress for an accelerated drawdown from Afghanistan. Does that mean the Congress of the United States could see a plan for an accelerated withdrawal from Afghanistan? Is it required that it be implemented by Congress or is it a nice informational, notional kind of thing: Here is a plan. Hey, let's get together. I have a plan. And the President's drawdown plan, our senior military commanders have stated, is already—already—more accelerated than they are comfortable with.

First of all, I don't get the point of the Senator's amendment, which is to submit a plan. It doesn't require that the plan be acted on, just a plan. I can

submit a plan for him if it is plans he is interested in. But the fact is we are accelerating our withdrawal from Afghanistan at great risk, as our military commanders have testified—much greater risk. So I guess another accelerated plan would obviously have the result of even greater risk to the men and women in the military.

I understand the opposition of the Senator from Oregon to the war. That is fine. I respect that. But an amendment that a plan is to be submitted without any requirement that it be implemented—a plan which would already accelerate more what has already been accelerated—I guess is some kind of statement.

The plan as required by this amendment would be based on inputs from our military commanders. I can tell the Senator from Oregon what our military commanders in Afghanistan have said in testimony before the Senate Armed Services Committee, which is that more acceleration would mean greater risk. The acceleration that is already taking place means greater risk. But the Senator from Oregon wants a more accelerated plan, I guess.

Then-chairman of the Joint Chiefs of Staff, ADM Mike Mullen, testified before the House Armed Services Committee on June 23—this is the Chairman of the Joint Chiefs of Staff—that the President's drawdown plan would be—that is the present plan, not an accelerated plan such as the amendment proposes—“more aggressive and incur more risks than I was originally prepared to accept.”

I wonder if the Senator from Oregon heard that. The present plan is “more aggressive and would incur more risks” than the Chairman of the Joint Chiefs of Staff would have been prepared to accept. So with this amendment, we accelerate even more.

On the same day, in testimony before the Senate Select Committee on Intelligence, GEN David Petraeus stated that no military commander recommended what the President ultimately decided. That is the present plan.

Their concerns were well grounded. Our commanders had wanted to keep the remaining surge forces in Afghanistan until the conclusion of next year's fighting season, which roughly occurs with the onset of the colder months. That was their recommendation to the President. So now the President shall devise a plan based on inputs from military commanders. I can tell the Senator from Oregon what the input from the military commanders is. It is the same input he got with the first accelerated withdrawal. All we have to do is pick up the phone and ask them. We don't have to have an amendment. That was their recommendation to the President. However, the President chose to disregard that advice and announce that all U.S. forces would be

withdrawn from Afghanistan by the end of next summer. That guarantees that just as the fighting season next year is at its peak, U.S. surge forces will be leaving Afghanistan. In my view, that is a huge and unnecessary risk to our mission. But the decision has been made. I think there will be great long-term consequences to it.

A story was related to me recently by a former member of the previous administration, high ranking, in a meeting with one of the highest ranking members of the Government of Pakistan. He said to this high-ranking government official: What do you think the chances for peace with the Taliban are? That individual laughed and said, Why should they make peace? You are leaving.

Those are fundamental facts. The primary reason for maintaining all of our surge forces in Afghanistan through next year's fighting season is because of another time the President chose to disregard the advice of his military commanders. It is well known that our military leaders had wanted a surge to be 40,000 U.S. troops, but the President only gave them 33,000. So rather than being able to prioritize the south and east of Afghanistan at the same time, as they had planned, our commanders had to focus first in the south, which they did last year and this year, and then concentrate on eastern Afghanistan next year, all because they didn't have enough troops.

That is not my opinion; that is the sworn testimony of military leaders before the Senate Armed Services Committee.

The President's decision made the war longer and now our commanders will not have the forces they said they wanted and needed to finish the job in eastern Afghanistan.

Before we mandate a plan to further accelerate the drawdown of U.S. forces from Afghanistan, I suggest we review the facts and consider the potential consequences of the overly accelerated drawdown we already have.

Before we base such a plan on the views of our military commanders, I certainly recommend that my colleagues travel to Afghanistan and speak with those commanders who can explain far better than I can why further accelerating our drawdown is reckless and wrong.

So I do not get the amendment. I do not understand why the title of it is "To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan."

As I said, in case the Senator from Oregon missed it, we have already accelerated, and in the view of our military commanders, unanimously, it is a far greater risk.

It says:

The President shall devise a plan based on inputs from military commanders, NATO

and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority. . . .

Apparently, the Senator from Oregon is not satisfied with the President's already accelerated plan for withdrawal from Afghanistan beginning in the fall of—well, it has already begun—but the serious withdrawal in the fall, September 2012.

I can assure—I can assure—the Senator from Oregon that if our withdrawal, which I greatly fear now, will have long-term consequences, a further accelerated withdrawal will absolutely guarantee that Afghanistan becomes a cockpit—a cockpit—of competing interests from Iran, from India, from Pakistan, and from other countries in the region. I think the people of Afghanistan deserve better.

So I will, obviously, oppose this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Madam President, I ask unanimous consent that the current amendment be set aside so I might speak briefly regarding amendment No. 1126.

Mr. LEVIN. Madam President, reserving the right to object, I wonder if the Senator would just seek the right to—the Senator has a right to speak on another amendment without setting aside this amendment. So I ask that the Senator not set aside the pending amendment but just simply speak on whatever amendment he wishes to speak.

Mr. LEE. Wonderful. The second request is withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1126

Mr. LEE. Madam President, I rise today to speak in support of amendment No. 1126 to the current pending legislation. The purpose of this amendment is to make clear that the United States shall not detain for an indefinite period U.S. citizens in military custody.

I understand this has been the subject of a lot of debate. I also understand this would be a break not only with the current pending legislation but also with current practice, based on Supreme Court precedent and lower court precedent that some have interpreted to deem this a constitutionally permissible practice.

It has often been suggested by several of my colleagues that it is the

province of the Supreme Court to interpret the Constitution, and that statement is absolutely correct as far as it goes. But it is not the beginning of the analysis and the end of the analysis.

We, as Senators, independently have an obligation, consistent with and required by our oath to the Constitution—which I took just a few months ago just a few feet from where I stand now—to uphold the Constitution of the United States. That means doing more than simply the full extent of whatever the courts will tolerate.

In this instance, what we are talking about is the right of the U.S. military to detain indefinitely, without trial, a U.S. citizen, simply on the basis that person has been deemed an enemy combatant.

Now, there is a real slippery slope problem here, and it is the very kind of slippery slope problem for which we have protections such as the fifth amendment and the sixth amendment. You see, under the fifth amendment, a person cannot be held for an infamous crime unless they have been subjected to a process whereby a grand jury indictment has been issued. A person cannot be held and tried for a crime without having counsel made available to them and without the opportunity for a speedy trial in front of a jury of the peers of the accused.

We can scarcely afford as Americans to surrender these fundamental civil liberties for which wars have been fought, for which the founding era, the founding generation fought so nobly against our mother country to establish and thereafter to protect. We have to support these liberties. I think at a bare minimum, that means we will not allow U.S. military personnel to arrest and indefinitely detain U.S. citizens, regardless of what label we happen to apply to them. These people, as U.S. citizens, are entitled to a grand jury indictment to the extent they are being held for an infamous crime. They are also entitled to a jury trial in front of their peers and to counsel.

We cannot, for the sake of convenience, surrender these important liberties. I am not willing to do that. That is why I support this amendment, amendment No. 1126, to the pending legislation. I encourage each of my colleagues to do so.

I want to point out that yesterday I voted against what became known as the Udall amendment. I did so in part because I do not believe that fixed the problem I am talking about. The Udall amendment did not even purport to address current practice or the policies as they have been established in recent years: that this kind of detention is in some circumstances acceptable. It called for a study and it eliminated certain provisions in the proposed legislation, but it did not fix the underlying problem.

This Feinstein amendment, amendment No. 1126, does fix that. That is why I support it. I encourage each of my colleagues to do the same.

When we take an oath to the U.S. Constitution—to uphold it, to support it, to protect it, to defend it—we are doing more than simply agreeing to do whatever the courts will tolerate. We are taking an oath to the principles embodied in this 224-year-old document that has fostered the greatest civilization the world has ever known.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

AMENDMENT NO. 1257, AS MODIFIED

Mr. LEVIN. Mr. President, let me just ask Senator MERKLEY a question, and then I think we can proceed from there.

It is my understanding that the original language in this and related amendments had the dates 2012 and 2014 in them, and it could have been interpreted that the Senator was trying to press those dates forward rather than address—as I interpret the Senator's current amendment—the pace of reductions after consultation with the people the Senator has identified. Am I correct?

Mr. MERKLEY. The Senator is correct. The amendment is designed to encourage, to increase the pace of the reduction of U.S. forces and the transfer of responsibility to Afghanistan's forces.

Mr. LEVIN. Mr. President, unless there is someone else here who wants to speak, I yield the floor.

Mr. MCCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1257), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MERKLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I understand the Senator from New Hampshire—

Mr. MCCAIN. Mr. President, the Senator from New Hampshire had intended to talk about her amendment and withdraw it, and she may be coming. I have not had a chance to notify her, so there may be a couple-minute delay.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, in an exchange I had on the floor, I mentioned the people on wonderful Long Island. I made a joke. I am sorry there is at least one of my colleagues who cannot take a joke. So I apologize if I offended him and hope that someday he will have a sense of humor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been working for some time to wrestle with this question of the right number of military forces we need in Europe. It is an issue that has given me some pause. I thought we had an agreement several years ago to make some noticeable changes in that force structure. Some changes have indeed been made and others were in the works and they apparently have been put on hold and altered.

So I just wished to share some thoughts about it. I thank Senator LEVIN and Senator MCCAIN for working with me to develop an amendment to this bill that helps call attention to this problem with the Department of Defense.

We have had a long and historic relationship with Europe and our European allies. They remain the best allies we have in the world. We have large numbers of troops still in Europe. But there are not nearly as many as there have been in the past. But the numbers are still extraordinary. We have, at this time, 80,000 U.S. troops in Europe, and I do not believe military threats justify that large a troop presence. Our historic even larger number was based on the Soviet threat, the Fulda Gap, the weakness of our European allies after World War II and their lack of strength and the bond that NATO meant. We stuck together and transformed the entire North Atlantic region in a positive way.

A book called "Paradise and Power" has been written about where we are today. It is a pretty significant book, frankly. The essence of it is that the Europeans are in a paradise protected by American power, and they do not feel any need to substantially burden themselves with national defense because the United States is there.

We have a nuclear presence, we have 80,000 troops, and we have the fabulously trained, highly skilled military with the lift capability of moving to a troubled and dangerous spot at any time. I do think it is fair to say they have become a bit complacent.

As part of a CODEL I led in 2004, we visited Europe, because the United States was going through a BRAC, a re-

duction of U.S. basing, and we did not have the same type policy with regard to international bases. We visited—Senator CHAMBLISS and Senator ENZI and I—bases in Europe, particularly bases we felt would be enduring, such as Rota, Spain, Sigonella and Vicenza and other bases—and Ramstein in Germany.

But there are others, lots of others. So part of the NATO commitment is that each nation in Europe would invest and spend 2 percent of their GDP on defense. We have been 4 percent—sometimes over that recently—in recent years. So our NATO members, however, are falling below that. Germany, the strongest economy in Europe, is at 1.2 percent of GDP on defense, and they spend a large portion of that on short-term, less than 1 year, military training of young people in Germany.

The fact is, a 9-month trainee is not someone in the modern world we can send into combat. They are just not sufficiently trained. Many military experts believe this is a waste of money. So even the money they are spending, in many ways, is not effectively and wisely spent to create the kind of modern military they have to have to be successful in a serious manner.

We do, though, believe Europe is not facing the kind of threats we had. I think it is appropriate for us to talk to our European allies and say we want to proceed with a drawdown, where possible. This Nation is borrowing 40 cents of every \$1 we spend. The Defense Department, under the sequester that will occur as a result of the failure of the committee of 12 to reach an agreement, will be facing dramatic cuts in spending, over \$1 trillion based on President Obama's projected budget over 10 years. We need to look for every reasonable savings we can.

The Defense Department is taking too heavy a cut in my opinion, far more than any other department of government. However, we cannot sustain that. I do not support that large a cut, but it will be reducing spending by a significant amount. So I believe we should think about our foreign deployments. The National Defense Authorization Act represents a vision for defense spending. We are now down from \$548 billion spent on the Defense Department last year, \$527 billion this year, an actual reduction in noninflation dollars of over \$20 billion.

As a matter of fact, the Budget Control Act agreement calls for a reduction of total spending in the discretionary account this year of \$7 billion; whereas, the Defense Department is taking \$20 billion. Other departments therefore are receiving increases to get the net 7 that is claimed. Unfortunately, that is not an accurate number because we do not achieve even the \$7 billion promised.

Since 2004, the Defense Department had a plan to transfer two of its four

highly trained combat brigades in Europe back to the United States as part of the larger post-world war realignment. However, in April of this year, the Department of Defense announced it would maintain three combat brigades and not bring the fourth one home until 2015.

I have asked the Chairman of the Joint Chiefs of Staff, General Dempsey, at the Armed Services hearing, and I asked Admiral Stavridis, our European EUCOM commander, and they had no good explanation for why we are altering the plan that has been in place.

So my amendment has been agreed to on both sides and would require three things from the Department of Defense: No. 1, assessment of the April 2011 decision to station three Army brigade combat teams in Europe; No. 2, an analysis of the fiscal and strategic costs and benefits of reducing the number of forward-based military personnel in Europe to that recommended by the 2004 Global Posture Review; and, No. 3, to describe the methodology used by the Defense Department to estimate the current and future cost of U.S. force posture in Europe.

So is Europe more threatened today than before? I do not think so. The United States has a tougher financial condition today than before? Yes. I believe we need to look at this carefully. I thank Senator MCCAIN and Senator LEVIN for working with me to recommend an amendment they believe is consistent with the goals I am seeking without micromanaging the Department of Defense.

I thank the Chair. I am pleased this amendment will be considered, and perhaps we can make some progress to analyzing more properly the deployment of forces in Europe. Finally, I would say there is no doubt in my mind that the economy of the United States is benefited if a brigade is housed in the United States, and the costs of support and family are in the United States strengthening our economy rather than transferring the wealth of our Nation to a foreign area.

I hope we will consider that as we deal with this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1229

Mr. MCCAIN. Mr. President, I call up amendment No. 1229 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is already pending.

Mr. MCCAIN. I note the presence of my colleague, Senator LIEBERMAN, on the floor, the chairman of the Homeland Security Committee.

I thank my friend from Connecticut for his support of this amendment and the importance, with the full realization of the key role the chairman of the Homeland Security Committee plays in the issue of cyber security,

which is the most—in many respects, one of the most looming threats to our Nation's security.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. I appreciate this amendment he has offered. I believe I am now listed as a cosponsor. If not, I ask unanimous consent that I be so listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. This amendment essentially codifies a very important memorandum of understanding between the Department of Homeland Security and the NSA, the National Security Agency. This is a perfect balance and exactly the kind of overcoming of stovepipes we need to see in our government.

Under existing law, the Department of Homeland Security has responsibility for protecting nondefense government, Federal Government cyberspace—cyber networks—and the privately owned and operated cyberspace, which actually amounts to some of the most critical cyber infrastructure in our country is privately owned.

Today, as Senator MCCAIN suggested, a target of attack by an enemy wanting to do us harm could be, for instance, our transit systems, financial systems, electric grid, and the like. What is embodied in this memorandum of understanding between DHS and NSA—which we will, by this amendment, codify into law—is to maintain the quite appropriate interface of the Department of Homeland Security with the privately owned cyber-infrastructure and those who own and operate it, yet utilizing the unsurpassed capabilities of NSA.

I appreciate that in this colloquy Senator MCCAIN and I are entering into, we both make clear—and I appreciate that his intention here in offering this amendment is not to circumvent the need for broader legislation to protect our American cyberspace from theft, exploitation, and attack. It happens that the current occupant of the chair, the junior Senator from Rhode Island, has been a leader in this Chamber in pushing us to deal with these kinds of problems.

Senator REID has announced that he will bring a comprehensive cyber-security bill to the floor of the Senate in the first work period of 2012. That is very good news for our security. As Senator MCCAIN said, I don't know that we today have a more serious threat to our security than that represented by those who would do us harm by attacking our cyber-systems, both public and private. This colloquy makes clear that this is a very significant first step, and that we need to do something more comprehensive and look forward to doing it on a bipartisan basis in the first work period in 2012.

Mr. MCCAIN. I thank the Senator from Connecticut, my dear friend. The

amendment establishes a statutory basis for the memorandum of agreement between the Department of Defense and Homeland Security on cooperative cyber-security support. Nobody should have any doubt about how serious this issue is. Secretary of Defense Panetta said this in June:

The next “Pearl Harbor” we confront could very well be a cyber attack.

ADM Mike Mullen at a hearing on 9/22 referred to the cyber-threat as an existential threat to our country. This is a serious issue and one that, as the Senator from Connecticut pointed out, is of utmost importance to our Nation's security.

Mr. LIEBERMAN. Mr. President, I would like to thank my friend Senator MCCAIN for introducing an amendment codifying an existing memorandum of agreement between the Department of Homeland Security and the Department of Defense that formalizes their cooperation on cybersecurity work. Our Nation needs to confront the growing threats we face in cyberspace; as Secretary of Defense Leon Panetta testified in June, the “next Pearl Harbor we confront could very well be a cyber-attack.”

Mr. MCCAIN. I thank my friend for cosponsoring my amendment, and share his concern about the threat our Nation faces. In a hearing before the Armed Services Committee just two months ago, former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen called the cyber threat an “existential” threat to our country.

The purpose of my amendment is to codify the current memorandum of agreement, and to ensure that the relationship between DoD and DHS endures. This growing partnership demonstrates that the best government-wide cybersecurity approach is one where DHS leverages, not duplicates, DoD efforts and expertise. This is just one of the many issues we need to address on cyber legislation, and does not diminish the need for a comprehensive bill addressing our Nation's cybersecurity. But our work together on this should serve as an example of where consensus can and should exist moving forward.

Mr. LIEBERMAN. I agree wholeheartedly. The approach embodied by the memorandum of agreement—and this amendment—exemplifies the potential for DoD and DHS to leverage each other's expertise, to make efficient use of existing government resources, and to avoid unnecessary growth of government. That is the approach we must follow as we continue down the path toward comprehensive cybersecurity legislation.

Mr. MCCAIN. I agree, and I again thank my colleague for supporting my amendment. While at the end of the day we may not agree on all of the provisions of a bill, I look forward to working together early in the coming

year to address these issues under a process that allows for full debate of the issues on which we may differ.

Mr. McCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent that Senator LIEBERMAN and I be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1068

Ms. AYOTTE. Mr. President, obtaining intelligence from high-value terrorist detainees is an urgent national security priority that is essential to protecting Americans. Unfortunately, under current law, terrorists need look no further than the Internet to find out everything they need to know about our interrogation practices and how they can circumvent them. Under President Obama's 2009 Executive Order 13491, all U.S. Government interrogators are limited to the interrogation techniques that are available online and described in the Army Field Manual. As a result, all members of the intelligence community, including the non-Department of Defense intelligence professionals who support the high-value detainees interrogation group, must conform to the procedures in the Army Field Manual, which was written by the U.S. Army for the U.S. Army; that is, there is little flexibility permitted under these rules, and they are easy for those who want to harm us to circumvent them and to know exactly what techniques we will use to gather information to protect our country if they are detained as an enemy combatant.

Mr. LIEBERMAN. Would the Senator yield for a question?

Ms. AYOTTE. Yes, I will.

Mr. LIEBERMAN. Let me thank my friend, Senator AYOTTE, for playing such a leading role in our debates on this critical issue of how our country handles detainees and gathers intelligence in our war on terrorism. I share her concerns about the potential damage to our intelligence collection efforts inflicted by adherence to the existing restrictions on interrogations. That is why I am pleased to be, with others, a cosponsor of the amendment introduced, amendment No. 1068.

I will say that I am also disturbed about the amount of misinformation that seems to be circulating about this amendment and similar efforts in the past that I have supported.

I ask the Senator from New Hampshire, does amendment No. 1068 authorize torture?

Ms. AYOTTE. I thank my friend, the Senator from Connecticut, first, for his leadership in this body on national security. We both had the privilege of serving our States as attorneys general.

The answer is no. This is an amendment, I point out, that not only is Senator LIEBERMAN sponsoring—and I appreciate his experience and leadership on this most important national security issue—but Senator CHAMBLISS, vice chairman of the Intelligence Committee, as well as Senator GRAHAM and Senator CORNYN, who are both members of the Armed Services Committee, as well as the Judiciary Committee. It is very important to be clear about what this amendment would and would not do.

This proposal takes every possible measure to put into place intelligence-gathering practices that honor our American values and laws. Our amendment in no way condones or authorizes torture. There have been many groups trying to misrepresent what is in this amendment. Any new interrogation techniques that are developed would be required to comply with the U.N. Convention Against Torture, the Military Commissions Act, the Detainee Treatment Act, as well as section 2441 of Title 18 U.S. Code that relates to war crimes.

Mr. LIEBERMAN. I thank my friend for that clarification. It is very important. It is very critical—particularly for those who misunderstood this amendment—to understand the host of protections that the amendment puts in, both compelling compliance with the international convention against torture, as well as explicit prohibition in American law against interrogation that amounts to torture.

I want to ask my friend another question. Right now, all Federal Government interrogators, whether in the military or in the civilian intelligence community, are limited to using the Army Field Manual. So why does the Senator think it is so critical to give interrogators the ability—limited ability—to go beyond the Army Field Manual?

Ms. AYOTTE. I appreciate the question from my friend and colleague. The decision by President Obama to limit interrogators to the Army Field Manual was based, in part, on the horrible abuses that happened at Abu Ghraib prison in Iraq. Undoubtedly, the abuses at Abu Ghraib failed to reflect American values, tarnished America's reputation, and certainly damaged our interests. However, responding to these abuses by reflexively applying an Army Field Manual—which, to be clear, terrorists can go online and get and know exactly which techniques they will be subject to if captured—to all Federal Government interrogators doesn't reflect the severity of the threat to our country and the importance of pro-

viding our nonmilitary intelligence collectors all of the lawful tools they need to gather intelligence to prevent nuclear attacks and protect our country.

Mr. LIEBERMAN. I thank the Senator for that answer. I completely agree with her. It is important to step back and perhaps state the obvious. Why do we capture enemy combatants? Why do we take prisoners of war? Two reasons, really. The obvious one is to get them off the battlefield against us so they can no longer attempt to kill Americans in uniform and, in the case of the war we are in with Islamist terrorists, to kill civilians. That is first—get them off the battlefield.

The second purpose—and this has been the traditional purpose of taking prisoners of war as long as there has been warfare in human history, and all the more so now—is to gather intelligence from them that will assist us in defeating the enemy and protecting our goals and protecting the lives of our men and women in uniform. That traditional purpose for taking prisoners of war is all the more critical in the unconventional war we are in against a brutal enemy that doesn't strike from battleships or tactical air fighters or military tanks or even in uniform; they strike us from the shadows, and they strike civilians as well.

It is very important to approach this amendment understanding that we are trying to increase, in a reasonable way, the capacity of those who work for us to protect our security and freedom to interrogate detainees that we have captured in the war against terrorism. One of the purposes is to gather intelligence, which will help us protect the lives of Americans and of our allies.

The preface to the Army Field Manual says it applies to the active Army, the Army National Guard, and the U.S. Army Reserve, unless otherwise stated. So as to the field manual, recognizing that these words create limited applicability of the manual outside the Army, the Army Training and Doctrine Command authors had the wisdom to warn that this manual was "Army doctrine," and it would have to be adapted, altered to apply to other "military departments" or other military service. If the interrogation techniques in this manual are not ideally suited for military services other than the U.S. Army, why should civilian interrogation professionals in the intelligence community, and particularly those who are in support of a high-value detainee interrogation, those who get the most powerful and influential and dangerous prisoners of war, be forced to comply with a document written for a defined military unit, which is the U.S. Army? I ask my friend from New Hampshire that question.

Ms. AYOTTE. I appreciate the question from the Senator from Connecticut. Absolutely, as the Senator

pointed out, the Army Field Manual was not created for this purpose. As he mentioned, the high-value detainee interrogation group is a group consisting of the CIA, FBI, and Defense Intelligence Agency, designed to interrogate the worst terrorists, who are likely to have valuable information about future attacks and information we need to protect our country. To address this problem, we drafted the amendment through this authorization that would allow members of the intelligence community, who are assigned to or in support of the high-value interrogation group, to utilize interrogation techniques that are consistent with our laws and values. Our amendment would ask the Secretary of Defense, working with the Director of National Intelligence and the Attorney General, to develop a classified annex to the Army Field Manual that terrorists could not see. Unfortunately, now they can go on the Internet and look at the techniques. It classifies that the Army Field Manual would provide interrogation techniques that would be used by that important select group of intelligence-gathering professionals, to allow them to have for their use the techniques they need to gather information and protect our country.

Mr. LIEBERMAN. Again, I thank my friend from New Hampshire, but I want to go back to something I said earlier. We have described the purpose of this amendment—what I call the due process we have put into it, the mandate that it comply with existing international norms and treaties, and, obviously, to comply with our law. I want to say to my colleague that it is certainly not my intention—and I ask my colleague is it her intention—that any of the measures we are authorizing—the interrogation tactics for the worst of the terrorist detainees—should or could equal what is conventionally known as torture? In other words, we are not attempting to legalize torture with this amendment.

Ms. AYOTTE. I thank the Senator for the question. The answer is, no; we are not. We believe torture violates our laws and runs counter to American values. That is what I believe. That is why we specifically require the techniques developed by the Secretary of Defense, the Director of National Intelligence, and the Attorney General have to comply with the U.N. Convention Against Torture and all applicable laws, including the Detainee Treatment Act. Thus, the ACLU's claim the amendment threatens to revive the use of torture is patently false, unfortunately.

Currently, the Army Field Manual interrogation techniques our intelligence community interrogators must follow are publicly listed online. That is unacceptable. It is like the New England Patriots giving their opponents their playbook days or weeks before the game begins. In my experience as

attorney general of New Hampshire and as a murder prosecutor, no detective or cop in even a common criminal case would tell the criminals what techniques they are going to use to gather information.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, could I ask my friend from New Hampshire to allow me to propose a unanimous consent request?

Ms. AYOTTE. I would grant the leader that request.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The reason I ask is that Senator LEVIN and I have a classified briefing that starts at 5:30.

May I ask the Senator how much longer she wishes to speak? It doesn't matter, but just so I have an idea.

Ms. AYOTTE. I would say probably 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator AYOTTE of approximately 10 minutes—she has been here long enough that she has learned to keep Senators' time, and 5 minutes really isn't 5 minutes—does the Senator from Connecticut wish to speak?

Mr. LIEBERMAN. Mr. President, I would say to the leader, I am in this with the Senator from New Hampshire, so we will complete our colloquy within 10 minutes.

Mr. REID. So following their colloquy of 10 minutes, I ask unanimous consent the Senate proceed to a period of morning business for 1 hour; that following that we go back to the Defense authorization bill.

There will be no more votes this evening, though, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I appreciate the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I thank our leader for giving us the opportunity to continue this colloquy.

I just wanted to point out—we were talking about the fact the Army Field Manual is online—that in my experience as New Hampshire's attorney general and prior to that as a murder prosecutor—and I know my colleague served as his State's attorney general as well—no detective or cop on the beat, in a common criminal case—and, of course, we are dealing with a situation where we are at war with terrorists—would ever give a criminal their playbook as to what techniques they would use to question them to get information to see if a crime has been committed and to see that justice is served. Yet here we are in a situation where we have online the techniques from the Army Field Manual while we are at war with terrorists who want to kill us.

What we are saying with this amendment is that we need to allow the intelligence professionals to develop techniques, but in a classified annex, consistent with our laws, that would allow them to gather intelligence and not tell our enemies what techniques will be used to gather information from them.

Not surprisingly, al-Qaida terrorists have taken advantage of our willingness to tell them publicly on the Internet what will and will not happen during an interrogation should they be captured. Al-Qaida terrorists have familiarized themselves with the interrogation techniques they would confront if captured, and they are training on how to respond. That makes it more difficult for us to gather information.

The willingness of the United States to give the equivalent of interrogation CliffsNotes to terrorists places our interrogators at a disadvantage and makes it more difficult to gather the information we need to save American lives. So developing a classified annex of lawful techniques for intelligence professionals who are interrogating the worst terrorists would make it harder for terrorists to train to avoid and resist interrogation.

The key to our amendment is giving this limited group of intelligence community interrogators the techniques they need to gather information but to do so without resorting to torture and while retaining an operational advantage that makes it more likely an interrogation will be successful.

Mr. LIEBERMAN. Again, Mr. President, I thank the Senator from New Hampshire. Just in listening to her, it seems so unacceptable that we are basically telegraphing to our enemy exactly the range of tactics that we will use against them as part of the interrogation.

We have set some quite appropriate constraints in this amendment consistent with our values and our laws and international law so that we are not going to get anywhere near torture. But when a member of al-Qaida or a similarly associated terrorist group is captured, I want that person to be terrified about what is going to happen to them while in American custody. I want them not to know what is going to happen. I want the terror they inflict on others to be felt by them as a result of the uncertainty of not knowing they can look on the Internet and find out exactly what our interrogators are going to be limited to.

Again, we will not tolerate torture. We will not tolerate what happened at Abu Ghraib. I think the limited interrogation in the Army Field Manual was an understandable but excessive reaction to the extreme and unacceptable behavior by Americans at Abu Ghraib. I hope this amendment will facilitate a return to the kind of sensible middle ground on which we will not be shackling our interrogators as they try to

get intelligence, within the law, to protect our freedom and the safety of those who are fighting for us.

So I want to ask my friend from New Hampshire whether she thinks we have now a kind of one-size-fits-all approach to interrogation that is posted online. In other words, our laws should make it easier, within the law, not harder, to gather intelligence to keep Americans safe. Yet it seems the current policy runs counter to that basic principle. Does my friend from New Hampshire agree?

Ms. AYOTTE. I do. I do agree. As a matter of common sense, this amendment should go forward. The reality of telling our enemies online what to expect just defies common sense. That is what we are addressing with this amendment.

Mr. GRAHAM. If I may, I find the discussion fascinating. May I enter into the colloquy?

The PRESIDING OFFICER. Subject to the previous order, the Senator is welcome to join the colloquy.

Mr. GRAHAM. I thank the Chair.

As I understand it, the reason the Senator is having to do this is because President Obama, by Executive order, prevented the CIA and other agencies from using any enhanced interrogation techniques that have been classified in the past; is that correct?

Ms. AYOTTE. That is right. Unfortunately, we are just telegraphing to our enemies what techniques we are going to use.

Mr. GRAHAM. If I may, let me ask another question. All of us agree we don't want to torture anybody. Waterboarding is not the way to get good intelligence. Not only is it not the right thing to do, it is just not the wise thing to do. But we believe we have gone too far the other way; that when the President said no interrogation technique is available to our intelligence community other than the Army Field Manual, does my colleague agree that, for the first time in American history, we are advertising to our enemies what we can do to them if we capture them, and no more can be done?

Ms. AYOTTE. I would say the Senator is absolutely right. I appreciate that the Senator from South Carolina has cosponsored this amendment, as has Senator LIEBERMAN, and I appreciate Senator LIEBERMAN's leadership. I would like to say while we are in this colloquy that Senator LIEBERMAN has also been a mentor to me in the Senate, and I appreciate that as well as his leadership on these issues.

Really, it comes down to this: We should not be telegraphing, we should not be advertising to our enemies what techniques our professional interrogators will use. This amendment is limited to the group of professionals who will focus on these issues and who will be gathering intelligence from terrorists.

We have to protect our country. Why would we do this? It just doesn't make sense.

Mr. GRAHAM. My good friend from Connecticut is aware there is a proposal pending on the floor of the Senate that would say, for the first time in American history, if a U.S. citizen decides to collaborate with an enemy, they cannot be held as an enemy combatant. I think the Senator is very familiar with the history of the law in this area. Unfortunately, during the entire history of our country, during other conflicts, American citizens have, on occasion, collaborated with the enemy, one of the most famous cases being the *In re Quirin* case, where an American citizen in New York and other places was helping Nazi saboteurs try to sabotage America.

In that case, the Supreme Court ruled an American citizen could be detained as an enemy combatant because the decision to collaborate with the enemy was a decision to go to war with their country, not a common crime, and that the law to be applied was the law of war. I am certain the Senator is familiar with the *Hamdi* case, where an American citizen seized in Afghanistan was allowed to be held as an enemy combatant. The *Hamdi* decision reaffirmed *In re Quirin*, and the *Padilla* case involved an American citizen captured in the United States accused of collaborating with al-Qaida.

All of those cases reaffirm the law of the land is, if someone chooses to help al-Qaida, they have committed an act of war against their fellow citizens, and they can be held as an enemy combatant for an indeterminate period of time so that we can gather intelligence about what they may have done or about what they know about the enemy.

Does the Senator from Connecticut agree that now would be a very bad time for the Congress to say, for the first time in American history, if an American citizen decides to help al-Qaida attack us, to kill us, our military can't hold them as an enemy combatant and find out what they were up to?

Mr. LIEBERMAN. Mr. President, I thank my friend from South Carolina for participating in our colloquy, and, of course, I totally agree with him, first of all, on the principle. As he has said very well, and he knows the law very well or better than anyone around here, the Supreme Court has made clear an American citizen, who by his or her acts has declared themselves to be an enemy of the United States, can be treated as an enemy combatant. If we change that now, it is not only wrong on principle, but it is absolutely the wrong time to do this.

Let me speak now for a moment—and I am privileged to be the chair of the Senate Homeland Security Committee.

The PRESIDING OFFICER. The 10 minutes allocated for the colloquy has expired.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Very briefly, the great concern we have now in terms of the security of the homeland is from so-called homegrown terrorists, radicalized Americans who effectively have joined al-Qaida or other terrorist enemies to attack the United States.

It is a sad and painful reality that, since 9/11, the only Americans killed on American soil by Islamist extremists and terrorists have been killed by other Americans who have been radicalized, who have become enemy combatants. I am speaking particularly of MAJ Nidal Hasan who killed 13 people at Fort Hood, and then an American named Bledsoe, who walked into an Army recruiting station in Little Rock, AR, and killed an Army recruiter just because he was wearing a uniform of the U.S. Army.

So these people have taken sides. They have joined the enemy. So to have this body at this time, as the threat of homegrown terrorism rises, say: No, they can't be treated as enemy combatants, not only does it not make sense and is totally unresponsive to the facts I have just described, the fact is, it is also dangerous.

So I couldn't agree with the Senator more. I wish to thank Senator AYOTTE, as we come to the end of this colloquy, for her initiative, frankly, for swiftly establishing herself in the Senate as one of our important leaders on national security matters. I am a little biased about this, but I know her experience as a former State attorney general has helped as well as what I have noted is her active and informed participation on the Armed Services Committee.

I must say that as I am about to enter my last year privileged to be a U.S. Senator, it gives me great comfort to know Senator AYOTTE is going to be here to carry on these fights for American national security and for freedom.

Ms. AYOTTE. I thank Senator LIEBERMAN very much. Again, I appreciate the Senator's leadership and all he has done for our country, to protect our country. I dare say no one has been more focused on protecting our country, and we deeply appreciate his leadership.

AMENDMENT NO. 1067 WITHDRAWN

Ms. AYOTTE. Before I yield the floor, I need to briefly discuss the withdrawal of an amendment I have, which is amendment No. 1067, regarding notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

I have received assurances from the Armed Services Committee majority

and minority staff that these comments and steps which are outlined in that amendment will be addressed when the Defense bill goes to conference.

Therefore, Mr. President, I ask unanimous consent that my amendment No. 1067 be withdrawn. But I also understand that the Armed Services Committee will take up my amendment when the Defense bill goes to conference as part of the conference on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, some people are wrongly suggesting that the National Defense Authorization Act for fiscal year 2012, this legislation will allow the military to capture and indefinitely detain any American citizen, and that the U.S. Armed Forces would be able to perform law enforcement functions on American soil because of the authority conferred under sections 1031 and 1032 of the act.

Several people have asked about my votes on the National Defense Authorization Act for fiscal year 2012. In particular, some people are wrongly suggesting that this legislation will allow the military to capture and indefinitely detain any American citizen, and that the U.S. Armed Forces would be able to perform law enforcement functions on American soil because of the authority conferred under sections 1031 and 1032 of the act. While I do have other serious concerns with this legislation, those particular assertions could not be further from the truth. I want to take this time to explain what the law actually does, what my position is on these issues, and why I joined with Senators DEMINT, COBURN and LEE to vote for those specific sections but against cloture on the final bill.

Section 1031 of this act merely affirms the authority that the President already has to detain certain people pursuant to the current authorization for use of military force. In fact, this same section of the bill specifically states that nothing stated in section 1031 is intended to expand the President's power. In addition, this section sets specific limits on who can be detained under this act to only those people who planned or helped carry out the 9/11 attacks on the United States or people who are a member of, or substantially support, al-Qaida, the Taliban, or their respective affiliates. There is no language that could possibly be construed as repealing the Posse Comitatus Act and allowing the U.S. military to supplant your local police department in carrying out typical law enforcement activities.

In particular, some folks are concerned about the language in section 1031 that says that this includes "any person committing a belligerent act or directly supported such hostilities of such enemy forces." This language

clearly and unequivocally refers back to al-Qaida, the Taliban, or its affiliates. Thus, not only would any person in question need to be involved with al-Qaida, the Taliban, or its surrogates, but that person must also engage in a deliberate and substantial act that directly supports their efforts against us in the war on terror in order to be detained under this provision. There is nothing in this bill that could be construed in any way that would allow any branch of the military to detain a law-abiding American citizen if they go to the local gun store or grocery store. What this section of the bill does is help provide for our national security by giving clarity to the military in regard to its authority to detain people who have committed substantially harmful acts against the United States. This is extremely important given that there are al-Qaida cells currently operating within our borders. I would not leave the risk of a terrorist attack that could claim the life of a member of my family up to chance, and I will not leave that risk for your family either.

Section 1032 of this bill concerns a smaller group of people who Congress believes are required to be detained by the U.S. military because people who fit within this criteria are a more serious threat to our national security. Any person detained under section 1032 must be a member of, or part of, al-Qaida or its associates and they must have participated in the planning or execution of an attack against the U.S. or our coalition partners. Simply put, the application of this detention requirement is limited to al-Qaida members that have tried to attack the U.S. or its allies. However, this detention requirement is clearly limited by a clause that states that the requirement to detain does not extend to U.S. citizens or lawful permanent residents.

Together, these two sections do the following: They affirm the authority of the executive branch to act within our national interest, and they provide the Federal Government with the tools that are needed to maintain our national security. This bill does not overturn the Posse Comitatus Act; the military will not be patrolling the streets. This bill does not take away our rights as citizens or lawful permanent residents; the authority under this act does not take away one's habeas rights. These sections do not take away an individual's rights to equal protection under the 14th amendment to the U.S. Constitution, nor do they take away one's due process rights afforded under the 5th or 14th. If this bill did such a thing, I would strongly oppose it.

I want to thank everyone for reaching out to the office to voice their concerns on this bill. I want to assure them that I always have, and always will, listen to their concerns and ad-

dress them in a timely fashion. I know this bill is not perfect. In fact, I proposed two amendments to prevent the President from transferring foreign terrorists to the U.S. to be prosecuted in the Federal court system, and I joined with Senators DEMINT, COBURN, and LEE to vote against cloture. However, in regard to the assertions that this bill allows the U.S. military to supplant our local police departments or that it allows the Federal Government to detain otherwise law-abiding citizens for simply carrying on in their daily lives, those assertions are entirely unfounded. As always, if anyone has any other questions, please feel free to contact me.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now proceed to a period of morning business for the duration of 1 hour.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I would ask to be notified when 10 minutes is up.

The PRESIDING OFFICER. The Chair will let the Senator know when 10 minutes is up.

DEFENSE AUTHORIZATION

Mr. GRAHAM. I would like to do a colloquy with my good friend from Connecticut.

Senator LIEBERMAN said something that I think we need to sort of absorb. As the chairman of the Homeland Security Committee, does the Senator believe the likelihood of American citizens being recruited, enlisted, and radicalized on behalf of al-Qaida is going up? Is that what the Senator is trying to tell us?

Mr. LIEBERMAN. Mr. President, I say to my friend from South Carolina, I not only believe it, but it is shown by the facts.

I wish I had the numbers exactly in front of me. But if we chart attempts at terrorist attacks on the United States—and here I am limiting it to people who are affiliated with the global Islamist extremist movement—there were a few after 9/11, but in the last 2 or 3 years, the numbers have gone up dramatically.

I hasten to say these represent a very small percentage of the Muslim-American community. But of course it doesn't take too many people to cause great havoc. We have been effective at law enforcement and, frankly, we have

been lucky that all but two of these attempts have been stopped. But I think we would find law enforcement officials, Homeland Security officials saying the toughest and most dangerous threat right now to the homeland security of the American people comes from homegrown terrorists who have been self-radicalized or radicalized by somebody else.

Mr. GRAHAM. I think that is important for us to understand. Does the Senator agree with me that when we look at the war on terror, the United States is part of the battlefield?

Mr. LIEBERMAN. Well, there is no question our enemies have declared it part of the battlefield. The very official commencement of the war against Islamist terrorism, 9/11, was an attack on America's homeland, on civilians.

Mr. GRAHAM. So let's just go with that thought for a moment.

Let's say our intelligence community, our law enforcement community, and our military/Department of Defense are all monitoring al-Qaida threats at home and abroad; does the Senator agree with that?

Mr. LIEBERMAN. Absolutely true. Al-Qaida and like Islamist terrorist groups.

Mr. GRAHAM. Under the Posse Comitatus Act, the military cannot be used for domestic law enforcement functions. Does the Senator agree with me that tracking al-Qaida operatives—citizen or not—within the United States is not a law enforcement function; it is a military function?

Mr. LIEBERMAN. It is a combination, truthfully.

Mr. GRAHAM. But our military has the ability to defend us against al-Qaida attacks at home, such as they do abroad.

Mr. LIEBERMAN. Right.

Mr. GRAHAM. So if the Department of Defense somehow intercepted information about an al-Qaida cell, let's say in Connecticut or South Carolina, could they be involved in suppressing that cell?

Mr. LIEBERMAN. I would say what has happened here since 9/11, and what we needed to have happen, is that the old stovepipes have dissolved and we have military, civilian, CIA, FBI, each with a focus, working together.

For instance, the Army doctor who killed 13 people at Fort Hood, our committee did an investigation in that case. He was actually communicating with the radical cleric Awlaki in Yemen over the Internet. That was picked up by international intelligence operatives. Part of the story is it wasn't transferred effectively to the Army so they could grab him before he committed the mass murder at Fort Hood.

But I have to say for the record, the primary responsibility for counterterrorism now in the United States is with the FBI that has developed an ex-

traordinary capability since 9/11. But it works very closely with the CIA, gathering international intelligence, NSA, homeland security, and the military.

Mr. GRAHAM. As a team effort.

Mr. LIEBERMAN. Right.

Mr. GRAHAM. Let's imagine a scenario next week where we find an al-Qaida cell exists that is planning a series of attacks against the United States, and within that cell we have some American citizens and we have people who have come here who are noncitizens.

Would the Senator agree with me, since Congress has designated cooperating or collaborating with al-Qaida to be an act of war, that entire cell could be held as enemy combatants and questioned by our intelligence community as to what they know about the attack and questioned on future attacks?

Mr. LIEBERMAN. That certainly should be the case, and we have had this circumstance in reality. They are all part of the same enemy. In the case the Senator posits, they have all been part of the same plot to attack the American people.

Mr. GRAHAM. So would the Senator agree with me that the current law is very clear that anytime an American citizen joins the enemy force, they can be held as an enemy combatant; that is the law?

Mr. LIEBERMAN. That is the law. As the Senator has said and Chairman LEVIN has said several times in the debate, there may be some in the Chamber who don't like it, but that is what the U.S. Supreme Court has said very clearly.

Mr. GRAHAM. If we capture an American citizen as part of this cell and we can't hold them as an enemy combatant for intelligence-gathering purposes, does domestic criminal law allow us to hold someone for an indefinite period of time to gather military intelligence?

Mr. LIEBERMAN. No.

Mr. GRAHAM. Does domestic criminal law focus on the wrongdoing of the actor, based on a specific event, when we are trying to resolve a dispute between the wrongdoer and the victim?

Mr. LIEBERMAN. Yes, it does. The Senator is making a very important point. It goes back to the colloquy the Senator from New Hampshire and I had, which is, when we capture an enemy combatant, we do so for two reasons: One is to get that enemy off the battlefield, the second is to gather intelligence. Sometimes the second purpose is more important than the first because it can lead us to other plots against the American people.

Mr. GRAHAM. Does the Senator agree with me the reason the Supreme Court has recognized that an American citizen could be held as an enemy combatant if they collaborate with an enemy is that the Court views that as an act of war; and under the powers of

the Commander in Chief, he can suppress all the enemies, foreign and domestic, that are at war with us?

Mr. LIEBERMAN. I do. There has been a lot of talk about the Constitution. The Constitution makes very clear that the primary responsibility we have in the Federal Government is to provide for the common defense, to protect the security of the American people.

Mr. GRAHAM. So our courts have recognized that during a time of hostilities, the executive branch has the authority to detain an American citizen who is helping the enemies of the Nation. The question is, Does the Congress want to change that for the first time ever?

I would like to add something that my good friend from Rhode Island got me thinking about. I have always tried to explain indefinite detention, what are we trying to do here? Clearly, in war, there is no requirement to let the enemy prisoner go back to the fight after the passage of time. We don't want to let any enemy prisoner go back to the fight because that makes no good sense. The problem with this war is, there is no definable end. That is the reason we have a habeas review, because we will never know when hostilities are over. So an enemy combatant determination could be a de facto life sentence, and that is why our Supreme Court said we want a judicial check on the executive branch.

So every enemy combatant will have their day in Federal court, and the government has to prove, by a preponderance of the evidence to an independent judge, that the decision to hold this person is warranted under the law. That was what the Hamdi case was about. I think that makes sense because it will not be the traditional war; it will be a war without a definable end.

The idea of continuing to hold them, if the judge says to the government: You are right, there is compelling evidence this person was involved with al-Qaida, tried to get involved with a hostile act; you are right, they are part of the enemy, you can hold them forever. But we have come up with an annual review process to make sure they will have a chance every year to have their case looked at.

Senator WHITEHOUSE got me thinking. In our own law, under the civil justice system—such as *Hinkley*, the man who shot President Reagan, he was acquitted in court, by reason of insanity, of shooting President Reagan. He has been in a psychiatric hospital ever since, and he can be held away from the community because he is a danger to himself or others.

I think what Senator WHITEHOUSE is saying is, the idea that we can hold someone—the Court has agreed with the government—as part of the enemy force as a continuing threat is not an

unknown concept. We just have to have a review.

The PRESIDING OFFICER. The Senator asked to be notified at 10 minutes.

Mr. GRAHAM. I thank the President.

I would suggest to our colleagues, let's think this thing through. Let's realize that if the enemy is coming to our homeland, the enemy is recruiting American citizens; and if we find an American citizen who has, in fact, joined forces with al-Qaida, our No. 1 goal should be to gather intelligence to prevent future attacks and to find out what that person knows about what the enemy is up to. Our secondary concern should be prosecution. When we interrogate somebody as the enemy combatant, the best thing we have on our side is time. I don't want to waterboard anyone, but I want to keep them in a controlled environment where time is on our side, and I will argue that the best information we have from Guantanamo Bay detainees did not come from waterboarding, it came from the fact that we could hold them for an indeterminate period of time, and through time, they began to cooperate and tell us valuable information.

Does the Senator agree that is the concept we need to hold onto in this war?

Mr. LIEBERMAN. I thank my friend. I absolutely agree. I talked to professionals in this business of interrogation, and they say some of the most effective interrogation takes time. I have had people describe to me detainees who were totally uncooperative, and they were asked over and over for days and weeks and months, and then finally broke and began to give information that was critically important for the protection of our country. So I do agree.

I want to stress two things the Senator from South Carolina has said because it is very relevant to the attempt to give special status to Americans deemed to be enemy combatants in the contravention of existing U.S. Supreme Court rulings that say if you are an American and you are found to have joined the enemy, then you can be treated as an enemy combatant, which common sense tells you is what you are.

Here is what I want to say, and this is important to what we are here for. There are two kinds of due process that are put into the bill, the underlying language and the compromise that has been adopted on the treatment of detainees. One, for the first time there is a judicial process to determine the status of the detainee, whether evidence shows that the detainee should, in fact, be treated as an enemy combatant. The second is that while the enemy combatant is subject to indefinite incarceration, that indefinite incarceration is subject to annual review now. So we can determine, according to a stated

series of standards, whether that person—

Mr. GRAHAM. Wouldn't the Senator agree that under domestic criminal law, that indefinite ability to question about enemy activity doesn't exist?

Mr. LIEBERMAN. That is absolutely right. The Senator stated earlier—and it is an important point—this is the danger we get into as we start to treat people who are terrorists as common criminals, or even uncommon criminals, which is that the criminal law aims at imposing a penalty, doing justice, incarcerating somebody as a result. The law of war is aimed at making sure that enemy combatants, prisoners of war, are taken off the battlefield—

Mr. GRAHAM. And to my colleagues—

Mr. LIEBERMAN. Until the war is over.

Mr. GRAHAM. I acknowledged in the Christmas Day Bomber case, in the Times Square attempted bombing, that they were put in Federal court. I am okay with that. I do believe in the "all of the above" approach. Our Federal courts can handle cases involving transnational terrorists and al-Qaida members and so can military commissions. The idea of reading somebody their Miranda rights may be the best interrogation technique. I know that we were able to get some good information after reading Miranda rights.

I guess the point I am trying to make is I acknowledge that the people doing the interrogation are better suited to make that decision than I am. I just don't want the Congress by legislation to say for the first time in the history of the country in this war—unlike any other war you no longer have it available to you, the U.S. Government, the ability to hold somebody as an enemy combatant if you believe that is the best way to gather intelligence. I am not saying the other system cannot be used. Let's leave it up to the professionals.

But the Senate is suggesting through the legislation being proposed that the idea of holding an American citizen who is suspected of collaborating with al-Qaida that they can no longer be held as an enemy combatant is not only changing the law, it is taking off the table a tool that I think we need now more than ever. I don't want us to lose sight of the fact of what we are doing here and what it would mean to our country and our ability to defend us. No one in World War II would have tolerated the idea that someone who collaborated with a Nazi trying to kill us on our own soil would have any other disposition than to be considered an enemy of the American people.

My question for this body is: Do you think al-Qaida is an organization that doesn't present that same kind of threat? Is it the Senate's desire to say during these times that an American

citizen can collaborate with al-Qaida to kill us on our own soil and that is no longer considered an act of war? I would argue that that would be one of the most irresponsible decisions ever made in a time of war by an elected body. It not only would change the law as we know it, it would create an opportunity and a hole in our defenses at a time when, as the Senator has indicated, the threat is growing.

I say to Senator LIEBERMAN, thank you for being a steady, stern, consistent voice along the line that since 9/11 our Nation has been in an undeclared state of war. The enemy still roams the globe. They have as their hope and dream hitting us again here at home. And, for God's sake, let's not weaken our defenses in a way that no other Congress has ever chosen to weaken the executive branch in the past. I thank the Senator for his service.

Mr. LIEBERMAN. I thank my friend from South Carolina for his expertise in this area and also his sense of principle. We have colleagues on the floor who want to speak. I want to say a final word. I know the Senator from South Carolina is particularly worried about pending amendments that would alter the way in which the underlying bill now treats enemy combatants who are citizens of the United States.

The underlying provision in the bill on detainee treatment fills a gap in our law that has been harmful and difficult for our military to deal with because there is no law about how to treat detainees. Senator GRAHAM worked very closely with Senator LEVIN and Senator MCCAIN to draft this compromise, and it is a good compromise. As he knows, if I had my preference, there would be no waiver in this because I believe anybody who is an enemy combatant is an enemy combatant and as a matter of principle ought to be held in military custody and tried by a military tribunal according to all the protocols of the Geneva Conventions, according to the Military Code of Justice.

Incidentally, if these tribunals are good enough for American men and women in the military who face charges, they ought to be good enough for enemy combatants who face charges.

But here is my point: The Levin-McCain-Graham provision in this bill on detainees is a compromise. It is a reasonable, effective, bipartisan compromise. It is the kind of compromise that doesn't happen here enough, and so I support it because even though I might have wished it would have gone further, so to speak, it is a lot better than the status quo. And I say that at this moment because I urge our colleagues who now want to come in with other amendments, to essentially undo this bipartisan compromise can do great damage. I am saying myself, yes, I wish it had not given the President

the power to waive that he has under the bill and take somebody who is an enemy combatant to a normal article III Federal court, but this provision is a real step forward from the status quo, and I think if we can say that, then we ought to support it. So I hope our colleagues will think twice before trying to undo the compromise, and that if they do go forward with it, that our colleagues on the floor will defeat those amendments.

Mr. GRAHAM. Mr. President, I will wrap this up. I know we have colleagues who want to speak. Let me reiterate what Senator LIEBERMAN said. There is a stream of thought that every member of al-Qaida, American citizen or not, is an enemy of the people of the United States in a military sense, not a criminal sense, and they should be in a military tribunal. That is the way we have handled most cases in the past.

Here is what I believe: I believe that the choice of venue should lie with the executive branch, and I think there is a very robust role for article III courts. So I don't want to say from a congressional point of view that every member of al-Qaida has to be tried by a military commission all the time, because, quite frankly, sometimes article III courts could be the better venue. When it comes to telling the executive branch that you have to put a noncitizen in military custody inside the United States, I think that is the right way to do it, but I don't know enough, so if there is a reason to waive that provision, the experts can waive it.

I have been very cautious about micromanaging the executive branch because they are the ones fighting the war. We have a role to play, we have a voice to be heard, and here is what I am urging some my colleagues. This compromise is not what some of our friends wanted, such as Senator LIEBERMAN and, quite frankly, it is not what the ACLU wants, because they don't buy into the idea that al-Qaida operatives are anything other than common criminals. So you have two poles here. I believe an al-Qaida operative is not a common criminal, and if an American citizen joins al-Qaida they should be treated as an enemy combatant as one possibility. But if you want to go down the other road, you can go down that road. I just don't want us to take off the table, for the first time in the history of America, that an American citizen trying to help the enemy kill us here at home somehow can no longer be talked to by our military to gather intelligence. That is a crazy outcome.

I think we have a good bill that gives maximum flexibility to the executive branch but preserves the tools we are going to need now and into the future. And to my colleagues, please ask yourself: If in World War II we could hold an American citizen who tried to help

the Nazis blow up America as an enemy combatant, why wouldn't you want to help hold an American citizen who is helping al-Qaida—which did more damage to the homeland than the Nazis—as an enemy combatant? Why would you want to take off the table the ability to hold that person, humanely interrogate them to find out why they joined, who they talked to and what they know? Because what they know and who they talked to may save thousands of lives. For us to say you cannot do that for the first time in the history of the country would be a colossal mistake.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Kansas.

COMMUNITIES FIRST ACT

Mr. MORAN. Mr. President, I am here to speak on another topic, but it has been my privilege to hear the discussion between the Senator from South Carolina, Mr. GRAHAM, and the Senator from Connecticut, Mr. LIEBERMAN, about what I think is a very serious debate; that is, the juxtaposition of our constitutional rights as U.S. citizens in light of our desire to make sure Americans' lives are protected. I have always struggled with trying to find that right balance, and I found tonight's conversation on the Senate floor very valuable.

I wish to turn my attention and bring to the attention of my colleagues in the Senate a pending piece of legislation, a bill I have introduced dealing with our country's economy and particularly as it relates to financial institutions and particularly our community banks.

There are, as we know, so many Americans who are looking for work. I would say our government's first priority is to defend our country, and we have been having a debate about how we do that, but we also have a significant responsibility to create an environment where businesses can grow and put people to work. I want to point out tonight a piece of legislation I have introduced that I believe is part of the solution. It is called the Communities First Act, and it is a compilation of what I would say are commonsense tax and regulatory relief ideas for our Nation's smallest financial institutions.

We constantly hear about Wall Street. I want to worry tonight about Main Street. These banks in communities across Kansas and in States across our country were not the cause of the financial crisis from which we are still struggling to emerge, but unfortunately they have become the victims. They have become casualties of the crisis on Wall Street. Hundreds of community banks have been allowed to fail, and the survivors are left waiting for the next burdensome regulation to come from Washington, DC.

Until banks are willing and able to make prudent loans to creditworthy hometown customers, job creation will remain stifled and our economic recovery will continue to lag.

The evidence seems clear to me that the current regulatory requirements impose a disproportionate burden on community banks because they do not operate on the scale to spread the legal and compliance costs. When a bank with, say, just 40 employees requires 4 compliance experts, I believe something is terribly wrong.

This expensive overregulation diminishes the ability of a community bank to attract capital and to support the credit needs of customers. What that means is that someone who wants to be a stockholder or the owner of a community bank, because regulatory requirements increase the cost of capital, will decide there is a different way to earn a living, a different place to invest that capital. So, in short, these burdens prevent a community bank from serving the community, and they avoid, therefore, the resulting job creation that comes when a community bank invests at home.

All of the regulations being piled on community banks might be justified if the failure of a community bank could pose a serious risk to our Nation's financial system, but that is clearly not the case. It was not the failure of several hundred community banks that left our economy in such poor condition; it was the financial condition of a handful of the largest firms in America that grew so large and so complex that their failure or bankruptcy could not be tolerated and the consequences would affect every American. We need a tailored approach to regulation.

Ross Wilson, one of my constituents in LaCrosse, KS, a banker, wrote to me. He says his bank will no longer make home loans, real estate loans. This is his quote:

As a community banker, I really hate this decision, but the complexity of the new regulations have forced us to make this decision. It appears that the powers that be in Washington don't understand the importance of a small community bank.

When your hometown bank won't make a home loan to one of its customers not because the loan won't be repaid but because the regulatory costs are far too significant, our regulations have far exceeded their value.

How does the Communities First Act that I have introduced change this trend and restore some level of sanity to our financial regulations? This bill would strip away outdated and unnecessary regulations, such as the Gramm-Leach-Bliley annual privacy notice requirement. Under current law, every bank and credit union is required to disclose their privacy policies on an annual basis even if that bank's policy has never changed during the year. So you can have a customer of a bank who

has been a customer forever, and the bank has a policy in place that never changes, but every year the bank has to send out a significant mailing to every customer explaining their policy in regard to privacy. While that burden maybe doesn't sound too significant, it is a costly requirement of questionable benefit.

Blake Heid of the First Option Bank in Paola, KS, tells me:

Very little of what the regulations have us do is productive or helps us take care of our customers better. Just the privacy notices alone cost our small bank in excess of \$13,000 annually. We haven't changed it . . . we never sold our customer information, and we still don't.

The Communities First Act would also address an issue regarding SEC registration by community banks. The number of shareholders which triggers a registration has not been updated in a long time and remains a burden that discourages community bankers from raising capital and making loans.

The Communities First Act would also reform which banks are required to comply with the costly burdens of Sarbanes-Oxley. Current law exempts banks with market capitalizations under \$75 million from compliance under section 404. The benefits of that section do not appear to be worth the cost, so my legislation raises that threshold.

Another commonsense provision would encourage Americans to save by reducing the tax on longer term certificates of deposit. It would also allow for individuals under the age of 26 to invest in Roth IRAs without regard to their income level. We desperately need Americans to save money for their long-term retirement benefits.

The Communities First Act would also reform the new Consumer Financial Protection Bureau so that the National Credit Union Administration, the FDIC, the Federal Reserve, and the other regulators would have a meaningful role in the creation of consumer protection rules. Dodd-Frank provides these regulators insufficient input, and review of the CFPB and the results of poorly written regulations could mean less credit and, again, fewer jobs.

There seems to be some disagreement here in Washington, DC, today about the effects of burdensome regulations on our economic recovery. But back in Kansas, Jay Kennedy of the First National Bank of Frankfurt indicates:

Our staff of 7½ people are busy taking care of our customers and serving our communities. The extra burden from things like tracking escrow payments, sending privacy notices, and filing call reports that take a month to complete all create undue stress and busy work for us.

Kansans don't know what the words "busy work" mean.

The relief of those three things alone would allow us time to teach financial literacy that our schools can no longer afford to do and create new products to better serve our customers.

The provisions of the Communities First Act are just a first step in unleashing the ability of small banks to do what they do best—provide capital that results in jobs.

Congress has created a regulatory monster, and I urge my colleagues to join me in removing unnecessary burdens from our financial system and co-sponsor S. 1600, the Communities First Act. While this legislation may directly benefit our Nation's community banks—our small financial institutions—the real beneficiaries are the entrepreneurs, the Main Street small business men and women, and farmers and ranchers who, with access to credit, can help put Americans back to work.

Thank you, Mr. President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

MR. HARKIN. Mr. President, parliamentary inquiry: Are we in morning business?

THE PRESIDING OFFICER. We are.

BOEING CONTRACT EXTENSION

MR. HARKIN. Mr. President, I have come to the floor this evening to congratulate the president of the International Association of Machinists union, Tom Buffenbarger, and Boeing's CEO, Jim McNerney, on their agreement today to extend their current contract for 4 years. This is a good deal. It reflects a strong and commendable commitment by Boeing to continue having their top-quality products made by top-quality workers. It provides real job security and fair treatment for the company's valued employees. It will also resolve the current labor dispute between the company and the union that is pending before the National Labor Relations Board. This settlement is a step forward for a great company—Boeing—a step forward for a great union—the machinists union—and a step forward for our great Nation. Again, I commend the CEO of Boeing, Mr. Jim McNerney, and the president of the machinists union, Tom Buffenbarger, for working out this agreement.

This agreement is also a compelling demonstration of the fact that the NLRB—the National Labor Relations Board—process works for all concerned. When an alleged unlawful activity happens, a charge is filed with the NLRB. That is what is supposed to happen. While the NLRB's process was playing out, the parties were able to sit down, negotiate, and strike a deal, which they announced today. As a matter of fact, that is what happens to most unfair labor practice charges filed at the NLRB. It is all a part of the process at that independent agency. Just as in our court system, cases settle to the benefit of both parties. That is what happened here. It also settled to the benefit of our Nation.

What should not have happened was the unprecedented level of political and congressional interference in this case. It wasn't just that Republican elected officials attempted to try this case in the press, they went far beyond that. House Republicans attempted to eliminate the board's funding entirely because of this case. Senate Republicans have blocked the nominees for the board and the General Counsel of the NLRB. House Republicans tried to subpoena the prosecutor's case file so they could obtain documents that the company had been unable to obtain in the litigation. A Member of this body called the NLRB Acting General Counsel, Mr. Lafe Solomon—an independent prosecutor and a 30-year career veteran of the agency, not a political appointee—a Member of this body called him and threatened to come after Mr. Solomon "guns ablazing" if he brought charges against Boeing. I am informed that the House Oversight Committee actually threatened to try to revoke the bar licenses—the bar licenses—of individual career attorneys at the National Labor Relations Board because of this case.

I have never, in all my years in public office, seen such a brazen and inappropriate interference with the business of an independent agency, and I hope to never see it again. The time and attention that House Republicans have devoted to their attack campaign against the National Labor Relations Board is nothing short of astonishing.

What is even more absurd and shameful is the fact that they claim this attack campaign was intended to save jobs. What saved jobs was the negotiations between the great company, Boeing, and the great union, the machinists union. That is what saved the jobs.

I am mystified by the suggestion by some Republicans that gutting the NLRB would somehow revive our economy. In survey after survey, business leaders agree about what is hurting the economy. It is not government. It is not regulation. It is not the NLRB. It is the lack of consumer demand. Workers don't have enough money to buy things, and the economy won't pick up until they do. Weakening workers' rights and taking away their ability to speak up for fair treatment will only make the problem worse.

Attacking American workers and the agency that protects them is a poor substitute for a real job-creation strategy. Americans know that the National Labor Relations Board is not remotely responsible for our country's economic woes. Incapacitating this agency will not put food on people's tables, help them keep their homes, find jobs, or send their kids to college. It will, however, send a strong message to those few—few—unscrupulous employers who want to take advantage of this bad economy to mistreat hard-working people. Fortunately, that is not the

case with Boeing. Without the NLRB, there would be no watchdog, and it would be open season on workers' rights. At a time when decent jobs, good wages, and fair treatment are getting harder and harder to find, this would be a step in the wrong direction for our country.

The National Labor Relations Board is an independent Federal agency charged with an important mission. In fulfilling that mission, the dedicated professionals at the board are doing their jobs as the law intended.

Now it is time for the Republicans in the House and the Senate to do the same. Instead of continuing to pursue this pointless and distracting partisan crusade to dismantle and do away with the National Labor Relations Board, it is time to put this episode behind us. It is time to recognize the NLRB is doing its job, that companies and unions will sit down and work things out and settle things out without the Senate and the House and Governors—and Governors—of other States trying to interfere and make it a political football.

Again, I congratulate the Boeing Company and the International Association of Machinists in doing what is best for America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENDING THE PAYROLL TAX CUT

Mr. HELLER. Mr. President, I thank you for the opportunity to spend a few minutes here on the Senate floor. And I want to thank the previous speaker, Senator MORAN from Kansas, for his timely comments, specifically regarding housing, the ability for small institutions, community banks to be able to produce the capital they need to help these small businesses and these homeowners, but, specifically, for the ability to create jobs. It dovetails into what I want to talk about today; that is, solutions, solutions for the American people.

This week, Congress has an opportunity to come together to help hard-working Americans, those taxpayers, and extend the payroll tax cut holiday. No State needs Congress to put aside political bickering more than the great State of Nevada.

Right now, as a percentage, more Nevadans are looking for jobs than in any other State. Right now, more Nevadans are having difficulty holding on to their homes than in any other State. And right now, more Nevadans are filing for bankruptcy than in any other State.

There was a report released yesterday that named Nevada the toughest place in the country to find a job.

Our No. 1 priority in this Congress should be to turn this economy around and get people working again. Yet here

I am standing on the U.S. Senate floor today trying to convince the majority not to raise taxes on small businesses.

I am proud of my State. I am confident that, with the right policies in place, Nevadans can find job opportunities and overcome these difficult times. But in order for that to happen, Congress must put partisanship aside and come together to pass meaningful legislation that benefits Americans who need help in this tough economy and expand opportunities for employers looking to hire.

Extending the payroll tax cut will allow Americans to hold on to wages they worked hard to earn. Under my plan, hard-working American taxpayers will not see a tax increase. Under my plan, we will prevent a tax increase on those already receiving the payroll tax credit. And under my plan, employers can continue to invest in their businesses, so they can grow, expand, and hire more workers without the fear of a tax increase.

Americans need jobs desperately. Congress should be focused on policies that create jobs and drive long-term economic growth. The legislation I have proposed allows Congress to responsibly extend the payroll tax cut and treat taxpayers' dollars appropriately.

There is no question Congress should extend the payroll tax cut. Republicans, Democrats, Independents, everyone agrees on that. But we should not do it by turning around and raising taxes on employers everywhere.

Nevadans are looking for jobs. Increasing taxes on small businesses in Nevada is bad economic policy, and taking away the capital they could use to invest makes little sense.

Rather than finding a solution for hard-working Americans, the majority has chosen to go down a path that is engineered purposely to fail. They know there is little chance a tax increase on hard-working American taxpayers and their businesses will pass the Senate, and they know there is no chance their tax increase will pass in the House. So instead of success and reaching bipartisan agreement, the majority has chosen to focus on failure and scoring political points.

Honestly, these are the games the American people are tired of: the "my way or the highway" mentality, proposals that have no chance for success, bickering at the expense of our economy.

We have a divided Congress. That means to ensure 160 million Americans receive an extension of this tax cut, we need to move beyond petty politics of this majority.

As a Senator from the State that is leading the Nation in unemployment, I am particularly disturbed by this determination to play the political game rather than focus on solutions that work for all Americans.

With a little common sense, we can pay for the payroll tax cut without raising taxes on job creators, we can reduce government spending where it is no longer needed, and require the richest Americans to pay higher premiums for Medicare. This will allow us to strengthen and preserve Medicare for those Americans who rely on the program the most. And since my colleagues on the other side of the aisle frequently talk about how the richest Americans should be doing more, I believe this is an approach that both Democrats and Republicans can support.

By voting for this alternative plan, Congress can put political gamesmanship aside and support a workable solution for all Americans. The bipartisan veterans jobs bill, along with the 3-percent withholding bill Congress passed earlier this month, is proof that when Congress has the will to work together, we can find a pathway forward.

My proposal provides Congress with another opportunity to break the political gridlock here in Washington, DC, and vote for a solution that can pass Congress and be signed into law. I am hopeful Congress can work together to extend the payroll tax cut and preserve opportunities for job growth. It is past time Congress put aside politics and focused on policies that work for Nevadans and all Americans already struggling in this difficult economic environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

SEXUAL ASSAULT IN THE MILITARY

Ms. KLOBUCHAR. Mr. President, I rise today to speak in regard to the National Defense Authorization Act, and in particular to certain sections of that bill which target a serious but often underaddressed problem facing the men and women of our Armed Services. This is the issue of sexual assault.

I introduced this legislation on this issue in the spring with Senator SUSAN COLLINS, and I remain deeply concerned about the subject.

Many of our colleagues are aware that sexual assault is a persistent problem within our Armed Forces. In fact, reports of trauma have risen in recent years.

In March, the Department of Defense put out its annual report on sexual assault in the military. According to the estimates, there were more than 3,000 reports of sexual assault in the military last year. That includes reports by both male and female victims, exposing attacks perpetrated both by and against members of our military. And those are just the reported attacks. Since the Department of Defense estimates that only 13 percent of victims actually come forward, we can assume

the real number of sexual assaults is much higher—upwards of 19,000.

The Department of Veterans Affairs has reported similarly disturbing figures: More than 20 percent of female servicemembers seen at VA medical facilities say they were sexually assaulted or harassed during their service.

Let me make this clear. We know the vast majority of the men and women serving in our military would never be involved in a sexual assault. They have the toughest jobs out there. They are on the front lines every day. But when we have a problem, we cannot put our heads in the sand and pretend it is not happening.

In 2008 alone, VA medical personnel reported nearly half a million encounters with veterans that focused on sexual assault and harassment. Our servicemembers are already dealing with the stress of battle. They are fighting two wars, and they are responding to other conflicts and needs around the globe.

The idea that an American in uniform—who is out there on the front lines, serving our country—may also suffer the physical and emotional trauma of sexual assault is simply unacceptable. It is also unacceptable that the records of that assault would be destroyed.

According to the VA, women who experience sexual assault or sexual harassment in the military have a 59-percent higher risk of developing mental health injuries.

Sexual trauma does not just hurt the victims. It can also take a huge toll on the soldiers who serve by their sides. It has been shown to severely undermine military cohesion, team morale, and overall force effectiveness.

The Department of Defense is well aware of this problem, and over the years it has taken some positive steps to address it.

For example, the Pentagon has created positions for personnel specially trained to handle reports of sexual trauma. It has improved counseling services for victims. And it has implemented new training procedures for commanders. But despite these important improvements, the Defense Department continues to fall short in one very key area: ensuring the lifelong preservation of victims' records from reports of sexual assault.

As a former prosecutor, I know firsthand how important it is to preserve the data connected to crimes like sexual assault. That is why I am so troubled by the gaps we have seen at the Defense Department.

As of now, there is no coordinated, cross-service policy for ensuring the preservation of medical records and other information that is related to sexual assault. In this day and age, it seems a little crazy. Some of the branches have 5 years; some of them

have 10 years. There is no policy, and many of these records are destroyed. These are records of sexual assault.

Across the board, these policies—or lack thereof—are bleak. In a significant number of cases of sexual assault, the data is destroyed within 1 year. It is simply shredded.

The problems this can cause for servicemembers are extensive. Within 1 year, the servicemember loses the proof that he or she experienced a sexual assault connected to their military service.

As a prosecutor, if you have someone who is maybe accused of a crime—or maybe no one followed through on it, and then later they go on and they commit an actual crime and there is a trial—you want to be able to access the records from the past.

Also, for the individual victim, it means they no longer have access to the evidence necessary for pursuing criminal action against their perpetrator.

It also means if the victim experiences depression or any other ailment, either mental or physical, relating to the assault, they may not be able to prove it was caused during their service, meaning they will not be able to seek VA disability benefits.

There are far too many examples of this out there—of servicemembers being denied compensation from the VA for disabilities caused by military sexual assault. There are far too many examples of servicemembers who have been told to “find a witness.” And when there are no witnesses, they have been told to “get their attackers to attest to the assault.” This is not the way we should be treating our servicemembers.

This year, my office was contacted by a group of Minnesota women veterans—veterans of all ages—who have bonded together to share their stories of sexual assault and to advocate for stronger protections from the Department of Defense and the VA.

These women signed up to serve. They performed well and honorably. And if in the course of their service, they experience an assault—an assault that would not have been experienced if they had not volunteered—then we owe them the basic decency of keeping their records. That is all we are talking about here.

We have appreciated that the Department of Defense is open to it, that the leaders of this bill are working with us on this issue.

I originally introduced this bill with Senator COLLINS, Senator MURKOWSKI, and Senator MCCASKILL. We were able to get 23 cosponsors on this bill, including every single woman in the U.S. Senate.

The Support for Survivors Act also is endorsed by several key veterans service organizations, including the American Legion, the Veterans of Foreign

Wars, the Disabled American Veterans, and the Iraq and Afghanistan Veterans of America, as well as the Servicewomen's Action Network.

The Support for Survivors Act is straightforward. Quite simply, it requires the Department of Defense to ensure lifelong storage of all documents connected with reports of sexual assault and sexual harassment in the military, while also maintaining full privacy for those involved.

Likewise, the purpose and motivation of this legislation is also pretty simple. It is about supporting our veterans.

I have always believed that when we ask men and women to sacrifice for us in defense of our Nation, we make them a promise that we are going to give them the support when they come home. As Abraham Lincoln said: We need to care for those who have borne the battle.

Well, protecting our servicemembers' personal records, protecting their rights is just about that. This week, Senators are considering a critically important bill, the National Defense Authorization Act. I am happy to say this year the Defense authorization bill already includes a significant majority of the provisions of my Support for Survivors Act.

This summer, the Senate Armed Services Committee saw fit to address the issue of military sexual assault during its markup of the bill. I am grateful for the time and effort my colleagues have invested in reviewing this issue. Already, the National Defense Authorization Act requires the Department of Defense to collaborate with the Department of Veterans Affairs in developing a comprehensive policy for ensuring retention and access to sexual assault records.

Importantly, the bill ensures protection of the privacy of the records. It also calls on the Defense Department and the VA to address access to the records not only for victims but also to the VA, law enforcement, and other entities that may need to access them. The bill also seeks to make the policy uniform across all service branches so members of the Air Force, the Army, the Navy, and the Marines are given fair treatment.

Why would you have records destroyed of sexual assault in one branch after a year and another branch after 5 years and another after 10 years? It is my position they should not be destroyed at all. The one provision which was not included in the Defense Authorization Act, which I believe is vitally important, was the requirement that records be stored throughout the life of the victim. Storing records for a person's lifetime is, in my mind, common sense. All other critical records, such as our health records, insurance records, banking records are stored throughout our lives. So I believe the

case should be the same here. Unfortunately, the Defense Authorization Act does not require lifelong storage. Instead it put this question entirely in the hands of the Defense Department, requiring only that the records be stored for 5 years and otherwise allowing the agency to determine its own timing.

Five years is not enough. Yes, it is five times the length of time the records are currently stored, and in that respect it is a good step. But it is not enough, not in a modern day where we store records and we have ways of storing records in a way—and certainly the Defense Department knows how to store these records—that is private.

That is why I have filed an amendment that would ensure that almost all sexual assault records are stored for an estimated 50 years. This solution is one that I have discussed personally with Senator LEVIN. It is also something my office has worked on closely with the Department of Defense. Although 50 years is not necessarily the life of the victim, it gets us a long way and is certainly better than what we have now.

I thank Chairman LEVIN for his willingness to work with me on this important issue and for his efforts to include this amendment in the overall bill. I also thank the Republicans, the other side of the aisle, for working with us and the fact that this was a bipartisan amendment from the beginning. Again, the sponsorship on the underlying bill included the sponsorship of all women Senators in the Senate.

I urge my colleagues to support this amendment as well as the strong provisions in this bill that address sexual assault protections for military members. The problems with sexual trauma within the military are broad. But the provisions included in the bill, including my amendment, are important advancements. I intend to monitor the Defense Department's implementation of these provisions. Although I was not able to secure the full lifelong record preservation, I am going to keep fighting this fight. But 50 years for most of the records is a pretty good result given what we have in place right now.

This year, the Department of Defense has finally placed a military officer in charge of its Sexual Assault Protection and Responsive Office, GEN Mary Kay Hertog. I believe she has not only a good grasp on the importance of preserving records but also the rank and weight necessary to forge real change in the Department's policy.

I intend to continue my communication with General Hertog, and I look forward to finding a policy that ensures that victims have lifelong access to their personal records. When our men and women signed up to serve there was not a line, and there should not be a line when they get back—not for jobs, not for education, and not to receive the medical benefits or health protection they have earned.

I see my colleagues, the leaders on this bill, Senator LEVIN and Senator MCCAIN, are here. I again thank them for working with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Minnesota for her strong efforts on behalf of the men and women in the military and their welfare and benefits. She is an advocate and a person who is committed to making sure that not only those who are now serving but those who have are cared for by our society and by our military and our veterans facilities.

So I thank the Senator. I appreciate the very eloquent statement she just made.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 2012—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1867.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Minnesota is here, let me add my voice of thanks and appreciation for what she continually is fighting for in the area of sexual assault. Her amendment makes great sense. We have cleared it on our side. We hope it gets cleared so that we can get this into a package—and we hope we can get a package that is adopted.

But I want to just commend the Senator for her intrepid effort that is awe inspiring on behalf of people who need all of the fight and all of the protection that we can give them, those are people who have been assaulted sexually. I commend the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1246, AS MODIFIED

Mr. MCCAIN. I send an amendment to the desk, as modified, No. 1246, and ask for its consideration.

The PRESIDING OFFICER. The amendment is already pending.

Mr. MCCAIN. Mr. President, the amendment is to require the Secretary of Defense to consult with the Armed Services Committee in commissioning an independent assessment of U.S. security interests in East Asia and in the Pacific region. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. LEVIN. Before the amendment is adopted, I just wanted to indicate our support of the amendment. It is in a very significant area which has to do with our force structure in the Pacific. Senator MCCAIN has been very active wanting to look at that because we have to look at it in depth. He has

agreed that this study, which will be done in consultation with people who have knowledge, can be done independently and in a prompt way with an independent study.

I think he has reached that conclusion. I think he is right. I believe Senator WEBB, if he were here, would want to indicate his strong support because the three of us have worked together for this kind of an effort.

With that, I would indicate my strong support.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1246), as modified, was agreed to, as follows:

On page 439, line 18, insert “, in consultation with the Chairman and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives,” after “Secretary of Defense”.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I would ask my friend, the chairman, if perhaps we could give our colleagues a brief update on where we are. There are not that many amendments remaining. There are a couple of rather serious amendments concerning detainees that are still outstanding. But overall I think we can tell our colleagues that we are pretty well moving along.

We still have a pending package of amendments that have been agreed to by both sides that, unfortunately, we are unable to move forward. But, hopefully, we will be able to do that.

Mr. LEVIN. Mr. President, we indeed have been making progress, No. 1. We made significant progress today both on the pending amendments that needed to be addressed by the full Senate, as well as a major package of amendments which has been cleared on both sides.

There is another package of amendments to which there has been no—they have been cleared, which means they are available to everybody, and there is no objection by anybody to the substance of those amendments. If there is any objection, then they are not going to be cleared. They would then have to be brought up to the whole body.

Tomorrow we have a number of significant amendments to address, including the Feinstein amendments, the Menendez-Kirk amendment on Iran sanctions, just being a few of them. But there are a number of other ones as well. In a moment, what I am going to be asking for is unanimous consent that when we come in tomorrow the first amendment pending be my amendment, No. 1293, on high-speed ferries, which apparently will require a rollcall vote.

So I just want to alert everybody that while we are preparing a unanimous consent agreement laying out what the order will be for tomorrow, what we will start with, that is our intention. I have talked already, of course, to Senator MCCAIN about that. He is agreeable that we start with that amendment, No. 1293.

Mr. MCCAIN. Mr. President, we think we can get wrapped up tomorrow. But there are serious amendments remaining. The Menendez-Kirk amendment is a very serious amendment and one that probably is going to deserve some debate time as well as the Feinstein amendment. The Sessions amendment also is one as well. So I think our colleagues should be prepared for a pretty interesting day tomorrow.

AMENDMENT NO. 1185, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent that my amendment No. 1185 be modified with the changes at the desk.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. SESSIONS. This amendment would simply require the Department of Defense to include the discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States in its Homeland Defense Hedging Strategy Review.

I hope my amendment can be accepted by voice vote. I thank Senator LEVIN and Senator MCCAIN for working with me to get language I believe all can agree to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Sessions amendment, as modified, has been reviewed. I know it has cleared on this side. I am confident it has been cleared by both sides of the aisle.

The amendment would require the Department of Defense to report to Congress on the findings and conclusions of the Department's Homeland Missile Defense Hedging Strategy Review, including a discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States.

The administration officials have committed to providing Congress with the results of its Hedging Strategy Review. This amendment would make it clear that the Department is required to do exactly that, and I just want to thank the Senator for his amendment, for modifying it, and I hope now we can adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1185), as modified, was agreed to, as follows:

At the end of subtitle C of title II, add the following:

SEC. 234. REPORT ON THE UNITED STATES MISSILE DEFENSE HEDGING STRATEGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the findings and conclusions of the homeland missile defense hedging strategy review, including a discussion of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Now I believe we have one other, Senator INHOFE's amendment, which now I think is agreeable on both sides.

AMENDMENT NO. 1098, AS MODIFIED

Mr. INHOFE. Mr. President, I have amendment No. 1098, as modified. I ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 1098), as modified, is as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than October 1, 2012, the Department of Defense shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENT.—The report required by subsection (a) shall include a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term “foreign boycott” means any policy or practice adopted by a foreign government or foreign business enterprise intended to penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I thank Senator INHOFE for the modification of his amendment. It is agreeable on our side.

Mr. INHOFE. Mr. President, I appreciate that. First of all, I don't recall seeing the majority and minority working so closely together and in the right way for a while. Several of my amendments have been accepted. I think they agreed to this one. It directs DOD to have a report on the effect of boycotts against our domestic contractors. It is modified, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1098), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe Senator INHOFE may wish to be recognized to talk about another amendment or a couple amendments that he has. We will not take any further action on those amendments now.

I think we are perhaps, hopefully, ready soon to offer a unanimous consent on what I described a moment ago—how we will begin in the morning. We will wait for that to be prepared.

I yield the floor.

Mr. INHOFE. Mr. President, I have two amendments that I believe are very significant. However, I don't believe they will clear, and that is the reason I will not be bringing them up. But it is important we do address the problems. The Military Leasing Act prohibits military installations from receiving any revenues from mineral exploration of these lands. Exploration has taken place in Oklahoma and other places, where we have, with the new horizontal drilling, been able to get at some of these reserves. The problem is that this incurs an expense by the military operations. The one I am talking about right now happens to be the depot in McCallister, OK. Under the Mineral Leasing Act that governs oil and gas leasing on Federal lands, it gives the responsibility to the Bureau of Land Management.

The problem is, we want to explore it and accommodate others who are going after these tremendous reserves and not just in Oklahoma but elsewhere. But there is not a mechanism by which they can be paid for expenses incurred by the local installation. We are going to be working on this and coming up with some kind of a solution. I will not be offering this as an amendment.

The second one I will not be offering is one that is very significant, which is treating what we refer to as the sub-S, or subpart-S carriers, nonscheduled carriers, that are currently taking materiel and personnel into areas such as Afghanistan. We have crew rest responsibilities, saying they cannot be—a crew cannot be working for more than 15 hours. The problem is this: 95 percent of the military personnel going into Afghanistan and some of these other areas go in by subpart-S operators. They are exempt from the crew rest. Right now, there is legislation that is pending that would make them fall under the crew rest requirements.

Military can take them in, but military doesn't have the capacity. That is

why 40 percent of all materiel and 95 percent of personnel are being brought into these zones. As an example, if they are going from the logical place, which would be in Germany to go into Afghanistan, they would carry it in, but they would not be able to offload whatever cargo or personnel and then get back and go to Stuttgart or whatever location it is in Germany because that would exceed crew rest.

On the other hand, they are precluded from having civilian aircraft staying in places such as Afghanistan. So there is no solution to it. We want to address this. We are going to try to do it. We feel this will not clear as it is now. So I will not be offering it tonight, but it is one I think is very significant.

With that, I yield the floor.

AMENDMENTS NOS. 1094, 1095, 1096, AND 1101
WITHDRAWN

Mr. LEVIN. Mr. President, I wonder if while the Senator from Oklahoma is here—we are trying to get a current list of amendments. Is it his intent to withdraw amendment No. 1101 on C-12 aircraft?

Mr. INHOFE. I don't have that one with me. I would rather wait until I get the amendment. There is one other I will want to have passed—several amendments are on Guantanamo Bay detention. This is on long-term, high-value detainees. It is my intention to offer that tomorrow.

I have currently four amendments that I will withdraw at this time so we can unclog some of this.

I ask unanimous consent to withdraw amendments Nos. 1094, 1095, 1096 and 1101.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Oklahoma for helping us to get our list of amendments whittled down to where we can hopefully have a manageable group for tomorrow. We are going to have a very busy day tomorrow. We have a lot of amendments to address and dispose of. It is doable because we have had the cooperation of Senators. It is our goal—we must finish this by 6 o'clock.

Everybody has a right to a vote if their amendment is germane. We hope we will have a chance to debate all these amendments as well as vote on them. I believe we will be coming in at 9:30. That is the current plan, and we will be back on the bill at 11. We have to start off immediately. I hope we will vote on my amendment within a few minutes after it is offered. There will be some debate in opposition to my amendment, I understand.

Hopefully, the Senators who oppose it will be notified tonight that my amendment is first up and we are going to be prepared to debate this at 11 o'clock.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 1867, the Defense authorization bill, tomorrow, December 1, 2011, the pending amendment be the Levin amendment No. 1293, relative to high-speed ferries.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I thank the chairman for the progress we have made and also again point out that we have some very serious issues that deserve debate and discussion. But when cloture expires—the 30 hours—there will be an automatic vote triggered at that time. We look forward to working with our colleagues to make sure they have sufficient time to debate the amendments.

It would be regrettable, as important as some of these amendments are, that we back up to the expiration of the cloture time and that would trigger an automatic vote. I am sure we will get the cooperation of all our colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF SYLVIA GILLESPIE

Mr. DURBIN. Mr. President, I want to take a few moments to thank a remarkable woman on my staff. Sylvia Gillespie, in my Springfield office, is retiring after 12 years. When you walk into that office in Springfield, Sylvia is the first person you see, and her smile has made thousands of people feel welcome. Her heart is as warm as her smile.

Sylvia is from the South Side of Chicago. She likes to say, "The same as Michelle Obama." She went to Austin O. Sexton Elementary School on South Langley Avenue and grew up on the same streets where that infamous street gang, the Blackstone Rangers, made a lot of trouble. But she survived that experience and went on to make a life in the service of others.

When she looks back at her life, Sylvia gets a little choked up and she

says, how did I go from being that little girl from the ghetto to working for a Senator. Well, the answer is very simple. Sylvia Gillespie cares about other people. She has helped countless people during the 12 years she has worked in my office. From helping people get their passports so they wouldn't miss a family wedding in some foreign country to speaking on behalf of constituents who ran into trouble with Federal agencies such as the Internal Revenue Service, Sylvia has been such a positive force in the lives of so many people.

The work she is most proud of, and the one thing she will talk to you about, is what she has been working on for the last 2 years—helping families in Illinois stay in their homes. Sylvia has helped dozens of families stay in their homes during the mortgage crisis when they thought they had lost everything through foreclosure. She would sit on conference calls with banks for hours at a time, refusing to take no for an answer. You don't want to cross Sylvia Gillespie when she is fighting for someone she believes in.

Ask her why and she explains:

I just felt like we just couldn't lose one more home. If I can prevent a family from losing their home by being on the phone with the bank for 3 hours, I would do it.

And she would do it. Sometimes she would persevere long after the homeowners had given up. In one particular case, a hardworking mom with two kids had done everything right.

She played by the bank's rules, but she was still only days away from watching the home she loved be auctioned off, and she was ready to give up. But Sylvia wasn't. Sylvia asked:

Have you ever seen a mustard seed? That's all you need: Faith the size of a mustard seed to get through this.

That was Sylvia. And after a long and grueling process, guess what. Sylvia prevailed. The woman received her loan modification. With Sylvia's help, that mother and her children will be spending this holiday season right where they want to be—in their own home.

That mom is just one of the many Illinoisans who are going to join me in being sad when Sylvia decides to retire.

When Sylvia is not working hard in my office, she spends a lot of time at the Abundant Faith Christian Church. She loves that church. She has invited me there on Sundays, and she really gets into it. She is a woman of faith, and she is a great singer. She throws herself, heart and soul, into their services. Every Sunday morning she and a few others cook up a breakfast for the community people who live near the church. They serve the families of patients in a nearby hospital and homeless people who come over from the neighborhood shelters.

Let me tell you another thing about Sylvia. She is a great cook and a great

baker. If you ask anyone in my Springfield office, they will tell you that her cookies and cakes are the best.

We have seen Sylvia dressed up in full regalia as a clown, which she does once a while to bring cheer and fun to parties and events in her community. She is a happy person and it is a joy to be around her.

She also has a great talent for decorating. One of her last responsibilities in my office, before her official last day before retirement, was setting up the Christmas decorations. Thanks to her, our office in Springfield is in full swing for the holidays.

We are going to miss Sylvia in our office. I speak for everyone there and countless people when I thank Sylvia for the outstanding 12 years of service she has dedicated to helping people in Illinois.

Sylvia is the mother of two beautiful grown daughters, Danette and Genaire. She is a proud grandmother of three grandchildren, ages 15, 13, and 11. She now has to make the tough choice of which daughter she will join and live with. They both want her. She has to decide whether to go with Danette in Portland, OR, or stay with Genaire in Davenport, IA. Whatever her choice, she told me there is one thing she wants to make sure of—that she has a reservation for the ticket of Barack Obama's second inaugural. She made the first, and she wants to be at the second one too. I made that promise to her.

Wherever she goes, I know Sylvia Gillespie will continue to be an inspiration to everyone she meets, and will, as long as she lives, reach out a helping hand to people who need a little assistance, a little encouragement, and that great Sylvia Gillespie smile.

Sylvia, thanks for 12 years of wonderful service in our office in Springfield. I wish you and your family the very best for many years to come.

TRIBUTE TO HELEN J. STEWART

Mr. REID. Mr. President, I rise today to honor Helen J. Stewart, a brave and extraordinary Nevadan who lived during the early days of Las Vegas. On December 3, 2011, there will be a dedication of the statue erected in her honor at the Old Las Vegas Mormon Fort State Historic Park.

In 1882, Helen arrived in the Las Vegas Valley with her husband Archibald and their three young children. After her husband died of a gunshot wound in 1884, she managed their isolated ranch while caring for five young children. A business-savvy woman, Helen sold 1,832 acres of the ranch to the railroad in 1902 for \$55,000. This land became the area from which the City of Las Vegas developed.

Helen had a pioneering spirit, and she is considered to be the "First Lady of Las Vegas." Among her numerous ac-

complishments in the community, she was the first Postmaster, the first woman to serve on a School District Board, and the first woman to serve on a jury. In addition, she was an advocate of women's rights, a charter member of the Mesquite Club, one of the founders of the Christ Episcopal Church, and the president of the Las Vegas chapter of the Nevada Historical Society.

Helen also developed strong friendships with the Southern Paiutes. They were her neighbors and some were workers on her ranch. In 1911, she deeded 10 acres of her land to the Federal Government for use as an Indian school. That land established what is now known as the Las Vegas Indian Colony for the Las Vegas Paiute Tribe.

I am pleased to stand today to recognize Helen's outstanding achievements. She was a remarkable mother, rancher, businesswoman, and community leader, and she serves as an inspiration to us all.

HOLD ON H.R. 3012

Mr. GRASSLEY. Mr. President, I rise to inform my colleagues that I am placing a hold on H.R. 3012, the Fairness for High-Skilled Immigrants Act. This bill would eliminate the per-country numerical limitations for employment-based visas and increase the numerical cap for family-based immigrants. I have concerns about the impact of this bill on future immigration flows, and am concerned that it does nothing to better protect Americans at home who seek high-skilled jobs during this time of record high unemployment.

TRIBUTE TO THOMAS H. MILLER

Mrs. MURRAY. Mr. President, I would like to recognize and honor the service of Thomas H. Miller as he retires as the executive director of the Blinded Veterans Association. Mr. Miller has been an outstanding servant to his country and an advocate for his fellow veterans. He is truly an example of courage and perseverance. He has demonstrated throughout his career that the blindness he sustained through combat injuries does not impede his ability to have an impact here at home.

Mr. Miller served his country honorably in Vietnam and lost his eyesight during a 1967 combat mission. He was honorably discharged a year later and returned home to find limited resources for veterans suffering from blindness. Following his own struggle to adjust to life at home, Mr. Miller dedicated himself to ensuring that all blinded veterans share in the resources, services, and support that can bring new hope and opportunities.

As executive director of the Blinded Veterans Association, Mr. Miller

helped dramatically improve the lives of blinded veterans nationwide. In 2006 he helped launch Operation Peer Support a program aimed at ending the isolation suffered by many blinded veterans returning from combat in Iraq and Afghanistan. This program provides veterans with valuable information regarding rehabilitation, employment, and self-help activities. Most importantly, Operation Peer Support has provided many blinded veterans with the opportunity to interact with one another and make lifelong friendships here at home.

Mr. Miller was also instrumental in raising awareness for blinded veterans. During his time with the Blinded Veterans Association, Mr. Miller worked with the Veterans Health Administration to improve care for the vision impaired. He testified before the House Committee on Veterans' Affairs about the challenges facing blind veterans and served as the chair of the Federal Advisory Committee on Prosthetics and Special Disabilities Programs. In 17 years of leadership, the Blinded Veterans Association made vital contributions to legislation that has greatly expanded benefits and services for vision impaired veterans.

Our Nation is fortunate to have veterans as selfless and dedicated as Mr. Miller. While he could have allowed his combat injuries to slow his career, Mr. Miller instead saw his experience as an opportunity to help improve the lives of thousands of his fellow veterans. He has given honest and faithful service to his country and those wounded veterans transitioning to life back at home.

WALL STREET PROTESTS

Mr. LEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mallory Factor and published in Forbes magazine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCCUPY WALL STREET . . . NEXT STOP, ATHENS?

In the past few weeks Americans have watched with interest, bemusement and anger as protests and sit-ins on Wall Street have sparked similar demonstrations around the country. With vague goals of combating corporate greed and calls to rectify all manner of social and economic inequality, this movement seems, to the press at least, to capture a mood of deep discontent among the American people.

But if you think a thousand protesters on Wall Street is a trouble sign for our nation, wait until you see the civil unrest that follows the reforms and cuts to government programs needed to bring our national debt under control. Just look at Greece, where government is being reformed, drastic cuts are being made—and the society is unraveling. In Greece a series of severe austerity measures has been imposed as conditions for

recent bailouts by the International Monetary Fund and the other members of the single European currency, the euro. Yet the economy continues to spiral downward.

And with each new round of reforms in Greece, misery and unrest are on the rise. Strikes and angry street protests are a daily occurrence, as unions fight decreases in pay and benefits for their workers, students protest the lack of opportunity and ordinary citizens resist reforms and tax increases. The confrontation with authorities is impeding business and destroying tourism, deepening the crisis further.

Some of that struggle is for naught. The Greek government couldn't reduce austerity measures if it wanted to. Fiscal policy is now out of its hands and likely to remain so for decades, perhaps generations.

And while most Greeks agree the bloated state must be streamlined, they're stiffening their resistance to reform. That's why many in the euro zone believe Greece must default in order to rebuild a more efficient government.

America isn't in that predicament—yet. But there are cautionary lessons to be lifted from the outraged streets of Athens. As the Greek example shows, government largesse is easy to expand but difficult to cut back without inflaming people.

For years our politicians have framed increases to government benefits as compassionate and obligatory. Now all that overspending must be pared back and government programs reformed to curb the federal deficit. But each round of needed cuts and reforms will likely cause misery—in an amount substantially greater than the happiness generated by spending increases.

Behavioral economics, which uses social and psychological factors to predict a population's decision-making behavior, captures this paradox in two fundamental principles.

First, the principle of "loss aversion" explains that people hate to lose something more than they value receiving something. So, even if many Americans don't value existing government programs and spending very highly, they will likely be very unhappy about the loss of those same goods and services.

Second, even if you streamline our government and make programs more efficient, the "endowment effect" predicts that people will still oppose changes to the benefits they receive. This is because people tend to value the goods and services they have more than they do equivalent replacement goods and services. The endowment effect makes it very difficult to exchange existing benefits for new ones and thus to "reform" government programs.

Whether we cut spending and make reforms now or later, course correction will be difficult and even potentially dangerous to our nation's stability. Just look at the resistance of public employees in Wisconsin, Indiana and elsewhere to relatively minor cuts to see how people will contest vigorously any decreases to their benefits and programs.

Behavioral economics teaches us that any time we make changes and reduce government benefits and programs, we can expect people to be very upset about those decisions—and likely resist them. Still, we need significant reforms and deep cuts to put the U.S. on track toward a balanced budget.

Paring back government will undoubtedly cause misery and social dislocation. However, "death" by a thousand small cuts will intensify civil unrest and may produce revolutionary fervor unlike anything we've seen

in America in our lifetime. Our nation will be better off by reforming our system radically, in a single dramatic turn, rather than piecemeal—or face something very like the furious streets of Athens.

PREMATURITY AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, November is Prematurity Awareness Month, but as the month comes to an end, our fight against preterm births and complications caused by prematurity continues daily in hospitals, homes, and research facilities across the country.

Each year in the United States, more than half a million babies are born prematurely. More startling, over the last 25 years, the rate of preterm birth has increased more than 36 percent. Today, prematurity is the leading cause of newborn death in the United States.

Additionally, a preterm baby is four times more likely to have at least one medical condition, such as cerebral palsy and learning and behavioral problems. And the life-long health complications caused by pre-term birth also have a serious financial burden on the child and parent. A premature birth costs, on average, \$51,000 in the first year alone; premature births cost our nation \$26 billion annually. Yet, despite the costs in lives lost and families burdened, medical research and innovation continues find new cures and therapies.

On the Federal level, beginning in 2003, the National Institutes of Health (NIH) invested approximately \$21 million in research for a drug—progesterone or 17P—to prevent preterm birth. 17P was found to reduce preterm births by 37 percent in high-risk pregnancies, and compounding pharmacists were able to provide compounded 17P to women for a mere \$10-\$20 a dose. Earlier this year, however, a pharmaceutical company received exclusive rights to manufacture the drug and increased the price by 14,900 percent to \$1,500 a dose. But because of the advocacy of Ohio's leading children's hospitals from Cleveland to Cincinnati—because of the stories of pregnant women I met in airports and community halls, we raised the public's awareness to the astronomical price gauge and increased public demand against the company to reconsider its pricing. The company eventually reduced the cost of its branded version of 17P, Makena, from \$1,500 a dose to \$690—still significantly more expensive than the compounded version. Given the public and Congressional outcry and the importance of the medication to pregnant women and their babies, the Food and Drug Administration (FDA) announced that compounding pharmacies would still be able to offer women the more affordable version of 17P. Our work continues to make such

a life-saving drug more affordable and available to millions of women who depend on it.

But despite the success of 17P in preventing preterm births, more needs to be done. Every year March of Dimes grades each state on their rates of premature birth. While Ohio is improving, the current 12.3 percent premature birth rate—or 500,000 children annually—leaves Ohio with a C grade. Fortunately, hospitals, patients groups, and public-private partnerships are working to reduce preterm births in Ohio.

In 2009, central Ohio's four hospital systems—Nationwide Children's Hospital, The Ohio State University Medical Center, OhioHealth, and Mount Carmel Health System—as well as the Columbus Public Health Department, Franklin County's Board of Commissioners, and non-profit groups came together through Ohio Better Birth Outcomes (OBBO) to reduce the number of preterm births in Franklin County. OBBO's efforts include home nurse visits to low-income mothers from the 28th week of gestation through the child's second birthday and education and counseling for mothers about "safe spacing" of pregnancies. By allowing their bodies at least 18 months to fully heal between pregnancies, their subsequent pregnancies will be healthier. Through this work, OBBO was able to increase gestation time by an average of six weeks and two days. For each week a woman is able to carry her baby between 36 weeks and 39 weeks, the baby has a 23 percent decrease in respiratory diseases, seizures, brain hemorrhages, and other complications.

Ohio is also home to the Ohio Perinatal Quality Collaborative, which consists of 45 clinical teams from 25 Ohio hospitals. The Collaborative, based at Cincinnati Children's Hospital Medical Center, includes all of Ohio's children's hospitals as well as regional hospitals such as Akron's Summa Health System, the Toledo Hospital, the Mount Carmel Hospital System, St. Elizabeth's Health Center in Youngstown, and Miami Valley Hospital in Dayton. Twenty-four teams are focusing on reducing catheter associated infections in preterm babies and the other 21 teams are focusing on reducing the number of deliveries that occur between 29 and 36 weeks gestation.

In my hometown of Mansfield in Richland County, Ohio, the Community Health Access Project (CHAP) stepped in after discovering that certain groups of women were three times more likely to give birth to a low birth weight infant. Through a series of community outreach initiatives, CHAP community health workers and local volunteers were able to identify and break down barriers, such as transportation needs and cultural differences, to better address the health needs of at-risk pregnant women. In its first

three years, the number of low birth weight babies in the region showed a decline from 22.7 percent to 8 percent and CHAP has become a national model in community health services.

At University Hospitals (UH) in Cleveland, the MacDonald Women's Hospital and Rainbow Babies & Children's Hospital implemented a Centering Pregnancy Program in 2010. This unique, group-based program targets socially at-risk women who are least likely to receive consistent prenatal care and have the greatest risk of having a low birth weight baby or delivering prematurely. The program has enabled UH to dramatically reduce incidences of preterm births and low birth weight babies by 8 percent and 8.7 percent below the national average respectively.

November has come to an end, but I look forward to continue working with organizations and health systems in Ohio and across the country to reduce premature births and ensure a healthy start in life for our Nation's children.

ADDITIONAL STATEMENTS

REMEMBERING JIM CAPOOT

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of James "Jim" Capoot, a dedicated husband, proud father, loving son, devoted friend, and respected colleague. Officer Capoot lost his life in the line of duty while serving the Vallejo Police Department on November 17, 2011. He was 45 years old.

Jim Capoot was originally from Little Rock, AR and served in the U.S. Marine Corps and as a California highway patrol officer before joining the Vallejo Police Department in 1992. Officer Capoot was a highly decorated officer having received the Vallejo Police Department Officer of the Year Award, the Medal of Merit, the Life Saving Medal, and twice awarded the Medal of Courage. In addition to his work with the police department, Officer Capoot was the volunteer coach of the Vallejo High School girls' basketball team and led the team to a section championship in 2010.

Officer Jim Capoot, like all those who serve in law enforcement across California, put his life on the line to protect his community. I extend my deepest condolences to his loving wife Jessica and three daughters. My thoughts and prayers are with them. We are forever indebted to him for his courage, service, and sacrifice.●

TRIBUTE TO RANCOURT & CO. SHOECRAFTERS

• Ms. SNOWE. Mr. President, my home State of Maine boasts countless entrepreneurs who are working to ensure that our State and Nation have a vi-

brant, growing economy for years to come. Michael and Kyle Rancourt, a dynamic father and son duo, exemplify this vibrant entrepreneurial spirit. Through ingenuity and hard work, they have developed and maintained a thriving shoemaking business based in the central Maine city of Lewiston, which was once a hub for the industry. Today I wish to commend and recognize the founders of Rancourt & Co. Shoecrafters for their success and commitment to their business and local community.

The Rancourt family has provided superb quality shoes for three generations. The family began its business in 1964. However, 11 years ago, Mike Rancourt sold the small family shoe business to Allen-Edmonds, which at the time was its largest client. Soon after, due to a struggling economy, the U.S. shoe industry experienced tremendous difficulties, and it became necessary for Allen-Edmonds to reduce its staff and close the Lewiston factory originally owned by the Rancourts.

Aware of these developments and reluctant to see the shoe factory which provided so many throughout the community with jobs, Michael and Kyle Rancourt decided to buy the factory back from Allen-Edmonds in 2009, reviving their passion for shoe making. The Rancourts began anew with just 20 employees but quickly found success in what many considered to be a dying domestic industry as more shoe manufacturers expanded overseas. A shifting demand for domestically made, quality products provided the company with a growing consumer base and a steady source of revenue.

This small business uses resources purchased from around the world to hand-make men's dress and casual shoes using the traditional method known as "last." This meticulous process involves employees hand-fitting leather into a shoe form, tacking the leather pieces in place, and then hand-stitching them with waxed threads and needles. The result of this process is a shoe that is recognized around the world for its superior quality and genuine comfort.

Looking at the new Rancourt & Co. today, it is difficult to imagine that it once faced extinction. The company has grown to over 50 employees today and has increased the number of men's shoes it manufactures on a weekly basis from 250 to 1,000. These fine-crafted products are sold throughout the United States as well as in international locations such as Hong Kong, India, the United Arab Emirates, and Japan. This small firm continues to expand, and in July, the company launched an online store which already grosses between \$8,000-\$10,000 each week.

Small businesses like Rancourt & Co. Shoecrafters are critical to the economic health of our country and our

local communities. During a time of heightened global competitiveness, Michael and Kyle Rancourt were able to revive and renew their business and compete in an environment that many thought was simply too difficult and taxing for domestic manufacturers. As a result of their efforts, the company has prospered, preserving jobs in a local Maine community while showing the world what American small businesses are truly capable of. I congratulate everyone at Rancourt & Co. Shoecrafters for their remarkable success and wish them many more years of accomplishment.●

RECOGNIZING BENTON COUNTY DRUG COURT

• Mr. WYDEN. Mr. President, the Benton County Drug Treatment Court is a shining example of our Nation's drug court system. As one of only 10 mentor courts in the Nation, the Benton County Drug Treatment Court serves as a model program for the over 2,500 treatment courts in the United States. This achievement is especially significant given that the Benton County Drug Treatment Court started as an ambitious pilot program only 10 years ago.

The positive impact drug treatment courts have on individuals, families, and communities throughout our country is remarkable. Due to tireless efforts underway since the first drug court was established over 20 years ago, there is now a system in place which, if completed, reduces the likelihood of drug relapse for individuals, provides increased housing stability, and brings families together. The positive outcomes from completion of drug courts are well documented and benefit those outside the system as well by reducing costs to the taxpayer.

Congratulations to the Benton County Drug Court on their 10th anniversary. Because of innovative solutions like drug courts, our country is one step closer to breaking the cycle of addiction which has plagued our country for far too long.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

H.R. 2465. An act to amend the Federal Employees' Compensation Act.

H.R. 3012. An act to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; to the Committee on Commerce, Science, and Transportation.

H.R. 2465. An act to amend the Federal Employees' Compensation Act; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1930. A bill to prohibit earmarks.

S. 1931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

S. 1932. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

The following joint resolutions were read the first time:

S.J. Res. 30. Joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

S.J. Res. 31. Joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

S.J. Res. 32. Joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4082. A communication from the Administrator, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Quality Control Error Tolerance Threshold" (RIN0584-AE24) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4083. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Christmas Tree Promotion, Research, and Information Order, Referendum Procedures" (Docket No. AMS-FV-10-0008-FR-1A) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4084. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Resolution Plans Required" (RIN3064-AD77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4085. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4086. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was originally declared in Executive Order 12938 of November 14, 1994, with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-4087. A communication from the Acting Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Review 2010"; to the Committee on Energy and Natural Resources.

EC-4088. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Non-attainment Area" (FRL No. 9495-7) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4089. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attaining Data for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9496-3) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4090. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fee to Take the Registered Tax Return Preparer Competency Examination" ((RIN1545-BK24) (TD 9559)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4091. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological and Ethnological Material from Bolivia" (RIN1515-AD83) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4092. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Certain Archaeological and Ethnological Material from Greece" (RIN1515-AD84) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4093. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Privacy Act; Exempt Record System" (RIN0906-AA891) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4094. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Permanent Certification Program for Health Information Technology; Revisions to ONC-Approved Accreditor Processes" (RIN0991-AB77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4095. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4096. A communication from the Secretary of Labor, transmitting, pursuant to law, the fiscal year 2011 Agency Financial Report for the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC-4097. A communication from the Managing Director and Chief Financial Officer,

Federal Maritime Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4098. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4099. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4100. A communication from the Budget Officer, Office of the Treasurer, National Gallery of Art, transmitting, pursuant to law, the financial statements for the National Gallery of Art for the year ended September 30, 2011 and the auditor's report thereon; to the Committee on Homeland Security and Governmental Affairs.

EC-4101. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs 2011 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4102. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Testing and Labeling Pertaining to Product Certification" (RIN3041-AC71) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4103. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Montgomery, Alabama" (MB Docket No. 11-137; RM-11637) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4104. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bastrop, Louisiana)" (MB Docket No. 11-87, RM-11628) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4105. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Designation of Critical Habitat for the Southern Distinct Population Segment of Eulachon" (RIN0648-BA38) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4106. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-

AA64)(Docket No. FAA-2011-1162)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4107. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0868)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4108. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-1036)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4109. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 C-2 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-1075)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4110. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell), Model 205A-1, 205B, 210, and 212 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-1182)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4111. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sisma Aero Seat Passenger Seat Assemblies, Installed on, but not Limited to, ATR-GIE Avions de Transport Regional Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1163)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4112. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0031)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4113. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbohaft Engines" ((RIN2120-AA64)(Docket No. FAA-2011-0942)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4114. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-524 Series, RB211-Trent 700 Series, and RB211-Trent 800 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0993)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. MORAN):

S. 1924. A bill to authorize States to enforce pipeline safety requirements related to wellbores at interstate storage facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Ms. STABENOW, Mr. HARKIN, Mr. TESTER, Mr. FRANKEN, Mr. CASEY, Mr. SANDERS, Mr. LAUTENBERG, Mr. SCHUMER, Mr. BROWN of Ohio, and Mr. MERKLEY):

S. 1926. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL (for himself and Mr. GRAHAM):

S. 1927. A bill to modify the criteria used by the Corps of Engineers to dredge small ports; to the Committee on Environment and Public Works.

By Mrs. KLOBUCHAR (for herself and Mrs. HUTCHISON):

S. 1928. A bill to provide criminal penalties for stalking; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. LIEBERMAN, Mrs. McCASKILL, Mr. BLUNT, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. FEINSTEIN):

S. 1929. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOOMEY (for himself and Mrs. McCASKILL):

S. 1930. A bill to prohibit earmarks; read the first time.

By Mr. HELLER:

S. 1931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes; read the first time.

By Mr. LUGAR (for himself, Mr. HOEVEN, Mr. VITTER, Ms. MURKOWSKI, Mr. MCCONNELL, Mr. JOHANNES, Mr. ROBERTS, Mr. BARRASSO, Mr. COATS, Mr. RUBIO, Mr. ISAKSON, Mr. CORNYN, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. THUNE, Mr. JOHNSON of Wisconsin, Mr. CRAPO, Mr. GRAHAM, Mr. BLUNT, Mr. SESSIONS, Mr. ENZI, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. RISCH, Mr. CHAMBLISS, Mr. KIRK, Mr. PORTMAN, Mr. BURR, Mr. SHELBY, Mr. LEE, Mr. BOOZMAN, Mr. COBURN, Mr.

COCHRAN, Mr. GRASSLEY, Mr. HELLER, Mr. CORKER, and Mr. TOOMEY):

S. 1932. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline; read the first time.

By Mr. REID:

S.J. Res. 30. A joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011; read the first time.

By Mr. REID:

S.J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

By Mr. ENZI:

S.J. Res. 32. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Massachusetts:

S. Res. 340. A resolution to amend the Standing Rules of the Senate to prohibit a Member, officer, or employee of the Senate from disclosing or using any material non-public information learned during the course of his or her service for personal gain; to the Committee on Rules and Administration.

By Mr. MERKLEY (for himself, Mr. BURR, Ms. SNOWE, Mr. WYDEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CASEY, Ms. CANTWELL, and Ms. COLLINS):

S. Res. 341. A resolution designating the first full week of December in 2011 as "National Christmas Tree Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 156, a bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters.

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 156, supra.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 834

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve edu-

cation and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 905

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 987

At the request of Mr. FRANKEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1558

At the request of Mr. SANDERS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of \$250,000.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1691

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1691, a bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1792

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1853

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1853, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1886

At the request of Mr. LEAHY, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1900

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1046

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of amendment No. 1046 intended to be proposed to H. R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1066

At the request of Ms. AYOTTE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1072

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1072 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1115

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1125

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1125 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1126

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. KIRK), the Senator from Iowa (Mr. HARKIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 1126 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1132

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 1132 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1134

At the request of Mr. INHOFE, his name was added as a cosponsor of

amendment No. 1134 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1143

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1143 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1168

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1168 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1172

At the request of Mr. CORKER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1172 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1199

At the request of Mrs. HUTCHISON, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Oregon (Mr. MERKLEY), the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1199 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. UDALL of New Mexico, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1202 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1206

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1206 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1207

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1207 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1215

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1215 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1227

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1227 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1229

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1229 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1237

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1237 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1257

At the request of Mr. MERKLEY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 1257 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1279

At the request of Mr. HOEVEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1279 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1286

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1286 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1287

At the request of Ms. MURKOWSKI, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1287 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1296

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1296 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1317

At the request of Mr. PORTMAN, the name of the Senator from New Hamp-

shire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1317 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1320

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1320 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1332

At the request of Mr. LIEBERMAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1332 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1344

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1344 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1346

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1346 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1387

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1387 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1414

At the request of Mr. MENENDEZ, the names of the Senator from Maine (Ms.

COLLINS), the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Maryland (Ms. MIKULSKI), the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. WYDEN), the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 1414 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1415

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1415 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1421

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1421 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1436

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1436 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1444

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1444 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1446

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, *supra*.

AMENDMENT NO. 1448

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1448 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the bipartisan Violence Against Women Reauthorization Act of 2011 and to be joined by Senator CRAPO in doing so. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking. We should reauthorize and strengthen these programs.

Since VAWA'S passage in 1994, no other law has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes, improved the response of law enforcement and the justice system, and provided essential services for victims struggling to rebuild their lives. It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

As a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA, when too often people dismissed these serious crimes with a joke, and there were few, if any, services for victims. We have come a long way since then, but there is much more we must do.

Over the last few years, the Senate Judiciary Committee has held several

hearings on VAWA in anticipation of this reauthorization. We have heard from people from all around the country, and they have told us the same thing I hear from service providers, experts, and law enforcement officers in Vermont: While we have made great strides in reducing domestic violence and sexual assault, these difficult problems remain, and there is more work to be done.

The victim services funded by VAWA play a particularly critical role in these difficult economic times. The economic pressures of a lost job or home can add stress to an already abusive relationship and can make it even harder for victims to rebuild their lives. At the same time, state budget cuts are resulting in fewer available services. Just this summer, Topeka, Kansas, took the drastic step of decriminalizing domestic violence because the city did not have the funds needed to prosecute these cases. We can and must do better than that. Budgets are tight, but we cannot simply turn our backs on these victims. For many, the programs funded through the Violence Against Women Act are nothing short of a life line.

In Vermont, VAWA funding helped the Vermont Network Against Domestic and Sexual Violence provide services to more than 7,000 adults and nearly 1,400 children last year alone. These women and men, and girls and boys, received shelter, counseling, legal advocacy and access to transitional housing—lifesaving services to help them recover from unspeakable trauma and abuse.

In one case, a mother of three children living in rural Vermont endured a long and abusive marriage in which she was not allowed to get an independent job or even a driver's license. For most of her adult life, she was subjected to physical, sexual and emotional abuse by her husband. After she summoned the courage to call a domestic violence hotline, her husband was arrested. Advocates helped her find temporary housing and gain access to a lawyer who helped her navigate the criminal process and establish supervised visitation for her children. Because of funding provided by VAWA, she and her children are safe and living independently. The lives of this woman and her children are just a few examples of how VAWA is having a real impact in our communities.

I have heard stories like this time and again from victims and advocates in Vermont and across the country. Without this critical funding, state and local programs like the Vermont Network Against Domestic and Sexual Violence will not be able to provide their services to victims in desperate need.

The reauthorization bill that I am introducing with Senator CRAPO reflects Congress's ongoing commitment to end domestic and sexual violence. It seeks

to expand the law's focus on sexual assault, to ensure access to services for all victims of domestic and sexual violence, and to address the crisis of domestic and sexual violence in tribal communities, among other important steps. It also responds to these difficult economic times by consolidating programs, reducing authorization levels, and adding accountability measures to ensure that Federal funds are used efficiently and effectively.

The Violence Against Women Act has been successful because it has consistently had strong bipartisan support for nearly two decades. Today, we build on that foundation. I hope that Senators from both parties will join us to quickly pass this critical reauthorization, which will provide safety and security for victims across America.

By Mr. REID:

S.J. Res. 30. A joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 30

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF COOLING-OFF PERIOD.

With respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011, the time period described in the third paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended until 12:01 a.m. on February 8, 2012, so that no change, except by agreement, shall be made by the

rail carriers represented by the National Carriers' Conference Committee or by the employees of such carriers represented by labor organizations that are a party to such dispute, in the conditions out of which the dispute arose as such conditions existed prior to 12:01 a.m. on December 6, 2011.

By Mr. REID:

S.J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED CONDITIONS.

The following conditions shall apply to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act (45 U.S.C. 160) beyond 12:01 a.m. on December 6, 2011:

(1) The parties to such dispute shall take all necessary steps to restore or preserve the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on December 6, 2011, except as provided in paragraphs (2) and (3).

(2) The report and recommendations of the Emergency Board 243 shall be binding on the

parties upon the enactment of this joint resolution and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.), except that nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

(3)(A) If there are unresolved implementing issues remaining with respect to the report and recommendations or agreement under paragraph (2) after 10 days after the date of enactment of this joint resolution, the parties to the dispute shall enter into binding arbitration to provide for a resolution of such issues.

(B) The National Mediation Board established by section 4 of the Railway Labor Act (45 U.S.C. 154) shall appoint an arbitrator to resolve the issues described in subparagraph (A). Except as provided in this joint resolution, such arbitration shall be conducted as if it were under section 7 of such Act, and any award of such arbitration shall be enforceable as if under section 9 of such Act.

(4) Within thirty days after the date of enactment of this joint resolution, the binding arbitration entered into pursuant to paragraph (3) shall be completed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT A MEMBER, OFFICER, OR EMPLOYEE OF THE SENATE FROM DISCLOSING OR USING ANY MATERIAL NONPUBLIC INFORMATION LEARNED DURING THE COURSE OF HIS OR HER SERVICE FOR PERSONAL GAIN

Mr. BROWN of Massachusetts submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 340

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraph 15 as paragraph 16; and

(2) inserting after paragraph 14 the following:

“15. A Member, officer, or employee of the Senate shall not disclose or use any material nonpublic information learned during the course of his or her service for personal gain.”.

SENATE RESOLUTION 341—DESIGNATING THE FIRST FULL WEEK OF DECEMBER IN 2011 AS “NATIONAL CHRISTMAS TREE WEEK”

Mr. MERKLEY (for himself, Mr. BURR, Ms. SNOWE, Mr. WYDEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CASEY, Ms. CANTWELL and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 341

Whereas Christmas trees are grown in all 50 States;

Whereas Christmas trees have been sold commercially in the United States since about 1850;

Whereas Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;

Whereas President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;

Whereas there are close to 15,000 farms growing Christmas trees in the United States;

Whereas there are approximately 100,000 people employed full or part-time in the Christmas tree industry;

Whereas Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and

Whereas growing Christmas trees preserves green space and small family-owned farms, provides habitats for wildlife, and sequesters carbon dioxide: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first full week of December in 2011 as “National Christmas Tree Week”;

(2) encourages the celebration of Christmas trees during that week;

(3) recognizes the role Christmas trees have played in the history of the United States;

(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;

(5) encourages the recycling of Christmas trees after the holiday season; and

(6) celebrates the joy Christmas trees bring to families across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 submitted by Mr. MCCAIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1453. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1454. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 by Mr. MCCAIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. 1088. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the “Commission”).

(2) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) DEADLINE FOR APPOINTMENT.—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(3) TENURE; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) DUTIES.—

(1) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office re-

port, “Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe”, GAO-11-131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS BASING STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—

(A) EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or

regular places of business in the performance of services for the Commission under this section.

(B) **MILITARY AIRCRAFT.**—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3) **STAFFING.**—

(A) **EXECUTIVE DIRECTOR.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) **STAFF.**—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) **COMPENSATION.**—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) **DETAILS.**—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) **TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) **SECURITY.**—

(1) **SECURITY CLEARANCES.**—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) **INFORMATION SECURITY.**—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) **TERMINATION.**—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

SA 1453. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **IN GENERAL.**—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount up to \$125,000,000.

(b) **APPLICABILITY OF NOTIFICATION PROCEDURES.**—The transfer authorized under subsection (a) shall be subject to the notification procedures under section 1001 of this Act and section 8005 of the Department of Defense Appropriations Act, 2012.

(c) **TRANSFER AUTHORITY.**—The transfer authority provided under this section is in addition to any other transfer authority provided under this Act.

SA 1454. Mr. JOHNSON of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title II of division A, at the end of the sections under the heading “GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR”, add the following:

SEC. ____. Any funds available to carry out the Oglala Sioux Rural Water Supply System authorized by section 3(a) of the Mni Wiconi Project Act of 1988 (Public Law 100-516; 102 Stat. 2566; 108 Stat. 4539) shall also be available for the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Oglala Sioux Rural Water Supply System within the entire boundary of the Pine Ridge Indian Reservation, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to H.R. 3012, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, dated November 30, 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Com-

mittee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 30, 2011, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on November 30, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, be authorized to meet during the session of the Senate, on November 30, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “A Balanced Budget Amendment: The Perils of Constitutionalizing the Budget Debate.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 30, 2011, at 2 p.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled: “Overprescribed: The Human and Taxpayers' Costs of Antipsychotics in Nursing Homes.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Stefanie Peterson, an Air Force major who is a military fellow in my office, be granted the privilege of the floor during the debate on S. 1867.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 394.

The Chair laid before the Senate the following message:

H.R. 394

Resolved, That the House agree to the amendment numbered 1 of the Senate to the bill (H.R. 394) entitled “An Act to amend

title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.” and be it further

Resolved, That the House agree to the amendment numbered 2 of the Senate to the aforementioned bill, with the following House Amendment to Senate Amendment:

Add at the end of the Senate engrossed amendment numbered 2 the following:

Redesignate section 104 as section 105 and insert the following after section 103:

SEC. 104. TECHNICAL AMENDMENT.

Section 1446(g) of title 28, United States Code, is amended by striking “subsections (b) and (c)” and inserting “subsection (b) of this section and paragraph (1) of section 1455(b)”.

Amend the table of contents of the House engrossed bill by striking the item relating to section 104 and inserting the following:

Sec. 104. Technical amendment.

Sec. 105. Effective date.

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHRISTMAS TREE WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 341 submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 341) designating the first full week of December in 2011 as “National Christmas Tree Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any related statements be printed in the record as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 341

Whereas Christmas trees are grown in all 50 States;

Whereas Christmas trees have been sold commercially in the United States since about 1850;

Whereas Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;

Whereas President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;

Whereas there are close to 15,000 farms growing Christmas trees in the United States;

Whereas there are approximately 100,000 people employed full or part-time in the Christmas tree industry;

Whereas Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and

Whereas growing Christmas trees preserves green space and small family-owned farms, provides habitats for wildlife, and sequesters carbon dioxide: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first full week of December in 2011 as “National Christmas Tree Week”;

(2) encourages the celebration of Christmas trees during that week;

(3) recognizes the role Christmas trees have played in the history of the United States;

(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;

(5) encourages the recycling of Christmas trees after the holiday season; and

(6) celebrates the joy Christmas trees bring to families across the United States.

MEASURES READ THE FIRST TIME—S.J. RES. 30, S.J. RES. 31, S.J. RES. 32, S. 1930, S. 1931, S. 1932

Mr. DURBIN. Mr. President, I understand there are six measures at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The legislative clerk read as follows:

A resolution (S.J. Res. 30) extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

A resolution (S.J. Res. 31) applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

A resolution (S.J. Res. 32) to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

A bill (S. 1930) to prohibit earmarks.

A bill (S. 1931) to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

A bill (S. 1932) to require the Secretary of State to act on a permit for the Keystone XL pipeline.

Mr. DURBIN. Mr. President, I ask for the second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the measures will be read for a second time on the next legislative day.

S.J. RES. 32

Mr. ENZI. Mr. President, I have introduced this resolution to prevent the labor dispute between our Nation's railroads and their labor unions from delivering a knockout punch to the U.S. economy just before the holiday season. The contract renegotiation that has been ongoing for some time has been through the National Medi-

ation Board process and recommendations put forth by the Presidential Emergency Board selected by President Obama have been accepted by the majority of the unions. In fact, 10 of the 13 unions have reached agreement, and I congratulate both sides for coming to the table and working it out. Unfortunately, the threat of a nationwide rail strike still remains and that is something our economy simply cannot bear at this time.

I have heard from numerous U.S. manufacturers about the negative consequences this strike will have on them. They are concerned not just for their companies but for the employees who may have to be laid off if they are unable to ship product and for the customers who will not be able to get supplies they need. A rail strike may start on December 6, but the impact of this threat is already being felt. As someone who comes from a State that relies on commercial rail for much of its economy, I know how serious this is and that is why I have introduced this resolution.

I urge the Senate, the House and the President to act quickly to avert this manmade national disaster.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to the provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia.

ORDERS FOR THURSDAY, DECEMBER 1, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 1, 2011; that following the prayer and Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act postcloture; finally, that all time during adjournment and morning business count postcloture on S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we expect to complete action on the Defense authorization bill during tomorrow's session. Additionally, the majority leader filed cloture on the motion to proceed to S. 1917, the Middle Class Tax Cut Act of 2011. If no agreement is reached, this vote will be Friday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Thursday, December 1, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SOCIAL SECURITY ADMINISTRATION

MARIE F. SMITH, OF HAWAII, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2016, VICE DANA K. BILYEU, TERM EXPIRED.

DEPARTMENT OF ENERGY

ARUNAVA MAJUMDAR, OF CALIFORNIA, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE AN ASSISTANT SECRETARY OF STATE (CONFLICT AND STABILIZATION OPERATIONS), VICE BRADFORD R. HIGGINS.

FREDERICK D. BARTON, OF MAINE, TO BE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION. (NEW POSITION)

THE JUDICIARY

TIMOTHY S. HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE NANCY GERTNER, RETIRED.

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ALAN S. GOLD, RETIRED.

ROBERT J. SHELBY, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE TENA CAMPBELL, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. PAUL F. ZUKUNFT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. MANSON K. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. PETER V. NEFFENGER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SEAN L. MURPHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES E. POTTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRIAN E. DOMINGUEZ

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JOHN P. CURRENTI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN D. BANSEMER
COLONEL DAVID B. BEEN
COLONEL MICHAEL T. BREWER
COLONEL THOMAS A. BUSSIÈRE
COLONEL CLINTON E. CROSIER
COLONEL ALBERT M. ELTON II
COLONEL MICHAEL A. FANTINI
COLONEL TIMOTHY G. FAY
COLONEL EDWARD A. FIENGA
COLONEL STEVEN D. GARLAND
COLONEL THOMAS W. GEARY
COLONEL CEDRIC D. GEORGE
COLONEL BLAINE D. HOLT
COLONEL SCOTT A. HOWELL
COLONEL RONALD L. HUNTLEY
COLONEL ALLEN J. JAMERSON
COLONEL JAMES C. JOHNSON
COLONEL MARK D. KELLY
COLONEL SCOTT A. KINDSVATER
COLONEL DONALD E. KIRKLAND
COLONEL RICKY J. LOCASTRO
COLONEL BRUCE H. MCCLINTOCK
COLONEL MARTHA A. MEEKER
COLONEL JOHN E. MICHEL
COLONEL CHARLES L. MOORE, JR.
COLONEL GREGORY S. OTEY
COLONEL JOHN T. QUINTAS
COLONEL MICHAEL D. ROTHSTEIN
COLONEL KEVIN B. SCHNEIDER
COLONEL SCOTT F. SMITH
COLONEL BRADLEY D. SPACY
COLONEL FERDINAND B. STOSS
COLONEL JACQUELINE D. VAN OVOST
COLONEL JAMES C. VECHERY
COLONEL CHRISTOPHER P. WEGGEMAN
COLONEL KEVIN B. WOOTON
COLONEL SARAH E. ZABEL

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MICHAEL X. GARRETT

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

KEITH ALLEN ALLBRITTEN
CRAIG E. ASH
TODD M. AUDET
JEREMY O. BAENEN
GARRY JAMES BEAUREGARD
DAVID ARTHUR BROOKS
THOMAS W. BROWN, JR.
RAFAEL CARRERO
CHRISTOPHER C. CASSON
MARK A. CHIDLEY
SHAWN MICHAEL COCO
MICHAEL VINCENT COMELLA
TIMOTHY J. CONKLIN
DOUGLAS B. COX
JASON ROOSEVELT CRIPPS
JUDY KAREN DAILEY
VICKI L. DOSTER
STEPHEN A. DUNAI

MEGAN H. ERICKSON
MARK E. FISCHER
PETER S. GAUGER
WILLIAM KEVIN GIEZIE
RAINER G. GOMEZ
DAVID M. HALTER
FRANK G. HALUSKA
DUANE DARNELL HAYDEN
WILLIAM FREDRICK HEFNER
CLARK ALLAN HIGHSTRETE
REYNOLD T. HIOKI
WALLACE RAY HOUSER
LOREN MATTHEW HUBERT
GENE W. HUGHES, JR.
ADAM H. JENKINS
SCOTT K. JOHNSON
BRIAN J. KAMP
JANEL L. KEIZER
GARY VERNON KELLOGG
HAROLD I. E. KINGDON, JR.
KEIR D. KNAPP
LEE A. KNOWLTON
RITA M. KUREK
JULIA ANN KYRAZIS
HARRISON JOHN LIPPERT
ANDREW JOHN MACDONALD
CARL M. MAGNELL
STUART K. MATHEW
SHERRIE LYNN MCCANDLESS
DANIEL H. MCCARTHY
GERALD E. MCDONALD
NAHAKU A. MCFADDEN
KEVIN T. MCMANAMAN
ROBERT B. MCMANIS
CHICO CLAUDE MESSER
SCOTT R. MILLER
KURT A. MINNE
MICHAEL F. MITCHELL
ROBERTO MORAFIGUEROA
JAMES JOSEPH MOY
GORDON E. NIEBERGALL
DAVID P. OSBORNE
GILBERT L. PATTON III
ERIC K. PAUER
PAULA FRANCIES PENSON
GARY J. PRESCOTT
CHRISTOPHER JOSEPH QUINN
PAUL ROBERT QUIRON
MATTHEW DANIEL RATHSACK
SCOTT EDWARD REED
MICHAEL L. REID
PATRICK R. RENWICK
RAYMOND S. ROBINSON IV
KEVIN ROGERS
JEFFREY BRYAN SAMUEL
MARCOS G. SANTILLAN
KRIS R. SCHAUMANN
ROBERT J. SCHUETT
JOSEPH W. SCHULZ
RICHARD J. SCHUMAN
KIMBERLY A. SENCINDIVER
MICHAEL JOHN SHANAHAN
PHILIP ROGER SHERIDAN
RAYMOND HENRY SIEGFRIED III
THOMAS R. SIMS
JAMES R. SMITH, JR.
GREGORY J. STAUT
CHARLIE DON THIGPEN
DAVID ROGER THOMAS
NATHAN D. THOMAS
VICTOR A. TORANO
JOSE D. TORRESLABOY
JOHN L. TRATTINO
AARON MATTHEW VANCE
MICHAEL KURFEES VONHOFFMAN
DANIEL A. WALTER
LARRY A. WARMOTH
MARIE E. WAUTERS
MARK A. WEBER
SAMMIE WILLINGHAM, JR.
GREGORY S. WOODROW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTON MICHAEL GIBB
VANESSA E. MAHAN
LUIS E. MARTINEZ
THAD M. REDDICK

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL S. FUNK
ROBERT W. INTRESS
EDWIN W. LARKIN
JOHN W. RUEGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JARROD W. HUDSON
CHARLES B. WAGENBLAST

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KARI L. CRAWFORD

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HENRY H. BEAULIEU
SCOTTIE L. DOOLITTLE
ERIC K. LITTLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONALD B. ABSHER
MATTHEW D. ANGOVE
DANIEL M. ARKINS, JR.
MICHAEL J. ARRINGTON
WILLIAM ARTHUR
JAMES C. ASHING
HAROLD W. ASKINS III
SHARON L. AUT
MATTHEW V. BAKER
EDMOND G. BARTON
GARY J. BARWIKOWSKI
KEITH M. BELANGER
RUPERTO BETANCOURT
JAMES D. BISCHOFF
MARK E. BLACK
KIMBERLY A. BODOH
RANDALL J. BOLZ
RANDALL S. BOSTWICK
BLAKE G. BOWEN
DAVID BOWEN
BOWLMAN T. BOWLES III
JOHN A. BOYD
JOSEPH L. BRAZELL
KEITH P. BRELIA
JAMES A. BROOKS
JERRY E. BROOKS
OLIVER L. BROOKS, JR.
PATRICK M. BROWN
RANDALL W. BURKE
JOYCE M. BUSCH
ROBERT S. CABELL
MICHAEL M. CALAMITO
HARRY D. CALLICOTTE
JEFFREY A. CALVERT
LARRY CAMPBELL
THOMAS W. CANNINGTON
ANTHONY N. CAPPETTA
CRIZALDEH M. CARAANG
PAUL T. CARRUTHERS
KELLYMARIE H. CARTER
JAMES M. CHATFIELD, JR.
GREGORY W. CHERRY
ANTHONY H. CHOI
ELLEN S. CLARK
AMY L. CONNELLY
TIMOTHY P. CONNORS
BRIAN R. COOK
WILLIAM W. COOK
GEORGE M. CORBIN
ROBERT C. CRAFT
DAVID R. CRAINE
EDWARD H. CUMMINGS, JR.
JOHN C. CURWEN
PATRICK J. CUSICK
GREGORY S. J. DALFERES
MARY C. DANNER
MICHAEL A. DASCANIO
MILES A. DAVIS
JOSEPH DCOSTA
DIANNE M. DEL ROSSO
BRIAN T. DIXON
NELS T. DOLAN
ANDREA L. DOLLAR
JOEL B. DROBA
ANTHONY G. DUPREE
WALTER M. DUZZNY
WALTER D. EASTER, JR.
ERIC E. EDIN
JEFFERY ELLICK
JULIE A. ENGBAHL
ERIC C. ENGELMEIER
MARK S. EUBANK
MARTIN C. EWALD
PAUL H. FALL II
RICHARD L. FARNSWORTH
BRENNAN B. FERNELIUS
ALEX B. FINK
FRANCIS T. FLANAGAN
BARRY J. FLYE
CORDELL J. FOX
BRYAN S. FRANKLIN
MICHAEL C. FREEMAN
JUAN R. GARCIA
JOHN T. GARITY III
PAUL R. GASS
WILLIAM M. GAZIS
HOWARD C. W. GECK
RICHARD E. GILES
CHRISTOPHER P. GOVEKAR
JOSEPH A. GREGG

JOHN J. GUIDY, JR.
RICKIE N. HAGAN
AHRON R. HAKIMI
MARK A. HANDY
WILLIAM C. HARDEE
FRED R. HARMON, JR.
STEPHEN H. HARMON III
DANIEL A. HARMUTH
THOMAS V. HARPER
JOHN W. HARRINGTON, JR.
DONALD S. HARRIS
RICHARD J. E. HEITKAMP
SCOTT A. HILL
SETH M. HOFFER
ERIC T. HOLMES
ROBERT D. HOOD
GREGORY A. HOPKINS
DONALD C. HOUK
CHRISTOPHER S. HOUSTON
VIVIAN S. HUGHES
GREGORY M. JACKSON
KEITH W. JANOWSKI
JEFFREY J. JARVENSIVU
STEVEN C. JOHNSON
TODD L. JOHNSTON
J. L. JONES
ROBIN H. N. JONES
ANDREW JUKNELIS
JOYCE B. JUNIOR
KIPLING KAHLER
KEVIN J. KALEY
JOHN M. KANALEY
ALAN D. KATZ
KEVIN L. KEEN
ROBERT M. KELLY
ALICE A. KERR
KELLY G. KILHOFFER
WILLIAM KLAUS
PHYLLIS KNOX
ROBERT E. KOCH
TIMOTHY KOHN
DAVID A. KON'NY
MICHAEL G. KOSALKO
DEBORAH L. KOTULICH
SUSIE S. KUILAN
ANGELA M. LARSEN
THOMAS S. LAVENDER
KENNETH R. LAWRENCE, JR.
MICHAEL D. LEMIEUX
MICHAEL E. LONIGRO
KENNETH W. LUCAS
EDWIN F. LUGO
JOHN M. MACDONALD
MARION M. MANUTA
GARY J. MAROUN
PEGGY A. MASTERTSON
HAROLD B. MAYES
MARK H. MCDONALD
EDWARD C. MCFADDEN
BARNARD MCINTOSH
PAUL J. MCKENNEY
RONALD S. MEREDITH
KENNETH S. MERWIN
MICHAEL W. MILLER
BETTINA R. MONCUS
HECTOR M. MORAN
AUDRIE J. MORGAN
WILLIAM R. MORGAN, JR.
RICHARD L. NASH
RANDALL D. NEWTON
CHRISTINE M. NICHOLS
PAUL H. NOBLIN, JR.
ANDREW L. NORD
JAMES L. OAKES, JR.
CHRISTOPHER J. OCONNOR
THOMAS M. ODOGHOUE
JOHN S. OLESH
JOHN R. OLSON
RONALD ORTIZ
JACK A. OTTESON
BARRETT K. PARKER
NICOLE S. PARKER
MICHAEL H. PASCO
JOHN E. PENN, JR.
BRADLEY G. PERRIER
CHAUNDRA D. PERRY
WILLIAM T. PETERSON
JOHN C. PISTONE
GREGORY A. POLITOWICZ
JEFFREY C. PONKRATZ
JOHN L. POWELL
MARK P. PRICE
MICHAEL F. REIDY
JOSE J. REYES
FRANCIS L. REYNOLDS
JAMES H. REYNOLDS, JR.
MARK J. RICCHIAZZI
STEVEN E. RILEY
JOHN G. ROGERS
RALPH S. ROPER, JR.
DAVID A. ROSENBLUM
JENNIFER E. RYAN
DANNY W. SAMPLE, JR.
KENNETH R. SARDEGNA
DAVID W. SCHIMSA
ALLAN SCHROEDER
TIMOTHY R. SCHULGEN
GERARD L. SCHWARTZ
ANTHONY P. SCIOLI
NICHOLAS SCOPELLITE
JOHN R. SEELEY
APRIL L. SELBYCOLE

JEFFREY T. SICKINGER
CHARLES R. SIMMONS
JAMES G. SIMPSON
JEFFREY T. SIMS
WILLIAM R. SIMS
TERENCE W. SINGLETON
JOSEPH S. SKARBOWSKI
ANDREW M. P. SMITH
JOHNNY R. SPRUIEL
CHARLES R. STACHOWSKI
ROBERT C. STACK
MICHAEL S. STOCKS
RICKY A. STORY
STEPHEN E. STRAND
WILLIAM D. STRATTON
DOUGLAS H. STUBBE
JEFFREY P. SWAN
JOHN F. SWEENEY
DEAN M. SWICK
CLIFFORD G. TEBBITT
JACK J. THEBAU
ROY THERRIEN
JOHN A. THOMPSON
ROBERT F. THOMPSON, JR.
GREGORY A. TOWNLEY
EVAN J. TRINKLE
KIRSTI M. TRYGSTAD
MICHAEL A. TURNER
JOHN C. UPTMOR
JOHN W. VELLIQUETTE, JR.
EDWARD J. VILLACRES
BRENDT J. VITALE
SAMUEL F. WAGNER
JOHN J. WALDRON, JR.
PAUL M. WALENESKY
HARLAN T. WARE
DAVID P. WARSHAW
MARIO R. WILHELM
JEFFREY C. WISER
JEFFREY L. WOODIE
SHELWILBED WRAY
TONY L. WRIGHT
ALAN E. ZENTAR
IRENE M. ZOPPI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES S. ARANYI
WILLIAM L. AYERS
SHELLEY L. BALDERSON
MICHAEL G. BARGER
DARELL J. BENNIS
SCOTT N. BERGUM
MICHAEL D. CAMPBELL
PEDRO J. COLON
ROBERT S. DAVIDSON
DAWN D. DEVINE
ANDREW D. DOHRING
JEFFERY A. DOLL
BRADLEY A. DUFFEY
JUDY V. ELLIS
DALE D. FAIR
DANIEL G. FOULKROD
MICHAEL P. FRIEND
CHRISTOPHER B. FRY
PAUL T. GAULT
JAMES E. GIBSON
PAUL S. GUILLOT
ERIC S. HAALAND
GEORGE G. HADRIK
CHARLES G. HAHN
HAROLD M. HINTON, JR.
DAVID L. HUBBARD
ROBERT B. HUMPHREY
MICHAEL E. KIENE
MATTHEW W. LUCAS
TIMOTHY J. LYNCH
STEVEN P. MARCH
ELMER R. MASON
STEVEN A. MATAYOSHI
CYNTHIA S. MCCARTY
CHARLES H. MEADOWS
JAMES E. MORRISON
LAWRENCE E. MOSLEY
ROBERT M. NOTCH
SHAWN P. OSBORNE
CESAR A. PADILLA
MARTIN E. PANGELINAN
GRANT R. PORTER
MARK E. QUARTULLO
KEL LEE RAUCH
ROBERT D. REED
JAY D. RIEGER
BILLY W. ROGERS
MARGARET A. ROOSMA
MARK A. RUSHING
EDWARD G. SALAZ, JR.
STEVEN R. SCHWEICHLER
RICHARD K. SELE
STEPHEN G. SHERBONDY
DEBORAH A. STOLZE
WILLIAM S. STORY
DAVID H. TAVASSOLI
SCOTT R. WEST
DONNA R. WILLIAMS
ROBIN L. WILLIAMS
JOHN K. WORTHINGTON
MARK A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MITCHELL J. ABEL
JOHN J. ABELING
JOHN W. ALTEBAUMER, JR.
PETER K. ANDERSON
CURT E. ASHBY
FRANCIS E. BALASCIO
TIMOTHY S. BARRETT
GORDON M. BARTLEY
STEPHEN C. BELLER
TODD F. BERGER
KEVIN A. BUCKINGHAM
MATTHEW J. BURINSKAS
THOMAS J. BURSON
DONALD R. BYRD
MICHAEL M. CAIN
THOMAS G. CANTWELL
ROY E. CARPENTER, JR.
WILLIAM C. CARTER
LLOYD P. CAVINESS, JR.
JOHN S. CLOYD
THOMAS E. COGDALL
GEORGE S. CONWILL
DONNA L. COOPER
GREGORY M. CORNELL
JOHN P. COSTANZO
WILLIAM E. COUNTS
ANTHONY J. COUTURE
PETER B. CROSS
JEFFREY R. CSOKMAY
MICHAEL S. CURRAN
JOSEPH D. DANA O II
KENNETH W. DAVIS
KENNETH D. DEGIER
BRIAN T. DEREAMER
BYRON L. DIAMOND
BRIAN C. DICKERSON
ROBERT L. DITCHEY II
BRIAN L. DRAKE
DANIEL J. DREHER
BOBBIE J. DUNN
DIANE L. DUNN
MICHAEL E. DYE
DONALD R. EMERSON
KEVIN W. EXTINE
HENRIK M. FAST
JOSE L. FIGUEROA
DAVID FLEMING III
SCOTT K. FOWLER
TIM W. FRANKLIN
VICTORIA GANDARA
JAMES V. GARDINER
JEFFREY L. GAYLORD
JAMES T. GIBBONS
GLENN B. GILDON
GLENN S. GMITTER
BERKLEY G. GORE
KENNETH S. GULLY
ALBERT J. HAAS
PHILLIP R. HALE
REX E. HALL
JEFFREY P. HANSEN
BEVERLY D. HARTFIELD
JAMES A. HEARTSILL III
STARRLEEN J. HEINEN
MARK G. HENDRICK
MATTHEW K. HENGEL
GARY B. HERR
GREGORY J. HIRSCH
ROBERT F. HOAGLUND
TIMOTHY HOUCHELEI
GAIL G. INMAN
ROBERT J. JARVIS
DWIGHT M. JETT, JR.
CRAIG S. JONES
RALEIGH C. JONES
ROBERT L. JONES
JEFFERY D. JULUM
ROBERT C. KEATING
RICHARD D. KEMP, JR.
ERIC J. KILLEN
JEFFREY M. KNEPSHIELD
JOHNN A. KOHL
DAVID L. KOON
DANIEL KOZLOWSKI
ROBERT C. LARSEN
MARK W. LEAHEY
GREGORY J. LEIMBACH
WILLIAM A. LENEWEAVER
GARY D. LEWIS
RICHARD A. LIPE
FRANKLIN C. LITTLE
CLIFFORD R. LOCKWOOD, JR.
DANIEL G. LONOWSKI
HENRY LOPEZ
DAVID A. LOPINA
STEVEN D. LUND
DANIEL M. MAHNKE
SCOTT R. MANAHAN
ZACHARY E. MANER
MICHAEL P. MARTINEZ
PARRIS C. MCCULLAH
SUZANNE P. MCKIBBIN

JOSEPH E. MCMENAMIN
DIANA S. MEADOR
BRIAN F. METCALF
DANNY L. MILLS
SUSAN E. MINKEMA
DANIEL T. MONAGHAN
TIMOTHY P. MORAN
TIMOTHY J. MURPHY
PAUL K. NANAMORI
SCOTT D. NILES
JOHN M. OBERKIRSCH
DAVID F. ODONAHUE
LUTALO O. OLUTOSIN
STEPHEN E. OSBORN
TODD M. PATTON
PAUL R. PELTIER
DANIEL F. PIPES
JOEL M. POTTS
KEITH C. PRESTON
JOEL D. PRICE
PETER J. QUINN
ANGELICA REYES
PETER M. REYNIERSE
BENNY R. RICHARDSON
JOHN C. ROONEY
JODEE A. ROWE
BRETT P. RYPMA
HOWARD L. SCHAUER
KURT A. SCHLICHTER
WALLY SCHOLL
JOSEPH M. SEAQUIST
WILLIAM H. SELLERS III
DAVID L. SEYBOLD
ANTHONY A. SIMS
MARK R. SLAVIK
JEFFREY D. SMILEY
DAVID L. SMITH
STEVEN L. SMITH
TERRANCE E. SMITH
THOMAS W. SMITH
STEVEN P. SONNEGA
MICHAEL E. SPETH
BRENT E. STARK
CHAD R. STEVENS
DARRYL D. STEWART
JOACHIM STRENK
PETER G. SZCZEPANSKI
JOHN M. TILL
HILLIS J. TINGLUM
TRACEY J. TRAUTMAN
KENNETH G. UTING
DAVID R. VERDI
THOMAS W. VONWEISENSTEIN
MARKLEY D. WAHL
DANIEL J. WALCZYK
RACHEL C. WALKER
RICHARD L. WEIKEL
ALEXANDER C. WETZEL
CARL L. WHITE
LARRY W. WILBANKS
MICHAEL J. WILLIS
BRADLEY T. WOLFING
BOBBY L. YANDELL, JR.
THOMAS M. ZUBIK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

NANCY L. DAVIS
SHEILA VILLINES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

GENEVIEVE L. COSTELLO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROBERT J. NEWSOM
RICHARD Y. YOON

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RICHARD A. DANIELS
STEPHEN M. LANGLOIS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ARTHUR E. RABENHORST
STEVEN J. SVABEK

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY

MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

HARVEY D. HUDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

WILLIAM H. CAROTHERS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MATTHEW R. LOE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

THOMAS P. ENGLISH

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

RICHARD A. ACKERMAN
ALEX W. ALDRICH
THOMAS D. BELCHIK, JR.
PAUL W. CASSUTTI
BRYAN J. CHRISTIANSEN
GAVIN H. CLOUGH
TERENCE A. COLEMAN
MATTHEW E. CURNEN
BENJAMIN S. DAVIDSON
STEVEN A. DAWLEY
BRENT E. DILLOW
JEREMY D. ELMER
JOHN E. FITZPATRICK
MICHELLE R. FONTENOT
CHRISTOPHER A. GAHL
BRYAN E. GEISERT
JOSEPH D. GODWIN
DANIEL A. HANCOCK
ZACHARY D. HARRY
JESSE H. HUMPHRIES
MONICA R. HURLEY
DAVID A. JOHNS
JEREMY M. JOHNSTON
TRAVIS A. LARSON
JOSHUA Q. MCCRIGHT
SEAN M. MEREDITH
STEPHEN T. NEUMAN
ANTHONY W. OXENDINE, JR.
BRIAN J. PERRY
CHARLES W. PHILLIPS
DEREK A. RANDALL, JR.
JUSTIN D. REEVES
ERNIE REYES
ALAN M. ROCHE
GARY A. RONEY
NOLE L. SHEETS
JAMES L. SMITH
LANCE SMITH
BRIAN P. SPARKS
DONALD SPEIGHTS
RANDY M. STACK
ADAM C. TERRAL
ALEXANDER C. VOELLER
WILLIAM M. WALKER
YANCY M. WOODARD
ADAM I. ZAKER

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*MICHAEL E. HOROWITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—Wednesday, November 30, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BROOKS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.,
November 30, 2011.

I hereby appoint the Honorable MO BROOKS to act as speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THANKING GOD FOR HIS MANY BLESSINGS

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, this past weekend I joined millions of Americans in celebrating Thanksgiving with friends and family. As Americans, each of us has so much to be thankful for this holiday season.

America is the greatest, most free country in the history of the world. As a Nation, we can do anything we set out to accomplish. We have built the world's most free and successful Republic right here in America. We've used innovation to cure disease, fight hunger, and spread the message of freedom all across the globe.

We've changed the way societies interact by inventing things like the telephone, the automobile, and the airplane. We've built some of the finest schools and universities in the history of the planet. We've changed our world for the better, but none of it would have been possible without the grace and blessing of our Almighty God.

That's why I was both surprised and disappointed that President Obama

failed to make a single reference to God during his Thanksgiving address to the Nation. Since the President has a history of doing this sort of thing, it's hard to believe that this was simply an oversight on his part. Perhaps this glaring omission was an attempt at being politically correct. But regardless of the intention, there is no excuse for once again leaving out the One on whom the foundation of our liberties rest.

What did our Founding Fathers say in the Declaration of Independence? Not that our rights come from governments, but rather that our rights come directly from God.

As the Apostle Paul said, "In everything give thanks, for this is the will of God in Christ Jesus for you."

We should never pass up an opportunity to thank the Lord for the blessings he has bestowed upon our great Nation.

I know the specter of political correctness looms over our country more than ever before. There's a lot of pressure from elements within our society to censor public comments about faith in Jesus Christ. Groups like the ACLU seek to drive God out of our schools and our classrooms. Universities are discouraged from praying before graduation and athletic events.

Some shopping malls and radio stations would rather play Christmas music only about Santa Claus, and never mention the reason for the season, Jesus Christ. Seeking guidance from the Lord through prayer and thanking Him for the blessings He has given our Nation is something our country should do more of, not less.

Praying and giving thanks to God for all blessing was the example set for us by the first settlers who came to America for religious freedom. Times were tough for them. They endured bitterly cold winters, food shortages, and plagues. The early settlers faced insurmountable odds, but they kept the faith, persevered, and later thrived, leading to the formation of this great Nation.

General George Washington, who went on to become our first President, was known for frequently stopping whatever he was doing and getting down on one knee to seek guidance from the Lord, and to praise Him for the blessings that were given his troops.

Here in this building there's a chapel where Members of Congress can go to pray for our country. And in that chapel there is a beautiful stained glass

window, depicting our first President, George Washington, in his colonial uniform, frozen, kneeling in prayer. That chapel should be a reminder for all of us that our country's faith should be nothing to hide, but rather something to embrace and protect. And that image of George Washington in prayer should be a reminder that our leaders need to seek wisdom of the Lord whenever possible.

For the past several weeks, former Heisman Trophy winner and current starting quarterback of the Denver Broncos, Tim Tebow, has come under fire for publicly professing his faith. Facing mounting criticism from the media, from sports commentators, and even some of his own teammates, Tim Tebow gave the following response to reporters, a response that I believe perfectly explains how our country should recognize God.

Quarterback Tebow said this: "If you're married and you really love your wife, is it good enough only to say to your wife 'I love her' the day you get married? Or should you tell her every single day when you wake up and every opportunity?"

"My relationship with Jesus Christ is the most important thing in my life. So any time I get the opportunity to tell Him that I love Him, or given the opportunity to shout Him out on national TV, I'm going to take that opportunity. And so I look at it as a relationship that I have with Him that I want to give Him the honor and the glory any time I have the opportunity."

Tim Tebow's brave comments are an excellent reminder that we need to look for every opportunity to thank the Lord for our blessings of liberty that He's bestowed upon this great country.

May God forgive this Nation of its sins, may He overlook the times we forget to thank Him for His gifts, may our people turn to Him for guidance and salvation, and may He continue to bless the United States of America.

EQUITY IN TAXATION

The SPEAKER pro tempore (Mr. WEBSTER). The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it's a sign of maturity to be able to retain two different but related concepts in your head at the same time. For instance, taxes should not be raised on the majority of working Americans

while the economy is in this very difficult situation. But a little more can reasonably be paid by those who are extremely well off.

□ 1010

The simple fact is that our economy and our families cannot afford to take the economic hit that is poised to pull a hundred billion dollars out of the economy with the expiration of the 2 percent payroll tax holiday that's scheduled to expire this year.

There is currently a proposal that's being debated in the other body that I hope we'll have the opportunity to vote on here to be able to extend and expand the payroll tax cut and to pay for it.

Under this proposal, employees would receive a 50 percent additional cut in the payroll tax, cutting it essentially in half, and employers would have a reduction in the payroll tax that they pay on their employees up to the first \$5 million of payroll. This would help 98 percent of businesses but not give unnecessary giveaways to large and profitable organizations, and, most importantly, it would prevent the typical family from suffering a significant increase in their taxes while the economy is still fragile. This proposal would give the average family \$1,500 a year extra to spend. You would think that people ought to be able to corollate those two concepts.

The way that this would be financed is a small surtax on not just rich, but super-rich people. These are folks who make over a million dollars a year, and they would just pay the surtax on that amount that they earn over the million dollar threshold. It's far less than the 1 percent that we are hearing argued about. They would still pay lower Bush-era tax rates on the first million, and those that have extensive investment income, which most of them do, would still benefit from those lower rates.

Unfortunately, we find people here who are caught up in an ideology that trumps concern for the economy and the typical American family. It was this refusal to consider a balanced approach that is supported by the vast majority of the public that led to the collapse of the so-called supercommittee. Americans were and are ready for action that is bold, big, balanced and fair.

Now, we actually can start on the road of recovery just by going on autopilot. The default that is set up that will let the Bush-era tax cuts expire unless Congress does something and moving towards automatic sequestration will actually solve most of the deficit problem that we face just by doing nothing.

But we can do better than nothing. We can adjust. We can craft. We can focus it to get the most benefit. And we can start with a modest adjustment.

I hope my colleagues will not let the worship of the top one-tenth of a per-

cent of the economic pyramid trump concerns for the rest of working families and the American economy.

HAMESH KHAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Aslum Hamayun lives in Alabama's Fifth Congressional District. He is a father who loves and cares very much about his son, Hamesh Khan. At Mr. Hamayun's request, let me share with you and the American people the plight of Mr. Hamayun's son, Hamesh Khan.

Mr. Khan is an American citizen who, thanks to the Obama administration and the United States Government, has been wrongfully held for over a year and a half in Pakistan prisons without indictment for a specific crime or trial. This is Hamesh Khan's story.

Mr. Khan has lived in America since he was 10 years old. Mr. Khan earned a bachelor's and two master's degrees from Georgia Southern University. Following graduation, Mr. Khan worked for Citibank in Pakistan. In 2003, the Musharraf government appointed Mr. Khan to head Pakistan's Punjab Bank.

Unfortunately for Mr. Khan, the Musharraf government fell in April 2008. As seems to be so often the case in the world, a new government regime meant that appointees of the past regime risked trouble. In American citizen Hamesh Khan's case, the new Punjab government issued an arrest warrant on suspicion of corruption and corrupt practices. Let me emphasize that point, on suspicion of corruption and corrupt practices.

Fearing politically motivated reprisals, Mr. Khan fled Pakistan for his home, America. Thereafter, Pakistan sought extradition of Mr. Khan pursuant to the arrest warrant for suspicion of corruption and corrupt practices.

Let me be clear on this point. Three parties are involved in this tragedy: a new Pakistani regime; President Obama and the United States Government; and Hamesh Khan, an American citizen.

The United States had to decide whom to support: Pakistan or an American citizen. The Obama administration chose Pakistan over its own American citizen. Mr. Speaker, it would be wonderful to know why the Obama administration made that decision.

In any event, on December 10, 2009, Mr. Khan was arrested by United States marshals in his office in Washington, D.C., and held without bond for 5 months. Remarkably, persons in Mr. Khan's position are barred from fully defending themselves at extradition hearings. For example, Mr. Khan was barred from presenting evidence to impeach the allegations against him. Mr.

Khan fought extradition until it became clear that the severe evidentiary limitations made it impossible for him to defend himself.

On May 13, 2010, the United States Government forcefully handed Mr. Khan over to Pakistani authorities at John F. Kennedy Airport in New York. Mr. Khan was bound in handcuffs and leg chains. With the Obama administration's historic act, Hamesh Khan became the first American citizen ever extradited to Pakistan. The one concession the United States State Department received from the new Pakistani regime was a promise that Mr. Khan would be fairly treated under Pakistani law.

While anyone hearing this story can suspect political motivations for the prosecution of Mr. Khan by Pakistani authorities, I am not in a position to make a judgment on that issue. But I am in a position to make a judgment about our United States Government and its responsibility to protect American citizens.

Whether he is innocent or guilty of the charges by Pakistani authorities, Hamesh Khan has not been served justice. Under Pakistani law, after arrest for suspicion, Pakistan's National Accountability Bureau can hold a person for up to 3 months without bail. Within that 3 months, Pakistan's National Accountability Bureau must either indict a held person for specific crimes for trial or order his release; yet it is now over 18 months since Hamesh Khan became the first American citizen extradited to Pakistan, and for those 18 months, Mr. Khan has been held without bail, without indictment, and without trial. Mr. Khan lives in a 6-foot by 6-foot prison cell in Pakistan.

I pray the American State Department did not anticipate that Mr. Khan would be held indefinitely without indictment or trial when they forcibly bound and shackled an American citizen and gave him to Pakistan.

Therefore, Mr. Speaker, I enter this statement in the CONGRESSIONAL RECORD: It is time for America's State Department to use whatever influence is necessary and proper to cause Pakistan to treat Mr. Khan in accordance with Pakistan's own law and with international treaty obligations.

Justice cannot be served an American citizen in any other way.

WHO SAYS GOVERNMENT CAN'T CREATE JOBS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 5 minutes.

Mr. JACKSON of Illinois. Who says, Mr. Speaker, that government can't create jobs? The greatest need of the American people today is jobs, but the question before them is this: Who is responsible and how should jobs be created?

Democrats, Republicans, and Independents, liberals, moderates, and conservatives all agree that the private sector is the primary source of jobs. However, with 9 percent official unemployment—the reality is it's much higher—and 25 million Americans either unemployed or underemployed, it's self-evident that the private sector has not supplied enough jobs and either can not or will not create enough full-time jobs today to employ the 25 million people who need them.

□ 1020

So what do we do? Throw our hands up and say, "Nothing can be done," Congress?

Democrats generally believe in "priming the pump," through deficit spending if necessary, to create jobs and stimulate the economy in order to put the overall economy back on track during these times when the private sector has obviously failed us. In the past, many Republicans have generally agreed; but this current Tea Party-Republican Party, all of whom have government jobs and employ government staffs, doesn't agree and generally argues that the government can't create jobs. Really?

President Franklin Delano Roosevelt, we are reminded by Michael Hiltzik in his new book "The New Deal: A Modern History," reveals a different truth, which is the source of the following information:

FDR was sworn into office on March 4, 1933. He came up with the idea himself of a Civilian Conservation Corps on March 13, the first jobs program of the New Deal. He presented his idea to a White House aide, Raymond Moley, on March 14—an idea that he had just come up with the night before. The idea was to put platoons of young unemployed men to work in the forests and the national parks. That very afternoon, a memo and a skeleton bill went out to the four Secretaries who would be involved in implementing his CCC plan—Frances Perkins, Labor; Henry A. Wallace, Agriculture; Harold L. Ickes, Interior; and George H. Dern, War—the first interdisciplinary agency of the New Deal.

The next day, on March 15, the four Secretaries returned a joint response proposing a wider relief program, encompassing not only a Civilian Conservation Corps, but a public works program and a grants-in-aid to States and municipalities for relief. On March 21, FDR sent a message to Congress involving, among other things, his idea of a CCC. In his message, he observed "more important . . . than the material gains will be the moral and spiritual value of such work . . . We can take a vast army of these unemployed out to healthful surroundings."

Congress debated and passed the Civilian Conservation Corps program in 8 days, on March 29. By early April, the

CCC was open for business. The first registrant was 19-year-old Fiore Rizzo of New York, who arrived on April 7 in a cab with three of his friends at an Army recruiting station in downtown Manhattan. Rizzo belonged to a family of 13, whose father had not worked in 3 years.

So how did these government-created jobs work out?

The average enrollee signed up at the age of 18½, stayed for 9 months—6 months was the minimum tour, 2 years the maximum—and gained up to 30 pounds during his term, thanks to three square meals a day served up by the Army quartermasters as fuel for daily labor.

The program ramped up quickly. By July, there were 1,300 camps housing 275,000 enrollees, already working vigorously on projects that would rank among the most notable legacies of the New Deal. Before the CCC ended and with the coming of war mobilization in 1942, the CCC built 125,000 miles of roads, 46,000 bridges, more than 300,000 dams to check erosion, planted more than 3 billion trees, and strung 89,000 miles of telephone wire.

The camps instilled in many of these young men the concept of an American identity. No doubt the comradeship was fostered by a shared resentment of the camps' martial regimen, the rising with the bugler's call, the mandate to keep their bunks and footlockers in order, and the heeding of senior officers without discussion. Mr. Speaker, I can only imagine that, today, these Army quartermasters would demand that our young men pull up their pants. The Army, too, found the experience valuable. As War Secretary George Dern confided to Frances Perkins a year into the program, his officer corps had had to learn "to govern men by leadership, explanation and diplomacy rather than discipline. The knowledge is priceless."

The CCC would serve as a model for national service programs of a later era, such as the Peace Corps, AmeriCorps and VISTA.

"There was pride in the work," one former boy still recalls 60 years later. "We built something, and I knew I helped . . . It was something you could take pride in, and there wasn't a lot of pride available in those days."

Among the New Deal programs, the CCC would inspire almost universal affection, even more so than Social Security.

Mr. Speaker, the Federal Government can create jobs.

RON SMITH, A VOICE OF REASON FOR MARYLAND AND AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BARTLETT) for 2 minutes.

Mr. BARTLETT. On November 18 Ron Smith, a respected and beloved

Baltimore-area radio talk show host on WBAL, as well as a columnist for the Baltimore Sun, announced his retirement after 26 years because of his diagnosis of inoperable pancreatic cancer and impending death.

I ask all of my colleagues to join me, along with thousands of loyal listeners and readers who have expressed their deep appreciation and admiration for Ron Smith. Ron unfailingly contributed a voice of reason with unmatched candor while providing a forum for civil and vigorous debate about politics and policy that is sorely needed everywhere in America.

I feel privileged to have been a guest a number of times on Ron's show on WBAL. It was always equally a pleasure and a challenge to meet Ron's high standards. Ron is a true conservative in the classical and historical meaning of the term. With equal enthusiasm and utmost respect, Ron asked tough questions of guests and callers and dissected the arguments of liberal elites, Democrats and Republicans, and others who call themselves conservative.

From a vast knowledge of both history and government, Ron Smith shared, and we in Maryland were most privileged to benefit from, his succinct and persuasive dialogue and dedication to liberty and reason.

Thank you, Ron. Godspeed.

STOP OUTSOURCING SECURITY ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

Ms. SCHAKOWSKY. While many hours have been spent by this body debating the wars in Iraq and Afghanistan, far too little time has been devoted to the United States' growing dependence on private military contractors: the weapon-carrying, for-profit security companies—mercenaries—who have become integral and counterproductive actors in our war efforts.

I believe that the increased reliance on hired guns to provide security in conflict zones undermines our policy objectives, and I am not alone. In 2007 then-Defense Secretary Robert Gates stated that the mission of many security contractors was "at cross purposes to our larger mission in Iraq."

We should be concerned. Private contractors don't wear the badge of the United States. They answer to a corporation, not to a uniformed commander. Our government doesn't even know how many contract personnel we've hired. Because legal jurisdiction remains murky, we may lack the ability to prosecute contractors for alleged violations committed overseas.

We need to end our reliance on security contractors in conflict zones. Since 2007 I've introduced the Stop Outsourcing Security Act to phase out

the use of for-profit contractors for mission-critical tasks, including security, intelligence and interrogation in conflict areas. The SOS Act builds on legislation I have introduced since 2001, including the Andean Region Contractor Accountability Act to prohibit military contracting in Colombia and neighboring nations.

While the problem applies to other private contractors, there is one company that has been synonymous with misconduct—Blackwater. Operating under a culture of recklessness created by its founder, Erik Prince, Blackwater employees have been implicated in a wide range of alleged misconduct since 2004—from shooting and killing civilians to gun-running.

Five former Blackwater executives, including its former president, Gary Jackson, were indicted in 2010 for weapons charges. The company agreed to a \$42 million administrative settlement with the State Department for 288 alleged violations of the Arms Export Control Act and International Traffic in Arms Regulations. At least seven civil suits for alleged abuses by Blackwater personnel in Iraq have been settled, and legal action is still pending against four Blackwater guards accused of massacring 17 civilians in Baghdad's Nisour Square in 2007. Further, the Iraqi Government, our ally, has repeatedly asked that Blackwater be ousted, leading the United States State Department to refuse to renew the company's contract in 2009.

In short, Blackwater, now renamed Xe, has been a center of controversy for years in congressional committees, the press and among members of the military. Yet the company has received over \$1.25 billion in taxpayer money.

Recently, Mr. Prince has launched a video game called "Blackwater," glorifying the discredited company he started, and now Mr. Prince has adopted yet another heavy-handed tactic—the attempted intimidation of a Member of Congress.

□ 1030

Last month a letter from his attorney was hand delivered to my congressional office. Mr. Speaker, I am submitting the letter for the CONGRESSIONAL RECORD. It accuses me of defamatory statements, characterizes my efforts to urge investigations into Mr. Prince as a violation of congressional power, and describes possible legal action if I persist.

I come to the floor today because I believe it is my responsibility as a Member of Congress to speak out against policies and entities that I believe are damaging to our Nation. I want to make it clear to Mr. Prince that I will not stop working to end our reliance on private security contractors or to investigate any and all allegations of misconduct. I want to make it clear to the military men and women

who have shared their concerns that they are endangered by the behavior of hired guns employed by Blackwater-like companies, that I will keep speaking out to protect our mission and our brave troops from risk.

And I want to tell the families of the men and women who have been killed in incidents involving Blackwater and other such companies that I will continue to push for full investigations and, whenever appropriate, criminal charges.

DIGENOVA & TOENSING, LLP,
ATTORNEYS-AT-LAW,
Washington, DC, October 7, 2011.

Delivered by Hand

HON. JAN SCHAKOWSKY,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN SCHAKOWSKY: This firm represents Erik Prince concerning false and defamatory statements you have made against him.

On September 8, 2011, Guy Adams, a Los Angeles-based correspondent, published in the London-based Independent an article discussing "Blackwater" (2011), a video game owned by Mr. Prince. In that article, Mr. Adams attributes to you the following observation: "If Mr. Prince had not emigrated to the United Arab Emirates, which does not have an extradition agreement with the US, he too would now be facing prosecution."

We demand you cease and desist any further public statements that suggest in any way that Mr. Prince "would be facing prosecution" or has engaged in criminal conduct under any circumstances.

Your caprice in making a false and defamatory statement about criminal culpability is particularly galling in light of your husband's guilty plea to federal fraud and his time in prison. One would think you would be sensitive about falsely accusing others of criminality.

Mr. Prince has answered his country's call to serve both in military uniform and civilian life. Mr. Prince served his country with honor as a commissioned officer in the United States Navy SEALs. He deployed with SEAL Team 8 to Haiti, the Middle East, and the Balkans.

Mr. Prince's support for human rights around the world is well established, from funding famine relief in Somalia and the Sudan, to contributing to the building of hospitals, schools, orphanages and churches and mosques in the Middle East and Asia. He financed a feature film, *The Stoning of Soraya M.*, about the oppression of women in Iran. Mr. Prince has spent time and resources to improve conditions for many who live under despotic regimes surrounded by war, drought, and famine.

Your statement to Mr. Adams, which imputes commission of a crime, is per se libelous. *Raboya v. Shrybman & Assoc.*, 777 F.Supp. 58, 59 (D.D.C. 1991); *Farnum v. Colbert*, 293 A.2d 279, 281 (D.C. 1972).

Your malice cannot be questioned. You have a multi-year history of making derogatory comments about Mr. Prince and his former company, Blackwater. You have abused your Congressional power to request that Mr. Prince be investigated.

In May of this year, you attempted to initiate a Department of State investigation of Mr. Prince in a letter to Secretary of State Clinton. You based your request on your "concern that Mr. Prince is now exporting his services." Absent from your letter was

any mention of other American security consultants who are performing the same business in the Middle East and Asia.

You brag on your official website that you have "focused" on private security contractors who "work for companies like the infamous Blackwater." In October 2007, you requested then Secretary of State Rice to "terminate Blackwater's contract immediately." In February 2009, you issued a press release alleging Blackwater's actions have put "our troops in harms [sic] way and jeopardized our mission in Iraq." In September 2010, you purposely evoked a criminal context by mischaracterizing Blackwater as a "repeat offender."

The facts you assert about Mr. Prince show complete reckless disregard for the truth. For example, Mr. Prince did not immigrate to the UAE. He maintains a residence in the United States. Mr. Prince has never committed nor ever been charged with any crime.

A federal court in July 2011 dismissed Mr. Prince from a civil law suit finding there was no evidence on which to base the claims. Moreover, a jury found there was no liability for United States Training Center, the company formerly known as Blackwater. A quick check would have verified these readily available facts.

Your interview with Mr. Adams is not protected by the Speech or Debate clause. *Hutchinson v. Proxmire*, 443 U.S. 111, 124-125 (1979).

As you are surely aware, since articles quoting you are published in other countries, you are subject to defamation laws in those countries as well as in the United States. If you do not like the "Blackwater" video game, you are free to express your opinion. But you are not permitted under the laws of the United States and numerous countries where your statements are published to make false accusations about Mr. Prince's status under the criminal law.

Sincerely,

VICTORIA TOENSING,
Counsel for Erik Prince.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair, not to others in the second person.

RIGHTS OF WORKERS TO ORGANIZE AND BARGAIN COLLECTIVELY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, around the world, the rights of workers to organize and bargain collectively through a representative of their choosing, with their employer, over wages and benefits and conditions of employment, is recognized as an important human right and as a hallmark of democratic societies. But in the United States those rights have been under assault by some politicians and by some employers who want to turn the clock back three-quarters of a century.

When workers want to join a union here and bargain collectively with their employer, too many employers

intentionally delay and delay, abusing the legal system to deny their employees the rights that we scold developing nations for denying their workers.

I rise in support of the proposed National Labor Relations Board rule to streamline and modernize union election procedures, an important and overdue step to restore fairness to our inefficient and outdated system that has allowed too many abuses. The new NLRB rule would speed up union elections, giving employers less opportunity to interfere illegally with organizing drives. The rule also allows smaller groups of workers to form unions.

Under the current NLRB system, employers willing to break the law have many opportunities to delay a union election, stretching out the time period when they can intimidate and coerce workers, all in violation of the law. The effect of this rule is to help workers exercise their free choice to join and be represented by a union without illegal interference.

Streamlining NLRB elections is a long overdue and small step to ensure workers the right to speak with one voice to a representative of their choosing.

But, Mr. Speaker, in the last week we have heard that Brian Hayes, the only Republican member of the NLRB board, NLRB, is threatening to resign specifically to deny the board the quorum to act under the law, to deny the board the quorum to perform the duties that the law places upon them. Republicans in this Congress have now tried to defund the NLRB to take away the NLRB's ability to impose sanctions on employers who violate the law, and now they are trying to shut the board down altogether by abusing the other body's advice and consent powers to block any new appointments to the board and by having a Republican member resign specifically to deny the necessary quorum to act.

Today, we are considering the so-called Workforce Democracy and Fairness Act; and despite that Orwellian name, the bill is designed to do the exact opposite. It is intended to deny workers the right to unionize without delay and litigation, to deny those rights through delay and litigation and by allowing employers to decide which employees, which workers get to vote on whether there is a union or not to stuff the ballot box, under this bill, to add new workers to the unit that will decide whether to have a union or not.

Under the bill there would be a waiting period, if there is an election dispute, whether it's well grounded or frivolous, a waiting period for preelection hearing, a waiting period for unions to receive the better contact list; and the only goal for that, for those waiting periods, is delay. The arbitrary waiting periods ensure that election will be delayed, and nowhere

is there any assurance the election will really be held.

My Republican colleagues blame frivolous lawsuits for many of the ills of our country; but this bill would reward frivolous lawsuits by providing more time for employers to find fault, real or fabricated, with the election process; and by blocking the NLRB's current rule that would allow elections to move ahead before the complaints are resolved, this bill would allow employers to use litigation, frivolous or legitimate, to block elections.

Finally, this bill would allow employers to stuff the ballot box with a radical rewrite of our labor law so that the employer would decide which employees, which workers get to vote. They can add employees who were never engaged in the organizing drive, and they can keep the list of voters of the workers eligible to vote from those supporting a union until just before the election.

American workers deserve the same rights that we urge around the world for workers, the right to form a union, the right to speak with one voice and bargain with their employer so that our workers can win better wages and better benefits and rebuild the American middle class.

UNEMPLOYMENT REMAINS TOO HIGH AND GLOBAL MARKETS SHOWING SIGNS OF INSTABILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, the economy received an early holiday gift this past week when Black Friday and Cyber Monday shopping figures outperformed expectations. However, we still face significant challenges. Unemployment remains too high and global markets are showing signs of instability, both of which are the lingering effects of the Great Recession. Casting a grim shadow over all of our actions is the fact that some Members of this body still persist in ignoring the public and letting ideology stand in the way of striking a reasonable balance to tame our national debt and grow the economy.

Of note is the recent report released by the nonpartisan Congressional Budget Office, showing that the Recovery Act we passed 2 years ago has been a significant success in an otherwise gloomy economic picture. According to the CBO, the Recovery Act increased GDP growth by up to 1.9 percent in the third quarter of this year, a quarter in which we had 2 percent growth. That's an extraordinary impact.

Thanks to the Recovery Act, 2.4 million people, according to the CBO, now have a job and the overall unemployment rate is 1.3 percent lower than it otherwise would have been if we'd done nothing, as my friends on the other side of the aisle wanted us to do.

According to CBO's in-depth analysis, the Recovery Act will continue to have a significant impact on the economy. Although it was designed to operate from 2009 to 2011, CBO found it will continue to drive GDP growth next year, adding 1 percent to the economy and will further increase employment by 1 million jobs.

After opposing any stimulus action in the midst of the worst economic contraction in 80 years, the Republicans actually criticize the Recovery Act now for the fact that it didn't do enough. That speaks less to the merits of the Recovery Act, I'd suggest, than it does about the magnitude of the Great Recession. And it is extraordinarychutzpa from the other side to just say 'no' and now criticize the Recovery Act for being inadequate.

The Great Recession was, in fact, the Nation's worst economic collapse in 80 years. What began in the subprime housing market quickly spread throughout the financial industry, threatening economic ruin. At its height, more than 700,000 Americans were losing their jobs every single month. Millions more lost their homes through foreclosures. The Great Recession was already one of America's worst before President Obama was ever sworn into office, and during that economic maelstrom our first act in the 111th Congress was to pass the Recovery Act to help, on a party-line vote, I'm sad to say.

□ 1040

Many of my Republican colleagues point to the continued weakness in the economy as an indication of the Recovery Act's failure, rather than acknowledging that it is actually a function of the severity of the recession and failing to acknowledge their own supine, Darwinian response to it. They claim that, as the economic turmoil which began in 2007 raged all around us, Americans would have been better served had Congress simply done nothing and hoped for the best. Now, as the lingering effects of the recession continue to hold back a robust recovery, they continue to defy reasonable bipartisan attempts to put people back to work and get our country moving again.

The Recovery Act cut taxes for 95 percent of all Americans—both families and small businesses. It kept thousands of teachers, police officers, and firefighters on the job. Recovery Act dollars funded highways and transit improvements in every State, putting hundreds of thousands in the depressed construction industry back to work. There was a time when cutting taxes and investing in infrastructure was a bipartisan endeavor and had broad Republican support as well as Democratic support.

But there's still time for redemption. The President's American Jobs Act now provides another opportunity for

our Republican friends to actually partner with Democrats and support economic recovery. The American Jobs Act provides incentives for companies, large and small, to hire additional workers; it cuts taxes on every working American in order to further spur economic demand; and it provides support for sorely needed infrastructure investments to repair America's bridges, roadways, and schools. In short, it builds on the success of the Recovery Act we passed 2 years ago.

There are 2.4 million Americans with jobs today because we took action 2 years ago. With 14 million more waiting, we can't afford now to do nothing. We must act.

THE BENEDICT ARNOLD ALLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, this week Pakistani Prime Minister Gilani said that there will be no more "business as usual" with the United States. I couldn't agree more. The United States should not be doing business as usual with our unfaithful ally Pakistan. Since 2002, we have given Pakistan over \$14 billion in so-called security-related aid and over \$6 billion in economic-related aid. The American people have not gotten their money's worth.

Pakistan seems to be the Benedict Arnold nation in the list of countries that we call allies. They have proven to be deceptive, deceitful, and a danger to the United States. Here's some of the evidence.

In May of this year, Navy SEALs discovered Osama bin Laden living the high life in an Abbottabad mansion right in the backyard of the Pakistani military community, but Pakistan claimed they had no knowledge of the world's most-wanted terrorist that was living right under their noses. This is questionable at best. Mr. Speaker, that dog just won't hunt.

Since then, the more we learn about Pakistan, the worse it gets. Shortly after that raid, Pakistan also arrested CIA informants in Pakistan that led the United States to capture or take out Osama bin Laden.

Pakistan has tried also to cheat the United States by filing bogus reimbursement claims for allegedly going after militants; 40 percent of these claims have been rejected by our government.

There is more. Pakistan tipped off terrorists making IEDs, not once, but twice, in June 2011, after we gave them intel on the bomb-making factory location and asked Pakistan to go after them.

CIA Director Leon Panetta asserted that Pakistan had not done enough to bring Osama bin Laden to justice, saying there is "total mistrust" between

the United States and Pakistan. Meanwhile, Pakistan is chumming up to the Chinese. It sounds to me like Pakistan is playing both sides in the war on terror.

This so-called ally takes billions of dollars in U.S. aid while, at the same time, supporting the militants who attack us. According to Admiral Mike Mullen, the Pakistani Government supported the groups who were behind the September 11 truck bombing attack in eastern Afghanistan that wounded more than 70 U.S. and NATO troops.

Based on this evidence, I have introduced legislation to freeze all U.S.A. aid to Pakistan with the exception of funds that are designated to help secure their nuclear facilities. By sending aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts in the whole region.

In the past week, relations between American and Pakistani officials have even further deteriorated. Saturday, NATO and Afghan forces near the border of northwest Pakistan and Afghanistan reportedly came under attack from Pakistani fire and responded in self-defense. Twenty-four Pakistani soldiers were killed. But Pakistan says it was NATO who fired the first shot. Of course we cannot believe what Pakistan says. They will lie when the truth is obvious. But the facts will eventually come out as to what really happened in this episode.

Hatred for America is still at an all-time high in Pakistan. This week on TV, Americans have seen Pakistanis burning American flags and cursing our Nation. And just today in Politico, we have this lovely photograph of Pakistani women proclaiming "Down with U.S.A."

Pakistan leaders are continuing to vilify the United States on the one hand and, on the other hand, take our money. Most importantly, crucial NATO supply routes have been cut off by Pakistan, stopping supplies from getting to our troops in Afghanistan. Monday, 300 trucks full of supplies were turned away at the Pakistan-Afghanistan border. Pakistan has cut off the supply routes to our troops; now it's time we cut off the money to Pakistan.

Pakistan has made it painfully obvious that they will continue their policy of dangerous, dishonest deceit by pretending to be our ally in the war on terror while simultaneously giving a wink and a nod to extremism. By continuing to provide aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts.

Seven in 10 Americans believe we need to stop or decrease foreign aid to Pakistan. After all, it is their money. We should stop foreign aid to Pakistan until we know whose side they're on. We don't need to pay them to hate us;

they'll do it for free, Mr. Speaker. Maybe we shouldn't pay them at all.

And that's just the way it is.

COST OF COLLEGE SMOTHERING OPPORTUNITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, it has now been 2 months since the Occupy Wall Street movement spread all across this country; and despite attempts to marginalize it, parody it, sometimes even suppress it, the fact is that one message has come through loud and clear, particularly from young Americans who have participated in this grassroots movement across the country, which is that the spiraling cost of college is smothering opportunity for millions of young Americans all across America.

Yesterday the Secretary of Education, Arnie Duncan, presented a speech in Nevada which I think starkly presents the challenge which we face as a Nation. Today, the average student loan debt for graduating students is \$25,000. That's the average. There are, again, millions of students who are graduating with six-figure debt. And in an economy like the one they're facing today, this is really an obstacle which will probably burden them for the rest of their lives. And as we are seeing in polls, the cost of college is discouraging many younger Americans, high school-age Americans from even considering the possibility of pursuing a higher education degree.

First of all, let's be very clear here. The value of higher education is still, despite some critics, indisputable. If you look at the unemployment rate today, 9 percent across the board in terms of our country, the fact of the matter is that those who have pursued high school and above have much lower rates of unemployment today than those who have been unable to reach those training levels and education levels.

Nationally, today the graduation rate of the U.S. has now fallen to 12th internationally. Back in the 1980s, the College Board, which is the organization which tracks graduation rates across the globe, determined we were number one in the world in terms of college graduation rates. Yet today, in 2011, we are 12th. If anybody thinks that is a situation which bodes well for our ability to compete internationally going into the future, then, frankly, they're not paying attention in terms of where the high-value jobs of the future are. They are, in fact, in hard sciences; they are, in fact, in areas of critical workforce needs which, as baby boomers retire in growing numbers across this country, we must have if we are going to continue to be a great Nation.

Now, let's look at what is happening here in Washington. I think one of the reasons why young people are going into the streets of this country is the fact that we have a Congress which is not only out of touch in terms of listening and responding to this, in fact, they want to take us backwards.

When I first came to Congress in 2007, a new Democratic majority moved swiftly to pass the College Cost Reduction Act, which was an effort to try to boost the Pell Grant program, which is the workhorse of higher education affordability, a program which basically had been level-funded for 6 prior years despite the fact that higher education costs had gone up 40 percent. We passed the College Cost Reduction Act which infused new funding into the Pell Grant program. We cut the interest rates for the Stafford student loan program from 6.4 percent to 3.2 percent, and we paid for every single penny of those expenditures by cutting the bank subsidies which were basically sucking Federal dollars away from families and students who need that critical help.

Last year we passed the Student Aid and Fiscal Responsibility Act, again with a Democratic majority, which provides for a cap in terms of loan repayments of 15 percent of your discretionary income and excuses loan repayments after 25 years under the Stafford student loan program.

□ 1050

I was pleased that President Obama, again, just a month or so ago, acted to increase the benefit of that program by limiting the discretionary income payments to 10 percent of income and lowering the forgiveness date to 20 years, from 25 years. This is an administration which gets it. This is an administration that understands middle class families with children who want to improve themselves and compete in their futures need that kind of assistance.

What did this Republican Congress do? We had a Ryan budget last April which gutted and butchered the Pell Grant program and would take us back to 2008 levels. So, for example, in Connecticut, where I come from, the University of Connecticut would have seen its Pell Grant revenue from 2008, which was about \$8 million going into the University of Connecticut, it would have been cut from where it is today, which is \$12 million of annual Pell Grant revenue—a \$4 million cut to the University of Connecticut. And the grant level for students, the maximum award, would have been cut from \$4,500 a year down to roughly about \$3,000 a year. That is closing the doors of opportunity to millions of Americans. That's what the Ryan budget values and that's what its vision was at a time when, again, our country is in crisis in terms of needing skilled, qualified workers to deal with the future challenge.

The choice is clear. For those who care about spiraling education costs, the Democratic agenda is the one that is on your side.

IT TAKES AN ACT OF CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. I'm happy to be down here this morning. I often come down here with something on my mind, Mr. Speaker. Invariably, one of my colleagues says something that inspires me even more than what I had on my mind when I came down. That's the case this morning.

My colleague who was here right before me said the value of higher education in terms of future earnings is undisputable. The value of higher education, Mr. Speaker, in terms of future earnings, is undisputable. And he then went on to talk about all the Federal programs that provide money so that people can seek higher education.

Now my question is, Mr. Speaker: If the value is undisputable, why do we have to pay people to do it? If the value is undisputable, why do we have to pay people to do it? That's what happens in this Chamber too often, Mr. Speaker.

I think back to 1787 and the passage of the Constitution. The Constitution, as conservative as it is in terms of preserving individual liberties, would not have passed, would not have been ratified, without the addition of the Bill of Rights. Our Founding Fathers were so concerned about a Federal Government trying to do too much that the colonies would not ratify the Constitution in the absence of the Bill of Rights—the Bill of Rights, which sole purpose is to protect individual liberties.

Mr. Speaker, as I look around at what makes America great, it's never something that comes out of this United States House of Representatives. It's something that comes out of a family next door back home. It's something that comes out of a community back home. It's something that comes out of individual liberty and freedom back home. And my job as the representative of 900,000 folks in the great State of Georgia is to protect their liberties from the natural inclination that exists in this body to think they have all the right answers.

We talk about higher education Mr. Speaker. In the great State of Georgia, we have what's called the HOPE Scholarship program. It's funded by lottery money. I would have voted against the lottery, but the lottery won anyway, and now it funds higher education for all Georgians. It's a huge job creation tool. Folks want to come and relocate their business to Georgia because they know kids with an accomplished high school record are going to be able to go to college for free.

That's a State initiative, Mr. Speaker. We're not going to pass a national

lottery up here and try to provide free college education for everybody in the country. That's not the right answer. The right answer is to have States and local communities exercise those freedoms and implement their ideas back home.

When I was growing up—and it didn't occur to me at the time, Mr. Speaker, how meaningful it would be—but there used to be a cliché that when something was really hard, you'd say: It takes an act of Congress to solve it. Have you heard that cliché, Mr. Speaker? It takes an act of Congress to solve that because the problem is so hard and it's hard to pass something in Congress. It's hard to get an act of Congress. And yet every time we make a mistake, Mr. Speaker, in the name of trying to do good, in the name of trying to have the best idea, in the name of trying to tell everybody in America if only they'll do what we tell them to do they will be happier, every time we make a mistake it literally takes an act of Congress to fix it.

Mr. Speaker, we're not in charge of providing happiness to America. We are in charge of preserving Americans' freedoms so that they can find their own happiness.

Mr. Speaker, there are lots of countries on this planet that do not share the freedoms that we have. There is only one country on this planet that protects individual liberty and freedom as we do. When we talk about the direction of America, Mr. Speaker, we have to decide are we going to protect those things that have always made this country great—individual liberty and individual freedom—or are we going to go the way of the rest of the world, which is looking to a central government that thinks it has all the right answers.

Mr. Speaker, they had it right in the summer of 1787. I hope we get it right here in this Congress.

IMPLEMENTING SMART SECURITY TO REPAIR A U.S.-PAKISTAN RELATIONSHIP IN CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, over the weekend, NATO airstrikes killed at least 24 Pakistani soldiers in a tragic "friendly fire" incident that has once again elevated tensions between the U.S. and Pakistan. Regardless of who was at fault—whether our forces were acting in self-defense or had legitimate reason to believe they were firing on insurgents—the Pakistan Government is furious and the bilateral relationship is facing a grave crisis.

Pakistan has said they are cutting off supply routes into Afghanistan. They have said they will no longer participate in a critically important international conference in Germany next

week—a conference that will help chart Afghanistan's future. This episode is fanning flames of anti-American sentiment in a country whose people are already hostile. In the last few days, we've seen public demonstrations of Pakistanis burning the U.S. flag and shouting, "Whoever is a friend of America is a traitor of the land." Clearly, Mr. Speaker, instead of winning the hearts and minds, we are giving terrorists a recruitment tool.

Pakistan has not always been the most reliable partner, but they are an ally—and let's not forget, a nuclear power—with whom we share important mutual interests. We need their cooperation if there is going to be political reconciliation and long-term stability in neighboring Afghanistan. This incident leads me to believe more strongly than ever that we must redeploy our troops out of Afghanistan. We have very difficult diplomatic work to do there—work that is being complicated, not facilitated, by our military presence.

After more than 10 years of failed war that is undermining our security interests, it's time to change our role in the region from one of military occupier to one of constructive partner. Pakistan and Afghanistan are the first places we could be implementing the SMART security strategy I've talked about so many times from this very spot.

While it's true that we send enormous amounts of foreign aid to Pakistan, the overwhelming majority of it goes to the military, with very little trickling down to the people. We could instead spend more to boost Pakistan's literacy rate, or more investment in key infrastructure projects, the growth of civil society, or life-changing humanitarian efforts.

□ 1100

To give one specific example, Pakistan is one of four countries on Earth—and Afghanistan is one of the others—that hasn't completely eradicated polio. For pennies on the dollar, compared to our military expenditures, we can help provide the vaccination that would eliminate this dire public threat. Perhaps then we'll be able to change the fact that only 11 percent of Pakistanis have a favorable view of the United States. Perhaps instead of destabilizing influences of 100,000 troops on the ground, we can build a stronger relationship based on mutual trust, one that promotes peace and empowers the Pakistani people with a humanitarian surge instead of a military surge.

Mr. Speaker, it's time for SMART Security, and it starts with bringing our troops home.

POVERTY AND HIV/AIDS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, as a founding co-chair of both the Congressional Out of Poverty Caucus and the Congressional HIV/AIDS Caucus, I rise today to draw attention once again to the ongoing crisis of poverty in America. And, today, I also want to draw particular attention to the impact of poverty on our national fight to stop HIV and AIDS.

Mr. Speaker, December 1 is World AIDS Day, and this year marks 30 years after the first discovery of AIDS cases. The United States and the HIV/AIDS community globally have made tremendous progress in our collective response to this domestic and global crisis. We have reduced the stigma surrounding the disease and strengthened education and outreach activities which continue to prevent millions of new cases of HIV worldwide. The scientific community has improved the treatment of HIV and AIDS with anti-retrovirals and combination therapies, and recent breakthroughs have revolutionized the way we think about AIDS.

We have come a long way in our battle against AIDS. Contracting HIV no longer has to be a death sentence. But we have much more work to do. Not everyone who is HIV positive has access to these life-saving therapies. For the one in three Americans who are poor or near poor, HIV can still be the same death sentence that it was during the Reagan Presidency. Today, nearly one in five Americans with HIV do not even know their status, and only about half of Americans who do know their status are receiving the treatment that they need.

For the 100 million Americans either in poverty or living on the edge of poverty, much more must be done. Access to the drug cocktails, high-quality health care, housing, and healthy foods that are all critical for people living with HIV are out of reach for far too many.

Mr. Speaker, 30 years later, we continue to shortchange HIV efforts in poverty-stricken communities; we fail to fully include women in outreach education and treatment; and we lack the resources for communities of color. This is just simply unconscionable.

Women of color and young gay and bisexual men still receive the most severe burden of HIV in the United States. African Americans represent approximately 14 percent of the United States population, but accounted for an estimated 44 percent of new infections in 2009. And we know the numbers are on the rise in Latino communities and Asian Pacific American communities as well. These disproportionate rates of infection are not something that have happened in isolation. People of color continue to face higher rates of unemployment, incarceration, poverty and near poverty than their white counterparts. We can and we must do much better than this.

We must do more for those who are disproportionately impacted by HIV and AIDS, both here in America and around the world. We must provide the science-based, comprehensive sex education that is proven to reduce the spread of sexually transmitted diseases. And we must grow past old fears and engage all community stakeholders to truly end the stigma surrounding the testing and treatment of this disease. We must repeal laws that legalize and promote discrimination and hate. We must support and expand programs which provide critical support for people living with HIV and AIDS and immediately—mind you, immediately—extend treatment to the thousands of Americans on the waiting list for life-saving drugs.

And of course we must fully implement the national HIV/AIDS strategy and support Medicaid expansion under the Affordable Care Act. These policies are the critical next steps in our fight to stop this terrible disease. And we must protect the fraction of one percent the Federal budget directed to our global AIDS programs through PEPFAR and the Global Fund.

U.S. efforts are dramatically reducing the burden of HIV and AIDS in developing countries, and failing to support these programs would have dramatic national security and diplomatic implications for the United States—not to mention the humanitarian disaster that would occur. That is why last week I was very proud to be joined by over 100 Members of Congress in seeking appropriations of at least \$5.25 billion for the PEPFAR program and \$1.5 billion for the Global Fund to Fight AIDS, Tuberculosis and Malaria. And I will enter this letter into the RECORD.

Finally, Mr. Speaker, I was proud to have played a role in overturning the unjust and ineffective HIV travel ban in 2008. And, now, for the very first time in 20 years, the International AIDS Conference will be held in Washington, D.C. in July of 2012.

So let me encourage every Member and their staff to engage with the leading researchers and doctors in the worldwide fight against HIV and AIDS. Our global leadership will never be more important than at this promising moment of reversal, when we could move forward or we could go backwards. So I hope every Member will join our bipartisan 60-plus members of the HIV/AIDS Caucus.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 2011.

Hon. KAY GRANGER,
Chairman, Appropriations Subcommittee on
State/Foreign Operations, Washington, DC.

Hon. NITA LOWEY,
Ranking Member, Appropriations Subcommittee
on State/Foreign Operations, Washington,
DC.

Hon. PATRICK LEAHY,
Chairman, Appropriations Subcommittee on
State/Foreign Operations, Washington, DC.

Hon. LINDSEY GRAHAM
Ranking Member, Appropriations Subcommittee
on State/Foreign Operations, Washington,
DC.

DEAR CHAIRMEN LEAHY AND GRANGER, AND
RANKING MEMBERS GRAHAM AND LOWEY: As
you begin negotiations on a final Fiscal Year
2012 Department of State, Foreign Oper-
ations, and Related Programs Appropria-
tions bill, we write to respectfully request
that you secure funding for bilateral and
multilateral HIV/AIDS programs at the lev-
els proposed in S.1601, Department of State,
Foreign Operations, and Related Programs
Appropriations Act, 2012.

We urge support for \$7.9 billion for global
health programs contained in the Senate
mark. More specifically, we urge you to sup-
port, at the very least, \$5.25 billion for the
U.S. President's Emergency Plan for AIDS
Relief (PEPFAR) and \$750 million for the
Global Fund to Fight AIDS, Tuberculosis
and Malaria, as explicitly allocated in S.
1601. In total, we support \$1.05 billion for the
Global Fund (of which \$300 million is con-
tained in the Senate Labor, Health and
Human Services appropriations bill). More-
over, we are strongly opposed to language
contained in the House Subcommittee Mark
prohibiting funding for syringe exchange
programs, which are proven to reduce the in-
cidence of HIV infection.

U.S. global health programs including
PEPFAR, along with U.S. contributions to
the Global Fund, are reducing disease burden
in low- and middle-income countries, and
these programs have important national se-
curity and diplomatic elements for the
United States. Global health programs di-
rectly impact American security interests by
stabilizing parts of the world where extre-
mism and a lack of alternatives are a recipe
for future conflict. The economic impact of
global health activities is also felt in the
U.S., providing thousands of jobs to help
plan and implement global health program-
ming and to conduct health-related research
at colleges and universities.

Thanks to the help of the United States,
the Global Fund has grown into a proven,
country-driven, performance-based mecha-
nism which ensures that countries them-
selves are responsible for building their own
sustainable programs. The Global Fund has a
robust history of improving its function and
continues to do so through its recent an-
nouncement of an improvements agenda to
further ensure every dollar is utilized effec-
tively, remains accountable, and is trans-
parent in operation.

We also welcome PEPFAR's leadership on
advancing combination HIV prevention ap-
proaches and urge the conferees to ensure
that these interventions are implemented to
their fullest and meet the needs of those
most at-risk, especially marginalized popu-
lations. Moreover, integration of HIV/AIDS
prevention, care and treatment programs—
and, where appropriate, other critical global
health programs funded by this bill, includ-
ing maternal health, child survival, family
planning/reproductive health, and nutri-

tion—is critical for ensuring that the health
needs of individuals are met and the impact
of funding is maximized.

In recent months, U.S.-funded research has
made enormous progress in shaping the re-
sponse to AIDS and malaria worldwide.
These remarkable scientific advances call for
a renewed emphasis on ensuring that we
maintain robust support for PEPFAR and
the Global Fund and continue the vital U.S.
commitment to the fight against global HIV/
AIDS, TB and malaria.

These programs amount to a fraction of
one percent of the federal budget, but they
affect the lives of tens of millions, guard
against future conflicts, open up developing
markets, and will have lasting impact on the
global AIDS epidemic in the long term.

Thank you for considering this request.

Barbara Lee, Member of Congress; Wm.
Lacy Clay, Member of Congress; Bobby
Rush, Member of Congress; Maurice
Hinchey, Member of Congress; Donna
Christensen, Member of Congress; Don-
ald Payne, Member of Congress; John
Lewis, Member of Congress; Keith Elli-
son, Member of Congress; Emanuel
Cleaver, Member of Congress; Daniel
Kildee, Member of Congress; Sheila
Jackson Lee, Member of Congress; Pete
Stark, Member of Congress; Tammy
Baldwin, Member of Congress; John
Conyers, Jr., Member of Congress; John
Sarbanes, Member of Congress; Mike
Quigley, Member of Congress; Eleanor
Holmes Norton, Member of Congress;
Gwen Moore, Member of Congress;
Karen Bass, Member of Congress; Fred-
erica Wilson, Member of Congress;
Diana DeGette, Member of Congress;
Yvette Clarke, Member of Congress;
Edolphus Towns, Member of Congress;
Lynn Woolsey, Member of Congress;
Bruce Braley, Member of Congress;
Rául Grijalva, Member of Congress;
Barney Frank, Member of Congress;
Donna Edwards, Member of Congress;
Lucille Roybal-Allard, Member of Con-
gress; Janice Schakowsky, Member of
Congress; Theodore Deutch, Member of
Congress; Alcee Hastings, Member of
Congress; Terri Sewell, Member of Con-
gress; Jim McDermott, Member of Con-
gress; Tim Ryan, Member of Congress;
Grace Napolitano, Member of Congress;
Russ Carnahan, Member of Congress;
Marcia Fudge, Member of Congress;
Colleen Hanabusa, Member of Congress;
Hansen Clarke, Member of Congress;
Sanford Bishop, Member of Congress;
Ed Perlmutter, Member of Congress;
Charles Rangel, Member of Congress;
Robert Brady, Member of Congress;
G.K. Butterfield, Member of Congress;
Eliot Engel, Member of Congress; Eddie
Bernice Johnson, Member of Congress;
Henry Waxman, Member of Congress;
Danny Davis, Member of Congress;
Mike Honda, Member of Congress; Sam
Farr, Member of Congress; David Scott,
Member of Congress; Joe Baca, Member
of Congress; Betty Sutton, Member of
Congress; John Garamendi, Member of
Congress; Melvin Watt, Member of Con-
gress; Dennis Kucinich, Member of
Congress; Maxine Waters, Member of
Congress; Cedric Richmond, Member of
Congress; Jackie Speier, Member of
Congress; Doris Matsui, Member of
Congress; Carolyn Maloney, Member of
Congress; Bobby Scott, Member of Con-
gress; Steve Cohen, Member of Con-
gress; Laura Richardson, Member of
Congress; Debbie Wasserman Schultz,

Member of Congress; Rubén Hinojosa,
Member of Congress; James Moran,
Member of Congress; Gary Ackerman,
Member of Congress; André Carson,
Member of Congress; Bennie Thomp-
son, Member of Congress; Hank John-
son, Member of Congress; Al Green,
Member of Congress; Judy Chu, Mem-
ber of Congress; Bob Filner, Member of
Congress; Jared Polis, Member of Con-
gress; Corrine Brown, Member of Con-
gress; Chaka Fattah, Member of Con-
gress; Albio Sires, Member of Congress;
Joseph Crowley, Member of Congress;
Ed Pastor, Member of Congress; Zoe
Lofgren, Member of Congress; Michael
Capuano, Member of Congress; Louise
Slaughter, Member of Congress; Chris
Van Hollen, Member of Congress; Shel-
ley Berkley, Member of Congress; How-
ard Berman, Member of Congress; José
Serrano, Member of Congress; Rosa
DeLauro, Member of Congress; Lois
Capps, Member of Congress; Luis
Gutierrez, Member of Congress; David
Cicilline, Member of Congress; James
McGovern, Member of Congress;
Jerrold Nadler, Member of Congress;
David Price, Member of Congress;
Sander Levin, Member of Congress;
Madeleine Bordallo, Member of Con-
gress; Rush Holt, Member of Congress;
Gregory Meeks, Member of Congress;
John Olver, Member of Congress; Elijah
Cummings, Member of Congress; Earl
Blumenauer, Member of Congress;
George Miller, Member of Congress.

RECESS

The SPEAKER pro tempore. Pursu-
ant to clause 12(a) of rule I, the Chair
declares the House in recess until noon
today.

Accordingly (at 11 o'clock and 5 min-
utes a.m.), the House stood in recess
until noon.

□ 1200

AFTER RECESS

The recess having expired, the House
was called to order by the Speaker at
noon.

PRAYER

Reverend Jay Therrell, Cape Coral
First United Methodist Church, Cape
Coral, Florida, offered the following
prayer:

Heavenly Father, Your word says
that "from everyone who has been
given much, much will be demanded."
Today, we offer our gratitude for the
blessings of freedom You have given
our Nation. You have blessed us with
much. Acknowledging our blessings, we
pray that You would continue to re-
mind us that America has been blessed
to be a blessing to others.

Grant the Members of this House of
Representatives Your wisdom and
grace to provide leadership at home
and around the world. Help our country
to continue to be a light to everyone
by pointing all people to true freedom
and justice that can only come from
You.

As we enter this season of hope, please bless this Congress and all of our leaders with Your guidance to make decisions filled with Your love. God, please continue to bless America, but please help America to bless You.

We ask these things in the name of Your Son, Jesus.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. HULTGREN) come forward and lead the House in the Pledge of Allegiance.

Mr. HULTGREN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in June the National Labor Relations Board, NLRB, proposed a new rule that accelerates the election process for unionization. Union workers would be forced into memberships without having a reasonable time for managers to fully explain the advantages and disadvantages of membership.

This afternoon, under the leadership of Education and Workforce Chairman JOHN KLINE, Congress will vote on the Workforce Democracy and Fairness Act, legislation that limits the NLRB's ability to deny employers and workers the right to a free election, a right granted to every American by the laws of our country.

It is time for the President's National Labor Relations Board to stop focusing on policies that trample over the rights of American workers. I encourage my colleagues to vote in favor of the bill today and reaffirm the protections workers and job creators have received for decades.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, I rise in opposition to legislation that will hinder the rights of American workers. There are several junctures in the union certification process in which an election can be delayed through unnecessary litigation. In June the National Labor Relations Board announced reforms to reduce litigation and streamline the process so that elections are held in a fair and timely manner.

The legislation before us will block those reforms and introduce even more opportunity to delay elections indefinitely. I don't believe most employers try to delay elections. In fact, I often cite our history of cooperative labor relations as one of western New York's strengths. But the record shows that some will use every loophole to prevent workers from voting on whether to bargain collectively. The National Labor Relations Board rules will close those loopholes and prevent elections from proceeding. We should allow these reforms to stand and focus instead on legislation to create jobs and get our economy moving in the right direction.

GABE ZIMMERMAN RESOLUTION

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Madam Speaker, an attack on one who serves is an attack on all who serve.

I don't think I fully understood the meaning of those words until last January's senseless assault on our fellow citizens and our most fundamental responsibilities. This House responded in prayer and solidarity, reminding the world that no act of violence could silence the sacred dialogue of democracy.

It is in that same spirit that later today we will gather here to honor Gabe Zimmerman, the first congressional staffer to give his life in the line of duty and, God willing, the last.

Like every Member of this body, he took an oath to uphold and defend our Constitution. He died while well and faithfully discharging his duties. I think it is fitting and appropriate to honor Gabe Zimmerman with a permanent memorial in the United States Capitol.

I extend the thanks of the whole House to Gabe's family for their participation in this project.

Let us honor Gabe's memory by following his example of service to this institution, which remains the direct voice of the American people and their will. So later today, I would ask the House to support the resolution.

SUBMITTING TEMPORARY GUEST WORKER APPLICATIONS ONLINE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Madam Speaker, last week, like millions of Americans across this country, my family and I gave thanks for our blessings, our Nation's freedom, and for the food on our table—provided by the hardworking farmers of our country and from my district. Now I ask my colleagues to join me in giving thanks for our farmers who make this great harvest possible.

America's farms are the best in the world. Our food is safer, higher in quality, and more efficiently grown than that of any other country. The labor and innovation of America's farmers puts food on the tables of not just families here at home, but for hungry people across the world.

As our farmers bring their goods to market in the 21st century economy, they expect to have a 21st century government that will help, not hinder, their business. That's why I call on the Secretary of Labor to allow farmers to submit their H-2A applications for temporary guest workers online.

New York farmers are increasingly relying on this program for the legal labor they need to plant and harvest their crops. This summer, I was absolutely shocked to learn that one of my onion farms in Genesee County had to mail almost 20 pounds of paperwork to the Federal Government in order to participate in this program. There must be a better way.

An online application program would save money for our farmers and our taxpayers, and I urge the Secretary of Labor to swiftly implement this program.

TIME FOR THE SENATE TO ACT

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, recently a constituent of mine wrote to me and asked: What is going on in Washington?

It's a good question.

She said that her husband, a small business owner, is taxed so hard that money is tight and, as a result, they cannot grow their business. And she said: If we cannot grow, we cannot create new jobs. I want to know what you are doing for job growth?

Again, a good question.

The answer is simple. We need pro-growth, pro-jobs policies. The House has passed more than 20 bills that do just that through low taxes, reasonable regulation, less spending, and a smaller, less intrusive Federal Government. These are commonsense bills. Most of them passed with bipartisan support. Where are these bills now? Languishing in the do-nothing Senate.

To my constituent, to many others who share her concern, my simple response is: We in the House have acted; now it's time for the Senate to do the same.

WORLD AIDS DAY

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Madam Speaker, 25 million people dead around the world, 14 million orphaned children on the continent of Africa alone. This is part of the toll that the human race has borne since the terrible scourge of HIV/AIDS began its deadly work a generation ago. Tomorrow, December 1, is World AIDS Day.

I rise today to commemorate the millions of brothers, sisters, friends, and children that we've lost to this disease. I rise to commemorate the struggle of the 33 million people around the world who are living with this terrible disease today. And I rise to celebrate the new and real possibility that we could end AIDS in this generation.

Madam Speaker, this government funded the PEPFAR fight which brought hope and health to millions of people around the world, and we have funded the research that allows us to say today that we could end AIDS.

Madam Speaker, as we do the hard work of balancing our budget and governing this country, let's do what we need to do to end this disease and make sure that future World AIDS Days are all about celebration.

□ 1210

TURN OUT THE LIGHTS FOR THOMAS EDISON

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, in 1 month, every home in America must be lit with the special \$3, CFL government-approved lightbulb. The 75-cent incandescent lightbulb, Thomas Edison's greatest invention, is going to be banned by the Federal Government. The Federal Government's anti-consumer choice law leaves Americans no other option but to purchase and use a harmful mercury-filled product.

Also, this new ban is an American job killer. The government's new ban ended a manufacturing industry that went back to the days of Thomas Edison and instead shipped most of those jobs overseas, primarily to China. Isn't that lovely. Where does the Federal Government have the constitutional authority to force anybody to buy anything, from health care insurance to a box of doughnuts or even a lightbulb?

It's time for the bureaucrats to quit forcibly micromanaging America. Let Americans choose how to light their

own homes. Otherwise, we will have to turn out the lights. The party is over—even for Thomas Edison's lightbulb.

And that's just the way it is.

TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, with the unemployment in the Inland Empire above 13 percent and home foreclosures at a record level, families in my congressional district are hurting. And now, if Congress does not act soon, these struggling families will face a \$1,000 tax increase. And why are our families facing this deadline? Because the Republicans refuse to ask those making more than a million dollars a year to contribute their fair share.

The Republican obsession with extending the Bush tax for the ultra rich has led to the failure of the supercommittee. We all know the Bush tax cuts were a horrible failure. They didn't produce jobs here in the United States. They didn't create any new jobs. They dug us into a \$15 trillion debt. And now the Republicans want to permanently extend this madness.

It can't just be my way or the highway. Let's stop this gridlock. Let's pass a jobs bill. Let's work together on a balanced budget.

IN MEMORY OF FREDERIK MEIJER

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUIZENGA of Michigan. I rise today with a twinge of sadness in my heart as I pay tribute to Frederik Meijer, a friend to the entire west Michigan community and one of America's most entrepreneurial spirits, who passed away this week just shy of his 92nd birthday.

Fred was born in Greenville, Michigan, in 1919, and was known as the "father of the super store." His innovation and entrepreneurship will live on in his Meijer grocery stores, with over 200 stores in five different States. Mr. Meijer will be remembered in west Michigan for his philanthropy, his friendship, and care of the community he lived in and its residents. He and his wife, Lena, gave back and invested millions in west Michigan, and created what would become one of the State's top attractions, the Frederik Meijer Gardens and Sculpture Park.

Despite growing one of the most successful businesses in the country and revolutionizing the retail model, Mr. Meijer remained a typical west Michigan down-to-earth person who once remarked, "Money is only a tool" and "Money doesn't buy happiness." He truly knew what was important and kept that in the forefront: friends, fam-

ily, a strong relationship with his neighbors and community. The thing he loved to do the most was to hand out "Purple Cow" cards—free ice cream cards to kids in his stores. That will be remembered by my family as well.

Again, I rise to pay tribute to him, his family, and the innovation and entrepreneurial legacy he leaves behind.

Mr. Meijer, you will be missed but you will not be forgotten.

FEDERAL EMERGENCY UNEMPLOYMENT INSURANCE SYSTEM

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, at a time when so many Rhode Islanders and so many Americans are out of work, we need to do everything we can to provide assistance to families while individuals continue to look for work. The Federal Emergency Unemployment Insurance system is a critical part of our safety net that supports families during difficult economic times.

Many constituents have contacted my office explaining the impact on their families of not extending unemployment benefits, like Estella Londono in the town of North Providence. Estella is a single mother who was laid off from work and now relies on unemployment benefits to support herself and her son. She's looking for work and is currently participating in a job training program to improve her skills and to enhance her ability to find a job. Without unemployment benefits, she would not be able to support her household and pay her bills.

If the Emergency Federal Unemployment Compensation program is not extended at the end of this year, it will be devastating to Estella and to thousands of Rhode Islanders who rely on this program. These Americans who have worked hard throughout their lives should not be sacrificed on the altar of partisan politics. Congress must stop playing Washington-style political games with the fate of these families and act now to provide security to unemployed workers and their families while they look for jobs.

INDIANA'S WAIVER REQUEST DENIAL

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. I rise today to express my extreme disappointment with the recent HHS decision to deny Indiana's sensible waiver request that would have allowed our State to ease into the new rule that requires insurers selling policies to individuals to dedicate 80 percent of premiums they collect to medical care. This decision was

made on the basis that insurers doing business in Indiana were deemed “profitable enough.” CMS claimed that no provider would be forced to leave because of the denial of such a waiver. However, it was the very specter of uncertainty surrounding the President’s health care law that resulted in five providers leaving the Indiana market this summer. Invariably, the departure of providers from our State and the denial of this waiver will limit competition and push prices higher.

Let this serve as a warning to other States. Creative and consumer-driven solutions to meet our citizens’ medical needs will be disproportionately harmed under the President’s denial of these waivers.

MIDDLE CLASS TAX CUT ACT OF 2011

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, Nevada’s middle-income families have borne the brunt of the economic catastrophe that has devastated our State. We need to create jobs and get our economy moving again. What we don’t need is a middle class tax hike. But that’s exactly what some of our colleagues in the United States Senate are proposing as they consider whether to extend and expand the payroll tax cut this week.

This should be a no-brainer. Opposition to the Middle Class Tax Cut Act of 2011 is a vote to raise taxes on middle-income families in Nevada and across the country. This would be devastating for a State like Nevada. The Middle Class Tax Cut Act would cut taxes for 1.2 million Nevadans and 50,000 small businesses across the State. What does that mean? It means the average Nevadan keeps \$1,600 in their pocket. It means that a \$1,000 tax hike on Nevada families is prevented. And it means that Nevada small businesses have more money to create jobs. But instead of wholesale support for this common-sense measure, we’re getting excuses and roadblocks.

It’s time for action. Let’s pass this bill.

NATIONAL FAMILY CAREGIVERS MONTH

(Mr. HOLT asked and was given permission to address the House for 1 minute.)

Mr. HOLT. Madam Speaker, as the President has designated this month as National Family Caregivers Month, I rise to give honor and to recognize the tens of millions of Americans and the million New Jerseyans who provide loving care for family members and friends living with disabilities and illnesses.

Caregiving is not easy. The caregivers themselves face physical and mental health complications. Some are working with almost unbelievable endurance. Some of these caregivers are part of the “sandwich” generation, providing care for their children as well as their parents. There are economic costs as well. U.S. employers estimate the cost to be about \$34 billion a year in lost productivity.

I look forward to working with my colleagues here in Congress to provide caregivers with the help they need—respite care, a reauthorized Older Americans Act, tax credits. Just because the CLASS Act will not be implemented does not mean the need to provide care will go away. We have work to do.

□ 1220

PAYROLL TAX CUT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise to urge you to bring legislation today to extend and expand the payroll tax cut to the floor today.

If Congress fails to extend the payroll tax cut, the average American family will pay \$1,000 more in taxes next year. Countless families in my district are still struggling to stay afloat; they can’t afford to lose \$1,000 in income next year.

Extending and expanding the payroll tax cut is not just the right thing to do for families on the central coast of California; it’s the right thing to do for our economy.

Leading nonpartisan economists estimate that letting the payroll tax expire could cost the economy 400,000 jobs by the end of next year. Such tremendous job loss would be devastating to our struggling economy and to American families.

Extending the payroll tax cut should have bipartisan support. With all the anti-tax pledges taken by our colleagues across the aisle, you’d think this would be a no-brainer. More than half of the Republican Conference already voted for the payroll tax cut last December.

Madam Speaker, let’s extend the payroll tax cut now. It’s a win for the middle class, it’s a win for small businesses, and it’s a win for our economy.

VOTER SUPPRESSION

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Madam Speaker, the attempt to intimidate, discourage, or otherwise prevent certain people from voting has a long and notorious history. Unfortunately, voter suppression

isn’t just a part of our past; it’s a current event.

Southern States used tactics such as literacy tests and poll taxes to deny African Americans, Native Americans, and poor immigrants their right to vote. While civil rights achievements in the 1960s did away with these tactics, the strategy continues. The old ways have been replaced with voter ID laws, outrageous registration requirements, dishonest inactive voter lists, unfair purging of voter rolls, disinformation campaigns, and unlawful disenfranchisement of ex-offenders.

Madam Speaker, when anyone’s right to vote is threatened, we’re all threatened. We need to stop these blatant attempts to deny American citizens the right to vote.

WORKING ON BEHALF OF AMERICA

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. At a time that government is held in such low esteem, it’s time that we all really say to each other that we all love America and we respect America. And all over the world people are just trying to get here.

Recently, we talked about In God We Trust, and the question is whether God is going to continue to trust us. Because the fact is that one of the things that makes our country different is that people don’t come here to become rich. They come here to be respected. And that is what we have learned, no matter whether it’s Jew or gentile or Mormon, every religion emphasizes the fact that we have a moral obligation to take care of those people that are vulnerable, whether it’s our kids, our old folks, or sick people.

We don’t talk that way in the House. We talk about Medicare, education, Medicaid and Social Security. But all of those things, including the opportunity to have a job, make America what it’s supposed to be. It’s the hope for the future that our kids will have a better opportunity than we did.

Let’s say God bless America, and let’s work and make certain that we do all that we can do.

LET’S NOT FORGET

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, let’s not forget. We talk about the Great Depression and how close we’ve come to it. Let’s recognize and realize what we as a country did then. We passed the Social Security Act of 1935. And let’s also not forget that part of that is the protection of not only our seniors, but also of those who are unemployed through no fault of their

own. That is what we're looking at. Madam Speaker, we must recognize that it is time to extend the unemployment insurance, or we're going to cost our economy \$30 billion, and we're going to also affect 1 million people.

Madam Speaker, let's also recognize what makes us a great country. It is not our military might. What makes us a great country is compassion; it is the fact that we have defined ourselves by how we treat our people. Let's never forget that.

It is time to be compassionate, Madam Speaker. It is time for us to extend the unemployment insurance.

EXTEND PAYROLL TAX CUT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, about 1 year ago, Republicans were insisting that before we do anything to help unemployed Americans, we had to guarantee that tax rates for the richest of the rich were made at the lowest level in 50 years. Before doing anything to help those who were struggling, they demanded we give more to those who are hurting the least. But that was just the beginning. Now, they are resisting a tax cut that would give American families an average of \$1,000 per year. These are the same families that have seen their incomes drop by \$6,000 in just the last 2 years.

Republicans are putting more and more money into the pockets of millionaires and taking it out of the pockets of American families. They've gone from simply not helping working Americans, to actively making it harder for them to get by. These are not the priorities of the American people.

I urge my colleagues to support the extension of the payroll tax cut and stand up for this commonsense policy that will help millions of American families.

EXTEND UNEMPLOYMENT INSURANCE AND PAYROLL TAX CUTS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, I rise today to urge my Republican colleagues to move fast and join forces to extend the unemployment insurance and payroll tax cuts.

Now more than ever, most Republicans are content with cutting off the unemployment insurance and raising taxes on millions of middle class Americans while refusing to raise taxes on the richest 1 percent. The unemployment rates for the month of October in my congressional district of Union, Essex, and Hudson Counties in New Jersey are between nine and 10 percent, which is above the national average. If

Congress does not act by the end of this year, 2.2 million unemployed workers, including my constituents, will lose their unemployment insurance benefits by February 2012.

When times could not get any tougher, Republicans also refuse to extend the payroll tax cut holiday enacted earlier this year that gave virtually all working Americans a much needed tax cut. Failing to extend the payroll tax cut will strip over \$120 billion from the pockets of consumers. We must act now and extend the unemployment insurance and payroll tax cuts.

□ 1230

EXPIRATION OF UNEMPLOYMENT BENEFITS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Dawn, a single mother of two, spends every day looking for a job. After 20 years working in human resources, she was laid off in July; and now, the only thing paying her heat and electricity bills, the only thing putting food on the table, is her modest unemployment benefit.

In just 35 days and counting, her safety net will be pulled away if Congress fails to act. If we don't extend emergency unemployment benefits when they expire, by mid-February, 2.1 million Americans will have their benefits cut off. And by the end of the year, 6 million will be without this critical lifeline.

Today one out of every 11 Americans is out of work. Congress has never allowed unemployment benefits to expire when unemployment was this high for this long. We should not start now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

GABRIEL ZIMMERMAN MEETING ROOM

Mr. FLEISCHMANN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 364

Whereas public events allowing Members of Congress to meet with constituents are an

intrinsic element of American democracy and representative government;

Whereas at approximately 10:10 a.m. on January 8, 2011, a gunman attempted the assassination of Congresswoman Gabrielle Giffords, opening fire at her "Congress on your Corner" event in front of a Safeway supermarket in Tucson, Arizona, killing 6 and wounding 13, including Congresswoman Giffords;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneek, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in the attack;

Whereas Gabriel Zimmerman began his Congressional career in January 2007 as Constituent Services Supervisor for then newly elected Congresswoman Giffords, a role in which he supervised a robust constituent services operation and worked directly with the people of Arizona's Eighth Congressional District to help them resolve problems with Federal agencies and to offer other forms of assistance;

Whereas Gabriel Zimmerman then served as Congresswoman Giffords' Director of Community Outreach, a position in which he proactively engaged the Congresswoman and her office with constituencies, organizations, and citizens throughout southern Arizona;

Whereas Gabriel Zimmerman organized hundreds of events to allow constituents to meet with Congresswoman Giffords while serving as Director of Community Outreach, and led the organization, planning, and implementation of Congresswoman Giffords' January 8, 2011 "Congress on your Corner" event;

Whereas Gabriel Zimmerman was a 1998 graduate of University High School in Tucson, Arizona, a 2002 graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in social work;

Whereas prior to joining Congresswoman Giffords' staff, Gabriel Zimmerman was a social worker assisting troubled youth;

Whereas Gabriel Zimmerman was an outdoor enthusiast, all-around athlete, and lover of history, who at the time of his death at the age of 30 was engaged to be married, and who was known and respected by countless individuals throughout the Eighth Congressional District;

Whereas staff serve a vital role in the Congress, allowing the legislative branch to exercise its critical constitutional duties and enabling Members to effectively represent their constituents;

Whereas over 15,000 individuals are currently serving as Congressional staffers;

Whereas, on January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, "I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve."; and

Whereas Gabriel Zimmerman was the first Congressional staffer in history to be murdered in the performance of his official duties; Now, therefore, be it

Resolved, That room HVC 215 of the Capitol Visitor Center is designated as the "Gabriel Zimmerman Meeting Room".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. FLEISCHMANN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. FLEISCHMANN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FLEISCHMANN. Madam Speaker, I yield myself such time as I may consume.

House Resolution 364 would designate room HVC 215 of the Capitol Visitors Center as the Gabriel Zimmerman Meeting Room. This resolution has broad bipartisan support, with 367 cosponsors.

On January 8, 2011, our Nation, and this Chamber in particular, suffered a horrendous tragedy. On that day, one of our distinguished colleagues, Congresswoman GABRIELLE GIFFORDS, was hosting one of her many Congress on the Corner gatherings at a local supermarket, where she routinely met and conversed directly with her constituents. During that event, a gunman shot and killed six people, while critically wounding 13 others, including Congresswoman GIFFORDS.

I am heartened to hear of the amazing progress the Congresswoman is making in her recovery, and our prayers go out to her and her family.

Sadly, on that day, six people lost their lives. Among the dead were a 6-year-old girl, Chief Judge John Roll of the United States District Court of Arizona, and Congresswoman GIFFORDS' director of community outreach, Gabriel Zimmerman. Earlier this year, we honored Chief Judge Roll in naming a courthouse after him. Today we honor Congresswoman GIFFORDS' staffer Gabriel Zimmerman.

Gabe Zimmerman was only 30 years old and engaged to be married when he was killed. He graduated from the University of California at Santa Cruz in 2002, and in 2006 received a master's degree in social work from Arizona State University. Prior to joining Congresswoman GIFFORDS' staff, he worked as a social worker assisting troubled youth.

Gabe Zimmerman began his congressional career in 2007 as a Constituent Service Supervisor for then newly elected Congresswoman GIFFORDS. In that role, he supervised her constituent services operation and worked directly with the people of Arizona's Eighth Congressional District. He was later promoted to the Director of Community Outreach, where he organized hundreds of events to coordinate outreach to constituents.

As the first congressional staffer to be murdered in the performance of his official duties, this resolution seeks to honor Gabe Zimmerman's ultimate sacrifice to the citizens of Arizona. This is also a gesture of sincerest grati-

tude from the Members of this Chamber who rely on their dedicated staff to help them serve the citizens of this Nation.

I support the passage of this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I want to commend Representative WASSERMAN SCHULTZ and the 367 bipartisan cosponsors of House Resolution 364.

I recognize, Madam Speaker, that this is an unprecedented bill, but the bill commemorates an unprecedented act, the sacrifice of the life of a staffer of the one of our Members who, herself, is still recovering from that tragedy, Representative GABRIELLE GIFFORDS.

We do not often have opportunities to speak on the floor of the House of our staff, whose duties are performed almost entirely behind the scenes. The tragedy in Arizona, however, does remind us that staffers are often exposed as much as Members to harm and are in harm's way.

Therefore, I think it entirely appropriate that we commemorate this loss of life, first in the history of the Congress, by naming a room after Gabriel Zimmerman in our Visitors Center.

I rise in support of House Resolution 364 and am pleased today to speak in support of a bill that designates a room in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room".

Gabriel "Gabe" Zimmerman was a Congressional staffer who was killed along with five others, at a community meeting at a local grocery store sponsored by Representative GABRIELLE GIFFORDS on January 8th, 2011 while 13 other individuals were wounded, including Representative GIFFORDS and two other Congressional staffers. Gabe Zimmerman was a dedicated Congressional staffer who had worked for Representative GIFFORDS since 2006, first as an aide to her first congressional campaign, next as a Constituent Services Supervisor in Tucson, and eventually rising to the position of Director of Community Outreach where his duties included managing the logistics for all of Representative GIFFORDS' public District events and helping her constituents with the day to day details of navigating various federal agencies.

Gabe Zimmerman, a Tucson, Arizona native, was a 2002 honors sociology graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in Social Work. Before he went to work for Representative GIFFORDS, Gabe Zimmerman worked as a social worker assisting troubled youth. He had a strong reputation of being dedicated to providing services to Representative GIFFORDS' constituents. Gabe also served on the boards of several organizations including the local YWCA, the Comstock Foundation, and the Child and Family Resources organization. At the time of his death, Gabe Zimmerman was 30 years old and engaged to be married.

Gabe Zimmerman was a respected Congressional aide serving on the front lines of providing services to the Arizonians that Representative GIFFORDS represented. There are nearly 15,000 Congressional aides that stream into House Office buildings and District offices across the nation, assisting Members of Congress in conducting the business of the American people. In many ways Gabe Zimmerman represents some of the best aspects of these men and women, with his colleagues describing him as "fiercely loyal to his boss" and "dedicated to providing services to the constituents of the 8th Congressional District of Arizona".

It is important to note that Gabe Zimmerman is the first staffer in U.S. history to be killed while in the performance of his official duties. Sadly, Gabe Zimmerman had been responsible for organizing Representative GIFFORDS' "Congress on Your Corner" event and was staffing the event when he was killed. This dedication should also be seen as a tribute to not only Gabe Zimmerman but to all staff members who work behind the scenes to assist Members of Congress. Given Gabe Zimmerman's dedication to public service and in honor of his death while in service to the U.S. Congress, I believe it is appropriate to designate room HVC 215 in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room."

I ask unanimous consent that the resolution be managed by its sponsor, Representative WASSERMAN SCHULTZ.

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida will control the time.

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

I rise today to offer House Resolution 364, designating HVC 215 of the Capitol Visitor Center as the Gabriel Zimmerman Meeting Room.

On January 8, in Tucson, Arizona, tragedy struck this country in a shooting that shocked our Nation and tore through the fabric of the congressional community. Six people died that horrific day, including Gabriel Zimmerman, a congressional staffer for our friend and colleague, Representative GABRIELLE GIFFORDS of Arizona's Eighth Congressional District.

Now, less than a year after this horrible day, it is fitting that the United States House of Representatives, through passage of this resolution, properly honor the sacrifice and service of one of our own.

Gabe Zimmerman served as the community outreach director for our friend and colleague, Congresswoman GABBY GIFFORDS. Gabe was perfectly suited for this position, as anyone who knew him would tell you. That's because working as a community outreach director married two great passions in his life: his drive to help individuals and a firm conviction that America's Government needed to be open, accessible, and responsive to every American.

Ask any Member of Congress here what is one of the most valuable positions in their office, and they will tell you it is our constituent outreach director. They listen each and every day to the concerns of our constituents—their problems, their suggestions, their complaints—and then they work to help them. The hours are long. Nights and weekends at home with family or out with friends are often sacrificed to attend community meetings. Each and every one of us have staff members working for us who show such dedication, and the hallways of this Capitol have echoed for two centuries with the hurried footsteps of congressional staffers serving the American people.

This resolution, designating the Gabriel Zimmerman Meeting Room, is not put forward to mark Gabe's death but, rather, to recognize his commitment in life and to making others' lives better. Ask those who knew him and they will tell you that Gabe had a way about him that invited conversation. He could walk into any room and find a way to connect to people. Gabe would often put in extra hours and was known to pay out of his own pocket for poorer constituents' bus fare, whatever he could do to help that little extra amount.

Gabe's dedication and cheerfulness had a profound effect on those with whom he came in contact. Just days after the shooting, well after dark, a gentleman came to Representative GIFFORDS' Tucson office, tears in his eyes, visibly shaking. He explained that just days before, Gabe had taken the time to sit down with him; and even though he'd come in late in the day, he listened to him, treated him like a human being, and made it clear he was going to work to help him. The gentleman simply couldn't believe that such a good person had been taken so young.

Among his colleagues in Tucson, Gabe was profoundly well liked. They told me, when I visited after the shooting, that Gabe was always excited to come in to work and that he cherished the ability to work for a Member of Congress and for one he so admired. His coworkers kiddingly called him Prince Charming because he was always there for them, always ready to come to their rescue.

□ 1240

In Representative GIFFORDS, Gabe found someone for whom he cared deeply as his mentor, as his boss, as a friend, and as a Member of his Congress who shared his passion for selflessly helping others. And while Representative GIFFORDS counted on Gabe to be her eyes and ears in her district, her husband Mark Kelly said that GABBY also looked upon Gabe like a younger brother, as so many of us as Members of Congress look at our own staff members.

Tragically, this loyal, determined, and talented public servant, someone

who was a true apostle of our representative democracy, unknowingly also made the ultimate sacrifice for his country.

Gabe Zimmerman is the first congressional staffer in the history of this institution to be killed while carrying out his official duties. It is in this historical and hallowed moment that we vote on this resolution to name the congressional meeting room currently known as HVC-215 the Gabriel Zimmerman Room.

As those of us who work on the Hill know well, HVC-215 is frequently used for staff meetings of every variety. I can think of no better way to memorialize Gabe's service and ultimate sacrifice than to have this meeting place forever carry his name and memory.

Over the past 4 months, a bipartisan group of more than 400 of our colleagues, 402 now, to be exact, have signed on to this resolution in solidarity as cosponsors of this resolution honoring Gabe's sacrifice. This makes this resolution among just a select few pieces of legislation in history to have garnered such broad support in the House of Representatives.

With this vote, we honor the life of Gabe Zimmerman, and we also recognize all congressional staff—working in every corner of our great Nation—for their dedication to Congress and the American people.

From now on, each time we enter the Gabriel Zimmerman meeting room, let us be reminded of Gabe and of the service and sacrifice of every congressional staffer. I urge my colleagues to join me in support of House Resolution 364.

I reserve the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who coauthored this important resolution.

Mr. SCHWEIKERT. Today I rise in support of House Resolution 364, renaming House visitor room 215 the Gabriel Zimmerman Meeting Room.

As a Member of Congress, each of us consider our staff more than employees. We work with them. They represent our districts. But they are part of our team. They are part of our family. And they're also the voice, the eyes, and ears in our communities. They solve problems, and they work very long hours. Often, and I particularly feel bad about this, we often forget to say "thank you" to those staffers.

Today we say thank you to Gabriel Zimmerman, who was truly one of these dedicated staffers. He had a great reputation of being one of the most caring individuals you could possibly ever meet.

After receiving his master's degree at Arizona State University, a fine institution, he chose to give back to Arizona and give back to the community in southern Arizona, making our State a better place.

But on the morning of January 8, he had organized a Congresswoman on the Corner meeting outside Tucson so constituents could talk and meet with Congresswoman GABRIELLE GIFFORDS. Representing, that Saturday morning in southern Arizona, was what democracy is all about. It is democracy at its finest. And then the unimaginable happened. Gabe Zimmerman is the first congressional staffer to lose his life in the service of this House.

Today we honor Gabriel's talents, the compassion, and the wonderful things he did for Arizona, for southern Arizona, for the community. And naming something as simple as a room will never be enough for his sacrifice. But it is the right thing to do for Gabe, for the things he did for Arizona, the things he did for Tucson, and also for this congressional family.

Think about this: A hundred years from now, there will be a young staffer getting their first tour of this body, this building, and during that tour, they're going to come across the Gabriel Zimmerman room. And when they read about it, they're going to understand the sacrifice that he gave, just like so many Members here give, but Gabriel gave the ultimate sacrifice, his love and his talent, for this body and for this family.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to a good friend of Congresswoman GIFFORDS and a wonderful representative of the great State of Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. I rise in support of House Resolution 364, which enshrines the meeting room in the visitors center in the name of Gabe Zimmerman.

My colleagues have retold the tragedy that happened in Tucson in January, the deaths, the injuries; and as we recover from that trauma, led by the courage and strength of Congresswoman GIFFORDS, this moment is an important moment as we commemorate the sacrifice and honor the service of Gabe Zimmerman.

I want to quote from the statement that his mom made, Emily, at a press conference on July 20: "It's right to honor Gabe here, at the Capitol, where Congress is charged with responding to the needs of those people who stood in that line, at that grocery store, to all Americans, by crafting our Nation's laws. While he was the first congressional staff person in the United States' history to be killed in the line of duty, it's not his death, but his work and his ideals that should be recognized here, ideals shared by thousands of congressional staff people over hundreds of years of our Nation's history.

"Gabe thought a lot about and cared a lot about the importance of civic engagement in an open and civil society. That concept, that goal, which is a cornerstone of our democracy, can be remembered in this room, along with an idealistic young man who died."

I think his mom said it best.

So as we honor Gabe, we honor those staff people that work for us, that sometimes make us look better than we are; to those staff people that work for us that sometimes have to deal with the controversies which we create, and in doing so, they extend service and support to the people that we represent.

There is no finer example than Gabe Zimmerman, and I'm honored to support this resolution and honored to be from a community that Gabe was from.

Mr. FLEISCHMANN. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Madam Speaker, I stand here today with my colleagues to support the dedication of a meeting room in the Capitol Visitors Center to Gabe Zimmerman, a man known for seeking to bring healthy political discourse through civil service.

I would first like to reaffirm my condolences to Gabe's family and loved ones for their loss. He will be missed.

Both a devoted congressional aide and a community leader, Gabe served Congresswoman GABBY GIFFORDS' district with a smile and a willingness to go above and beyond in assisting both his office and his fellow citizens. With an extroverted personality and a deep concern for others' well-being, Congresswoman GIFFORDS has noted that Zimmerman became the go-to person for constituents in the district. He was what you call back home "good people."

We can all appreciate and learn from Gabe that representing our citizens means going beyond what is asked of us to assist them. Gabe Zimmerman lived this mantra day by day.

It is with great respect that I support this bill to dedicate this place of meeting in honor of a man who lost his life through a senseless act of violence. I join the Arizona delegation in hoping that his sacrifice and the principles of his public service are remembered and honored by all of those who seek to make our Nation a better place.

Ms. WASSERMAN SCHULTZ. It is my privilege to yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

□ 1250

Mr. HOYER. I thank my friend DEBBIE WASSERMAN SCHULTZ, one of GABBY GIFFORDS' closest friends. I acknowledge the presence of GABBY GIFFORDS' extraordinary staffer and extraordinary leader on her staff, who herself lost a valued member of her staff and GABBY's staff.

Madam Speaker, all of us who serve in this House know that we could not do the work we do without the help of our extraordinarily able and highly motivated staffs. They work long hours with pay below their counterparts in the executive branch and in the private

sector. Many are young, in their twenties and thirties, with an energy and a passion for public service that give us all great hope for the future.

Gabe Zimmerman was one of those passionate and dedicated staffers who loved his job, who loved his fellow staffers, and who loved his Congresswoman. He was working for a beloved friend and colleague of all of ours, Congresswoman GABBY GIFFORDS.

Gabe Zimmerman was a bridge between the Congresswoman and individuals and constituent groups in her district, fostering and expanding each day the most important relationships Members of Congress maintain: those with their constituents, with the people who have entrusted them with the responsibility of representing them in this great body. Gabe Zimmerman was the first congressional staffer in history, as has been said a number of times, to lose his life in the line of duty, in the 222 years of the history of this body. He lost his life protecting, promoting, and defending democracy.

Gabe Zimmerman, along with six others, was not the object of attack, but a victim of a domestic terrorist intent on assassinating Congresswoman GIFFORDS and intent on randomly killing people participating in one of democracy's most basic activities—the discussion between constituents and their Representatives. Members of my own staff—and I'm sure the members of the staffs of every Member here—were profoundly shaken by this event, realizing that it could have been them or, indeed, any staffer, participating with their Members in any public or even private event.

It is entirely fitting, therefore, that we rename in his memory a room where, every day, Members and our staffs come together to further the representation of the American people. Every day, when we enter that room, we will remember Gabe Zimmerman. Gabe Zimmerman died while serving his country, and we honor him for that service.

But let me say to every staffer who serves with us that, by doing so, we honor you as well—your contributions and the contributions of all staffs—who, like Gabe, strive to make this country a better one for all Americans.

We send to Gabe's parents our deepest sympathy for a loss that cannot be compensated, but tell them that we share their extraordinary pride in this American hero.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of House Resolution 364, which will name HVC-215 after Gabe Zimmerman.

January 8, 2011, was a dark day in our country's history. Six of our citizens

lost their lives, and Congresswoman GIFFORDS and many others were severely injured during a senseless act of violence. There is nothing this House can do to ease the pain of the families and friends who lost loved ones that day. For them, Tucson's painful memories may never fully recede.

What we can do is continue to honor those we lost—Gabe Zimmerman, Christina Taylor Green, John Roll, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard—and make sure they are never forgotten.

The loss of Gabe Zimmerman affected this body deeply. We all know staffers like Gabe—tireless public servants who work long hours and weekends for modest pay. Congressional offices wouldn't be able to function without people like Gabe. Yet they rarely receive the credit they deserve.

Shortly after the shooting, Gabe's friend C.J. told the Los Angeles Times about a visit he and Gabe made to the Lincoln Memorial. He said, "When we went to the Lincoln Memorial on a cold, damp January morning, the wind whipped through the place, and it was freezing cold, but Gabe had to read every single word of the Gettysburg Address . . . He put his all into his work. He put his all into his life."

Madam Speaker, Gabe's life was cut too short, but his life will be forever honored. Years from now, when young interns and staffers visit HVC-215, they will be reminded of Gabe Zimmerman's story—of his passion, of his service to his State and country, and of the example that he set.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to a close friend of Congresswoman GIFFORDS' and someone who has stood by her, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I thank the leadership of this House, both Democrat and Republican, and all the cosponsors for bringing this resolution before us and for honoring Gabe Zimmerman by naming the room in the Capitol Visitor Center after him.

I can think of nobody who better personified the idea of public service than Gabe Zimmerman. A lot of people get involved in politics for a lot of different reasons, but I think that the base reason that we all should want to be involved in it is to represent people. So when you read the stories about Gabe and about the service that he did even before he worked for Congresswoman GIFFORDS, you can see someone who truly understood what it meant to be a representative.

Gabe made so much of his life about caring for other people, and there can be no higher calling. In naming this room after him, we have a permanent reminder to everybody who comes through this Capitol about what this place is all about. It's about serving other people, and it's about public service. On the base fundamental level,

Gabe understood that to do his job right—to represent his district, to represent this country—he needed to make sure that everybody in his district believed that they had a voice in Congress, and that's not an easy thing to do. We represent around 700,000 people, but there was nobody who Gabe wouldn't reach out to and listen to.

I have no doubt that there are thousands of people, if not tens of thousands, who have a better appreciation, who believe more in their government because of the work that Gabe Zimmerman did, and that's something that we need to be permanently reminded of. By naming this room after him, we will offer that opportunity to everybody who comes through this Capitol.

I also think it is reflective on Congresswoman GIFFORDS as well. Gabe worked for GABBY because he believed in her and believed in what she was doing. She, too, personifies that notion that we're here to represent people—all of them—whether we agree with them or not. It's not just a matter of taking the ones we agree with and fighting for them. You have to fight almost extra hard for the ones who maybe you don't agree with, because that's what makes representative democracy work—believing in this country. Congresswoman GIFFORDS and her staff do that as well as any group of people that I've ever encountered.

It's fitting that we honor Gabe and that we offer our condolences to his parents with the encouragement that he has personified what this institution is all about. We will never forget that.

Mr. FLEISCHMANN. Madam Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Tennessee has 10½ minutes remaining, and the gentlewoman from Florida has 6½ minutes remaining.

Mr. FLEISCHMANN. I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Speaker, it's hard to add to all of the things that have been said today about Gabe Zimmerman, but I identify with each one of them.

I would simply say to you, though, that I never met Gabe. I did have the privilege to meet his lovely, precious family, and it was clear to me that everyone who knew Gabe loved him. If they knew him well, they loved him more. His selfless spirit of service is an inspiration to all of us, and it's also a reminder of how short our time here may be.

So, Madam Speaker, I just want to suggest to you that everyone in this place should embrace this resolution because it is a testament to the noble dedication of a young congressional staffer who lost his life in the service of his country.

I had the privilege of being there when this room was dedicated to him,

so I hope that all of us can embrace this. I urge my colleagues to vote "yes" and to honor Gabe Zimmerman and the legacy of service that he left behind.

□ 1300

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. Madam Speaker, I also rise in support of this legislation, and I too want to thank both the sponsors of this resolution, the cosponsors and the leadership, both on the Democratic side and the Republican side, for bringing this resolution before us today. I urge all my colleagues to vote "aye."

It's a tribute to Gabe Zimmerman, who gave his life less than a year ago in Tucson, and also it's a tribute to his family. His mother was a public servant in Tucson. She worked for many years for the city of Tucson, so he knew what public service was through his family.

It's also a tribute and a recognition of the service that all public employees give to our country and make our lives every day a little better. So may Gabe rest in peace, and may we continue to give thanks and gratitude to the public servants who give us a better quality of life.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Madam Speaker, this is a somber occasion, but I am honored to speak in support of congressional action dedicating a room in the Capitol Visitor Center as the Gabriel Zimmerman Meeting Room.

As all America knows, Gabe and five others lost their lives on January 8 of this year in a parking lot in Tucson, Arizona, when a deranged man opened fire on innocent people. Gabe was just doing his job.

And while I've never had the pleasure to meet Gabe, I feel like I know a lot about Gabe. He worked for GABBY GIFFORDS, a Congresswoman who has become a good friend through our close work as leaders in the Space and Aeronautics Subcommittee of the Science and Technology Committee in the last Congress. GABBY showed me something rare in Washington, true bipartisanship; and it says a tremendous amount about Gabe that he had GABBY's trust and confidence.

I also feel I know Gabe because, like him, I was a congressional staffer. I served in the offices of two Texas Senators, Senator PHIL GRAMM and Senator JOHN CORNYN, for nearly 9 years; and there is nothing I wouldn't do to protect my bosses.

Gabe was put in a position that no congressional staffer in American history has faced, asked to sacrifice his life for his boss and innocent people.

When the shots rang out, Gabe was in the line of fire. He didn't run. He made the ultimate sacrifice and became the first congressional staffer to give his life in the line of duty.

One final comment about Gabe's courage. Prior to my time as a Senate staffer, I served for nearly 10 years as a pilot in the United States Navy. Our military heroes who lay down their lives for their comrades are celebrated and remembered. They're given our Nation's highest military honors. They're immortalized in history.

And while Gabe Zimmerman was not wearing a uniform the day he died, he deserves to be immortalized nonetheless. This Congress does so today by passing H. Res. 364, permanently affixing Gabe Zimmerman's name on a plaque in the Capitol Visitor Center. We can never, ever forget Gabe's sacrifice for the United States of America, and by passing H. Res. 364 we ensure that Gabe's short life is forever remembered, revered, and immortalized.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my pleasure to yield 1 minute to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. I thank the author of this resolution for giving us all the opportunity to recognize Gabe Zimmerman and to honor his memory and to extend to his family, Ross Zimmerman, Emily Nottingham and Ben Zimmerman, our gratitude for giving their son and their brother in service to this country.

We have said it already: Gabe Zimmerman, a young man, a passionate, idealistic, 30-year-old man, engaged to be married to his beloved Kelly, lost his life in gunfire while assisting his Congresswoman, GABBY GIFFORDS.

In the routine course of affairs in this House, our staff Members often sacrifice their peace of mind in service to the needs of our constituents. In many of our hectic moments, they sacrifice their family time and the events with children that create a lifetime of memories.

Gabe Zimmerman loved his community and his Nation that he served, and it is just appropriate that we take the time today to recognize him and to affix a plaque in his honor.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Gabe Zimmerman, I didn't know him, but I know many people that are just like him. They are called the congressional staffers.

Gabe Zimmerman dedicated his life to public service, and he died dedicating his life to public service. He died from an assassin's bullet in January of this year hosting a Congress on Your Corner event for GABBY GIFFORDS, which he organized.

There are many men and women just like Gabe Zimmerman who come to

work every day and work in Congress. These staffers work very long hours, sometimes late into the night. They work weekends, they deal with people from our districts, and sometimes they get little or no appreciation for their hard work.

Congresswoman GIFFORDS is blessed to have a wonderful staff. I had the pleasure to be with her legislative director, Peter Ambler, and her director of operations, Jennifer Cox, when they hosted me at the Arizona border so I could talk to ranchers in Arizona; and this occurred after GABBY was shot and wounded.

I was impressed with these staffers and their work and keeping up the mission of our fellow Member of Congress, GABBY GIFFORDS, as she was recovering from her wounds. The energy and drive of these bright Americans represent really all that is good about our country. So on this day, it is good that Members of Congress remember and give thanks for Gabe Zimmerman, his colleagues in Representative GIFFORDS' office, for Representative GABBY GIFFORDS, and for all the men and women who allow this great body to continue to be the people's House.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to a woman with whom I experienced one of the most emotional experiences in my life, along with our colleague from New York, KIRSTEN GILLIBRAND, when we watched GABBY GIFFORDS open her eyes after her injury, the gentlelady from California, our leader, NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank my colleague from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, for taking the time today to bring this important legislation to the floor.

Yes, we did indeed experience an emotional moment to see GABBY open her eyes, but we all experienced an emotional moment here on August 1 when Congresswoman GABBY GIFFORDS came back to the floor of Congress to cast a vote. With all the smiles that we had that day, and we were part of history, we had deep inside of us the sorrow of those who lost their lives last January, and one of those people was Gabe Zimmerman.

So I'm pleased and saddened to come to the floor of the House of Representatives today to join my colleagues. I thank Congressman FLEISCHMANN, Congresswoman WASSERMAN SCHULTZ, and the Congresswoman from the District of Columbia for their leadership here and join in a bipartisan way, especially with the leadership of Congresswoman WASSERMAN SCHULTZ and the Arizona delegation in a bipartisan fashion speaking on behalf of this resolution.

□ 1310

As has been mentioned, Gabe Zimmerman and five others were tragically

taken from us on January 8 of this year in the attack on Congresswoman GABBY GIFFORDS. All the Nation watched and prayed.

Today, in permanently naming a room in the Capitol complex after Gabe, we honor his life. As Gabe's mother, Emily Nottingham, said: It's not Gabe's death, but his work and his ideals that should be recognized here.

Gabe's ideals were rooted in service. He worked, as has been mentioned, as a social worker assisting troubled youth, served on the boards of several community organizations in Tucson, and tirelessly assisted the constituents of Congresswoman GIFFORDS. The work that he did made a difference to veterans seeking the benefits they were owed, to families facing foreclosure, and to seniors with lost Social Security checks.

As this resolution notes, there are more than 15,000 individuals serving as congressional staff. In honoring Gabriel Zimmerman today, we recognize all of them for their service.

I want to particularly acknowledge Pia Carusone, who is the chief of staff for Congresswoman GABBY GIFFORDS, for her leadership in guiding the staff through this tragic time but not for one moment diminishing the concern and the service to the people of the district that GABBY GIFFORDS represents in Tucson.

Today we pray for Gabe's family. His mother, Emily; his father, Ross; his stepmother, Pamela; his brother, Ben; and his fiancée, Kelly. We hope it is a comfort to them to know that Gabe will be forever remembered here in the Capitol complex. When people walk through that complex and they see that name, that signage, whether it is above the door or directions to it, some may ask the question: Who is Gabe Zimmerman? They may not know him by name, but they know him by his sacrifice. We all honor that here today.

May Gabe Zimmerman, of course, rest in peace. May his memory always be a blessing to us. We know that it is, but we want everyone else to know it as well.

With that, I again thank Congresswoman WASSERMAN SCHULTZ for her leadership, persistence, determination, advocacy, and relentlessness in making this possible. In honoring Gabe, we honor the work of all of our staff, past, present, and future.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank those who have brought this resolution to the floor, particularly the gentlewoman from Florida, and for the hard work she has put into it, and for the staff of GABBY GIFFORDS for working so hard to get this done, and for the family of Gabe Zimmerman, working with this body, both sides of the aisle, to make sure that this resolution came to the floor today.

I was fortunate enough to be in Tucson just a few hours after the shooting and was with those assembled at the hospital, with friends and community activists and others when it was confirmed that Gabe Zimmerman had lost his life. I wish all who are within the sound of my voice today could feel in that room, that day and the days that followed, the love that was felt for this good man, for the work that he did for our colleague, and for how much he is loved throughout the State of Arizona. The State of Arizona will not forget what he has done. And with this resolution today, with this naming, we ensure that this institution does not forget Gabe as well.

Now, all of us as Members of Congress here have a plaque outside of our office that denotes that we are serving the people of our representative States. When we retire, when we leave after serving here, we will take those plaques with us, and maybe they'll decorate our office at home or a room at home. I think it is fitting that this plaque will remain here forever and will honor the service of Gabe Zimmerman and also honor the service of many staff who work so hard that are often forgotten and often not appreciated for the work they do.

So it's an honor to be here, and I appreciate again those who have helped bring this resolution to the floor, particularly the family of Gabe Zimmerman. And I hope they know how much we appreciate their sacrifice and Gabe's sacrifice.

Ms. WASSERMAN SCHULTZ. Madam Speaker, before I yield back, I want to share one more story to really demonstrate to the entire country the heart of the young man that we are honoring here today, because even those who only occasionally came into contact with Gabe Zimmerman were touched by his passing because of the way he treated them in life.

The week following Gabe's death, the night shift security guard came and knocked on the door of Congresswoman GIFFORDS' Tucson office. They were working late, and her staff opened the door. The guard came hoping that the person he so often talked to at night hadn't really been killed. Tearing up, he said he hadn't known Gabe's name, but said that he often found Gabe working late and that Gabe would always ask him about his family or his weekend or just talk about sports. Gabe always treated him with dignity, which meant so much to him.

That's the importance of the legislation that we have in front of us today. Knowing that we are going to forever designate HVC 215 as the Gabriel Zimmerman Meeting Room sends a message to all of our staff and to the hearts of all who serve that we will honor their service, honor their commitment, honor their willingness to make a personal sacrifice to devote

their lives to helping others. That was the epitome of Gabe Zimmerman.

I want to close just by thanking the entire Arizona delegation, particularly Mr. FRANKS and Mr. FLAKE, and most especially DAVE SCHWEIKERT, who had such courage in sponsoring this resolution with me, was passionately committed to garnering cosponsors for it, and really worked incredibly hard to bring it to the floor.

I also want to thank the leadership of both the Democrat and Republican Members. This is a very challenging and difficult time for our Nation, Madam Speaker. It is my hope, as hard as it is and as hard as it has become for us to engage in civil discourse, that we really all redouble our efforts as we have all publicly stated that we are willing and interested in doing, myself included, to make sure that we can earn the respect and earn every day the privilege that our constituents have given us to represent them here in our Nation's capital. And in doing so, we will honor Gabe's memory, honor the service of our colleague and friend GABBY GIFFORDS, and know that Gabriel Zimmerman did not die in vain.

I yield back the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding, and I also want to thank my colleague from Florida for her leadership, along with the Members of the Arizona delegation, for putting this resolution together which is so important.

I have had the honor of knowing my colleague GABBY GIFFORDS since 2005 before either of us were actually elected to Congress. And there is no doubt in my mind that she wishes she could be here today on the House floor to speak in favor of this resolution that is honoring the life of Gabe Zimmerman, her director of community outreach who lost his life in that senseless attack on January 8.

As a former staffer myself, I know firsthand that working for a Member of Congress is not like most jobs. You rarely go home at 5 or 6; you work long hours; you typically do not have weekends off. But to those staff who work for all of us, every one of the House Members, the reward comes from working for constituents on behalf of our districts, our States, and our great country. All of our staff are extensions of the Members that they work for.

GABBY's staff is certainly a reflection of whom she is—a loyal, dedicated public servant. And Gabe Zimmerman is no different. I didn't know him, but I do know that he cared for his community, he cared for his country. Gabe was a passionate advocate for children, for social justice, and for antiracism. Gabe didn't wear the uniform of a soldier or a police officer, but he did give his life while serving his country, and

so it is absolutely fitting that, inside the Congressional Visitor Center where thousands of Americans visit each and every year, a room will now bear Gabe Zimmerman's name in his honor. And I hope that this dedication will also serve as a reminder to all of us of the passion and the loyalty and that dedication that Gabe showed every day as a congressional staffer.

My thoughts continue to be with Gabe's family, with GABBY and her husband, Mark, and with all of GABBY's staff who have a constant reminder of how valuable life really is.

□ 1320

Mr. FLEISCHMANN. Madam Speaker, in closing, I wish to thank Congressman SCHWEIKERT and Congresswoman WASSERMAN SCHULTZ for their coauthorship of this very, very important legislation honoring Gabe Zimmerman. I want to thank the entire Arizona delegation for all their tireless efforts in this regard. I also wish to urge all of my colleagues in this great House, the people's House, to support this bill later today.

With that, I yield back the balance of my time.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 364, legislation to designate room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room".

I want to thank my colleague from Florida, Representative WASSERMAN SCHULTZ, for introducing this important legislation.

Gabe Zimmerman was a young man who dedicated himself to the betterment of his community, and lived a life of service to others.

This led him to work for Representative GABBY GIFFORDS—first as a field organizer and constituent service director, and later as a community outreach director.

We all know of the tragedy that occurred on January 8, when Gabe and 5 other individuals were forever taken away from this world.

But what many of us don't know is the type of life Gabe Zimmerman lived.

Gabe was integral in working with local charities, like Child and Family Resources, the YWCS, and the Comstock Foundation.

He was a loving son, brother, and fiancé—and a dedicated public servant.

I urge all my colleagues to honor the life and service of this tremendous young man, and vote "yes" on H. Res. 364.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 364, a resolution to name a meeting room in the Capitol Visitors Center after Gabriel Zimmerman, the only congressional staff member killed while on duty. Gabe Zimmerman, a staff member for my friend and colleague Congresswoman GABRIELLE GIFFORDS, was one of six people killed in the January 8, 2011, attack in Tucson, Arizona.

The entire Capitol Hill community mourned the senseless deaths and the loss of one of our own. Those of us who serve in Congress know that the work we do to represent our constituents would not be possible without the support of our hard-working and dedicated

staffs. Working early mornings and late nights, on weekends and federal holidays, these outstanding men and women bring energy and passion for public service.

Gabe Zimmerman died while helping Congresswoman GIFFORDS as she engaged in one of the most important functions of a Member of Congress, communicating with her constituents. It is fitting that the House of Representatives is today considering legislation to dedicate a space to the memory of Gabriel Zimmerman, a room where Members of Congress and our staff come together to represent the interests of the American people.

In honor of Gabe Zimmerman and all Congressional staff including my own, I rise today to pay tribute to the men and women who dedicate themselves to public service.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, the role of Congressional staff is an important one in helping all Members carry out our responsibilities, but it is a role too often not acknowledged. It is fitting that we pause today to honor one such staffer, Gabriel "Gabe" Zimmerman, who made the ultimate sacrifice while serving this Congress and this nation. Gabe was the first, and hopefully the last Congressional staffer to be murdered in the performance of his official duties when he was shot staffing Representative GABRIELLE GIFFORDS at a constituent event in her district. Six other people were killed and 13 were wounded, including Representative GIFFORDS and two other Congressional staffers.

By all accounts, Gabe was a kind and dedicated young man who worked tirelessly to improve the lives of the people in the 8th District of Arizona. He was a former social worker who assisted troubled youth, an athlete who loved the outdoors, a beloved son and brother, and he was engaged to be married. His life was cut far too short. I am pleased that we are making this small tribute to him today.

Our hearts go out to Gabe's family and friends, to Ranking Member of the Space and Aeronautics Subcommittee, GABRIELLE GIFFORDS, during her recovery, and to all those impacted by that horrible tragedy.

Mr. VAN HOLLEN. Madam Speaker, on January 8, 2011 the nation was shocked and saddened by a senseless act of violence against a member of the House, Congresswoman GABBY GIFFORDS. That attack injured her and killed six innocent bystanders, including a Congressional staff, Gabe Zimmerman.

Gabe, a 30-year-old social worker, began work for Congresswoman GIFFORDS in 2007, supervising the constituent services operation and helping the people of Arizona's Eighth Congressional District resolve problems with Federal agencies and obtain government services. He was promoted to Director of Community Outreach, using his considerable talent and energy to engage citizens and make Congress accessible to them. In that capacity, he planned Congresswoman GIFFORDS' "Congress on Your Corner" event on January 8 and was at her side that day.

We continue to mourn his loss and pray for his family and friends. Gabe Zimmerman's life is a testament to the selfless work performed by Congressional staff every day for the American people. Today, we designate a room in the Capitol as the "Gabriel Zimmerman Meeting Room" to honor his work and recognize

the dedication that he and all staff show to their country.

Ms. RICHARDSON. Madam Speaker, I rise today as a proud cosponsor of H. Res. 364, Designating Room HVC-215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room." Adoption of this resolution would be a fitting tribute to Gabe Zimmerman's commitment to public service and the courage of our colleague Congresswoman GABRIELLE GIFFORDS of Arizona.

Gabe Zimmerman's devotion to public service knew no bounds and he made the supreme sacrifice in service to the public when he was killed on January 8, 2011, in Tucson, Arizona, at the hands of the same gunman who left Congresswoman GIFFORDS gravely wounded. Like many Americans, the tragic events which unfolded on that day in January left me in a state of shock, anger, and tremendous sadness.

As the weeks and months have passed, Americans have looked to each other for strength and have been encouraged by the tremendous progress that Congresswoman GIFFORDS has made in her recovery. Nearly a year later, we pause to remember not only Gabe and GABBY, but all the innocent victims of this tragedy who were gunned down while waiting to exercise their democratic right to have their opinions heard.

Madam Speaker, 19 people were shot on that tragic day in Tucson—six of whom suffered fatal wounds. While this tragedy focused national discourse on the need to reassess current gun restrictions and the responsibility of public institutions in reporting potentially dangerous behavior, we were also reminded of the value of maintaining civility in our public discourse.

Gabe Zimmerman, Congresswoman GIFFORDS' director of community outreach, personified the spirit of public service and patriotism that has made America great. His work with the people of Tucson made him a popular member of the community, and his passion for social justice transcended his official role as a member of Congresswoman GIFFORDS' staff and left an indelible impact on everyone around him.

Gabe's drive to help others led him to pursue a master's degree in social work and a career in politics. Although Gabe's nascent career was cut tragically short, designating room HVC-215 as the Gabe Zimmerman Meeting Room will allow us to memorialize and celebrate his commitment to public service for years to come.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 364.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WASSERMAN SCHULTZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolu-

tion. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. It shall be in order at any time through the legislative day of December 2, 2011, for the Speaker to entertain motions

that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing railway labor.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Madam Speaker, House Resolution 477 is a structured rule for the consideration of three bills: H.R. 527, the Regulatory Flexibility Act; H.R. 3010, the Regulatory Accountability Act; and H.R. 3463, a measure to terminate the Election Assistance Commission and end taxpayer financing of presidential elections and campaigns.

□ 1330

Not only do these bills show this House's commitment to small businesses, but they also demand that agency rulemaking be held accountable, reclaiming that authority that is vested here in this House.

H.R. 527, the Regulatory Flexibility Improvements Act, requires agencies to analyze the impact that a new regulation would have on small businesses before the regulation is adopted. By requiring all Federal agencies to obtain input and develop and conduct regular regulatory reviews of existing regulations, this bill, I believe, complements and codifies President Barack Obama's commitment in Executive Order 13563 that directs agencies to review their regulations and solicit public input.

H.R. 3010, the Regulatory Accountability Act, makes further positive changes. It reforms and modernizes the Administrative Procedure Act. It makes agencies more accountable and regulations more cost effective. In a recent study, Madam Speaker, that the Small Business Administration commissioned, they estimated the cost of the U.S. Federal regulatory burden at \$1.75 trillion. Now, that's not to say there aren't benefits that outweigh that burden; but when the burden is that substantial, Madam Speaker, we have to have a process in place that balances those benefits and those burdens, and that's all H.R. 3010 asks to do.

Madam Speaker, time and time again the American people have demanded more accountability from their Con-

gress, more accountability from their government. This collection of bills today not only provides that accountability of Congress, but requires that accountability of our executive branch agencies.

As we talk about accountability, Madam Speaker, it's important to note that these bills are paid for by terminating the Election Assistance Commission. You will remember, Madam Speaker, that was a commission created in 2002 that was supposed to sunset by 2005 and yet has continued even until today. That commission was set up in the aftermath of the hanging chads of the 2000 Presidential election to help States implement election reforms, to help States make sure the integrity of their electoral process was preserved. And yet today, 6 years after the expected sunset of that commission, we hear from our Secretaries of State that they no longer need that commission, that that commission is not providing useful benefits to them. By terminating that, we're going to save the American taxpayer more than \$600 million over the next decade.

Madam Speaker, taken together, these three measures, H.R. 527, H.R. 3010, and H.R. 3463, help small businesses, increase agency transparency, and increase public participation in the entire regulatory process. They save money for hardworking American taxpayers and are positive reforms that this Congress can pass in a bipartisan way.

I hope that my colleagues on both sides of the aisle will support these underlying measures, and I hope they will support this rule so that we may consider them today.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Georgia, my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise in very strong opposition to this restrictive rule—and not only restrictive, but a very convoluted rule—and I rise in opposition to the three bills that would be made in order by this rule.

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the Big Business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment. Those aren't my words, Madam Speaker. Those are the words of Bruce Bartlett, a Republican who worked for Ronald Reagan, George H.W. Bush, Jack Kemp, and RON PAUL.

Think about what Mr. Bartlett is saying in his last sentence: "Republicans would rather play political games instead of putting people back to work. They would rather fiddle

while Rome burns instead of putting out the fire." And look at the Republican track record since the start of the 112th Congress: no jobs bills, not one. But we've found time to debate bills defunding Planned Parenthood and National Public Radio. There's no extension of the payroll tax cut or unemployment insurance, but we can spend hours debating the need to allow unsafe people the right to carry concealed weapons from State to State. No effort to take away tax breaks for oil companies who continue to make billions of dollars in profits each month, but we can find time to make our air dirtier and our water less safe by dismantling the Clean Air Act and the Clean Water Act.

Seriously, Madam Speaker, the agenda of the far right continues to dominate this House leadership, and that agenda is out of touch with the needs of the American people. We have a jobs crisis in this country. The rich are getting richer and everyone else is struggling. Yet the Republicans continue to side with the people who don't need any help. They killed the supercommittee because they would rather protect tax cuts for millionaires instead of dealing with the deficit. They are refusing to take up the extension of the payroll tax cut that expires at the end of the year because they don't want their millionaire friends to pay just a little bit more.

Just look at what we're doing this week. We're going to consider anti-regulatory bills that will make our country less safe and our citizens less healthy. We're going to consider a bill that actually promotes putting more corporate money into the political system. And we're going to debate a bill that makes it harder for workers to organize. Not one of these bills will put people back to work. Not one of these bills will help struggling families keep their heat on during the winter. Not one of these bills will help repair our aging infrastructure.

To quote Mr. Bartlett again: "People are increasingly concerned about unemployment, but Republicans have nothing to offer them." And that's the truth, Madam Speaker. Republicans have absolutely nothing to offer.

The President proposed—and I have cosponsored—the American Jobs Act. It's a proposal that would help put Americans back to work, would extend the payroll tax cut and unemployment insurance, would help repair our aging infrastructure, and would provide aid to cities and States so they don't have to lay off more teachers and more police officers and more firefighters.

It's a bill that is paid for. It doesn't add one cent to the deficit. And it's made up of measures that Republicans and Democrats have supported in the past. Let me repeat that: what the President has proposed is a series of measures that Republicans and Democrats have supported in the past. The

idea that a program was good under President Bush but not under President Obama doesn't make much sense to me, but that seems to be the thought process that passes for governing under this Republican leadership.

So where's the Republican plan? They don't have one. It's not enough to cross our fingers and hope that our economy improves. It's not enough to close our eyes and wish that more people would find a job. Actions speak louder than words, and it is clear by the Republican leadership's actions that they don't care about the economy. Either that, or they are making a conscious decision not to act simply for political gain. Either way, Americans are hurting because of their inaction.

Madam Speaker, our economy is not where it needs to be. There are still too many unemployed people in this country. There are still too many people struggling to make ends meet, struggling to pay their bills and to put food on the table. But this notion that red tape is what's keeping our economy from getting off the ground and that thoughtful regulations are preventing people from getting jobs is just untrue.

We don't need to waste time debating bills that make our air and water dirtier and less safe. We don't need to waste our time with bills defunding NPR and Planned Parenthood. We don't need to waste our time debating bills to reaffirm our national motto. What we need to do is to get this economy moving. What we need to do is create jobs.

Republicans have been in charge now for 330 days. That's 330 days without a jobs bill. It's not enough to call something a "jobs" bill if it doesn't put someone back to work. No, Madam Speaker, we need a real jobs bill. We need definitive action that shows the American people that we care about their well-being, that we understand what they're going through, and that we're here to help—in short, that we're on their side. The bills we will be considering this week just don't get the job done.

It's been 330 days, and Republicans still don't get it. I can't say that I'm surprised. I'm disappointed, but I'm not surprised.

I reserve the balance of my time.

□ 1340

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume.

I look at the clock above your head. I think it's been about 11 minutes since my colleague DEBBIE WASSERMAN SCHULTZ called for a toning down of the rhetoric and focusing more on policy. I don't think we were able to make it to minute 15.

I will quote my friend as he referred to Republicans: Either they don't care about the economy, or they are just acting for political gain.

Is that all there is? Either folks don't care, or they're just acting for political gain. It could be that their principles are different. It could be that their principles are different, but I don't actually believe that. I believe our principles are the same, because what these bills do is one thing and one thing only. Let's balance the regulatory burden with the benefits that it provides.

Madam Speaker, who is it in America that does not believe that balance is important in what we do here in Congress? I hear it back home all the time: ROB, balance. I want you to get things done, but I don't want you to get things done that are the wrong thing for the wrong reasons. I want you to come together and work on these issues.

Who is it, Madam Speaker, that does not believe that regulation to protect health and safety is important? I do. I come from one of the farthest right districts in the country. I believe health and safety are important things to regulate, but I believe we should balance those regulations.

When we doubled the budget of the Environmental Protection Agency between 2008 and 2009, where do you think that money went, Madam Speaker? The environment that I live in in Georgia was clean and thriving in 2008. But when you double the amount of money that you give to regulators, they have only one thing that they can do with it, and that's regulate more, regulate more.

We need balance, and that's all these bills are asking for. I have all the committee reports here, Madam Speaker, if any of my colleagues would like to come and look at them. There is not a line in any of these pages that says: Thou shalt not regulate. Not one. What they say is: Thou shalt regulate with balance—with balance.

A friend of mine was walking through the Occupy Atlanta protest the other day, Madam Speaker. A fellow came up and shook his fist at him. One of the protesters shook his fist at my friend and said, It's all about jobs. And my friend looked him in the eye and said, You know, you're exactly right. You should go out and hire somebody. You should go out and hire somebody. The fellow said, I'm not talking about providing jobs. I'm talking about I want a job myself.

Well, that's right. Every single bill that this Congress considers that helps job creators helps jobs.

We've got to end the rhetoric of loving jobs and hating job creators, Madam Speaker. There's only one opportunity that we, as Americans, have for employment, and that is finding an employer. And line after line after line of these bills say, before you punish American industry, make sure the balance is there, because, let's be clear, Madam Speaker, it's not that these jobs don't have to be performed.

Time and time again I hear my colleagues bemoaning the fact that we're not creating jobs. I, too, bemoan the fact that this administration has not created jobs. But that's not our only problem. Our problem is jobs that are leaving this country, Madam Speaker. Our problem is destroying even more jobs.

Industry is going to continue to operate around this planet. We can either embrace it here in this country in a balanced way or we can run them all overseas.

There's something that I believe we sometimes do disagree about here in this Congress, and that is that government cannot create jobs. Government can create an environment in which job creators can create jobs.

I cannot pass a bill in this Congress, no matter how hard I try, Madam Speaker, no matter how hard I work, that will make everybody in this country rich. I cannot do it. But this Congress has succeeded all too often at passing bills that can make everybody poor.

Balance, Madam Speaker, is what these bills contain. What this rule does—and it's important because it's a new operation that we're doing here in this House; and I'm very proud of it, and I hope my friends on the other side of the aisle are proud.

This is not an open rule today. I don't want to claim that it is. It's not on open rule. What we did, though, as the Rules Committee, is we asked all of our colleagues, anyone who has a proposal that they believe will make these bills better, send those amendments to the Rules Committee for consideration. Anybody—Democrat, Republican—send those amendments to the Rules Committee for consideration. This is what we did in the Rules Committee.

We received six Democratic amendments for H.R. 527, six ideas from the 435 Members in this House, six ideas for making these bills better. They all came from the Democratic side of the aisle, and we made every single one of those ideas available for debate here on the House floor today. You didn't used to see that. You didn't used to see it under Republican administrations. You didn't used to see it under Democrat administrations. That's what we're doing here today in a bipartisan way.

H.R. 3010, sent out a notice to the entire Congress. Send your ideas for making H.R. 3010 better. Send them to the Rules Committee so that we can consider them for consideration on the House floor. There were 12 ideas that were submitted, Madam Speaker—one Republican idea, 11 Democrat ideas. Three of those Democrat ideas were later withdrawn, said, We don't want to bring those ideas to the floor. So that leaves us with eight, and we brought all but one.

My colleague from Georgia (Mr. JOHNSON), his amendment was not

made in order because my colleague from Texas (Mr. OLSON) had an amendment that was substantially similar, and knowing that time is valuable on the House floor, we wanted to consider all ideas, but not all ideas from everybody, each idea only once.

Seven Democratic amendments, one Republican amendment made in order because we invited the entire United States House into this process.

This is the time on the rule, Madam Speaker. I'm not here to debate the underlying provisions. We've provided time to do that. But I do want to defend this rule as an example of what we ought to do.

Is it a little more convoluted than I would have liked? Yes, it is.

Is it a little outside of my issue areas? Yes, it is.

But does it make in order all of the amendments that our colleagues want to submit? It provides for time for debate on every single idea submitted.

That's an important change in this House, Madam Speaker. I'm grateful that we've been able to do it, and I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I want my colleagues to understand that one of the amendments they didn't make in order was the amendment offered by our colleague, Congressman JOHNSON, which basically stated that if the experts conclude that a rule would result in a net job creation, the rule shouldn't be delayed and blocked by all the stuff that's in this bill because we need jobs right now. It's interesting that that's the one that my Republican friends chose to block because it has to do with jobs.

Another amendment that they blocked was one that I had offered. I've offered it many, many times in the Rules Committee, and that is to basically bring to the floor an amendment that would allow us to vote to strip big oil companies of taxpayer-funded giveaways—subsidies is what I call them. And I've tried to bring it up on the floor a gazillion different times in a gazillion different ways, and I'm always told that there's a germaneness issue. But yet what does the Rules Committee do? Oftentimes, it waives all the rules so that sometimes non-germane amendments can come to the floor.

I mean, when you talk about balance, the fact that taxpayers are subsidizing big oil companies that made over \$100 billion in profit last year, that we're going to somehow continue taxpayer subsidies to these big oil companies, yet, when you look at the Republican budget that they passed, they find ways to balance the budget on every single program that impacts middle-income and low-income people in this country.

What they do is they choose to balance the budget by lowering the qual-

ity of life and the standard of living for everyday people and for those struggling to get in the middle. There's no balance here. There's no balance here.

And in terms of bipartisanship, the President of the United States came to this Chamber and he gave a speech in which he outlined his jobs bill, which included a number of initiatives, all of which had in the past enjoyed bipartisan support. But I guess because he's the President, he's a Democrat, Republican leadership doesn't want to have those debates here on the floor, give him any victories, because that might not be politically advantageous to them.

Let's be frank about what's going on here. In my opinion, this is about political opportunism. This is about the leadership of this House blocking important legislation to put people back to work just because they can, just because it's been proposed by the President of the United States.

We need to focus on jobs in this Congress. We need to be focused on helping people get back to work. I don't care what part of the country you're from, people are hurting, people are struggling, and they're looking for us to do something, something meaningful, not to bring bills to the floor like this that, in the scheme of things, mean nothing or to have these great debates over reaffirming our national motto or on bills that make it easier for unsafe people to carry concealed weapons from State to State.

□ 1350

That we're debating those things when there are millions of people that are out of work, I think, is outrageous.

Madam Speaker, at this time I am proud to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, as we stand here today, I would like us to pause for a moment and think about an American family who is not here. The husband works in a Home Depot, the wife works as an administrative assistant in a hospital, and they make together about \$50,000 a year. And they're among the fortunate Americans who have jobs, but they're frankly very worried because it seems like the harder they work, the less ground they gain. They're going backwards the harder they work.

The House needs to understand that a month from tomorrow, unless this House acts, that family's taxes will rise by \$1,000. A month from tomorrow, unless the House and the other body and the President act, that family's taxes will go up by \$1,000 a year.

President Obama has said he will sign legislation that prevents that tax increase from happening. The Democratic leader of the other body, Senator REID, has said he will move and support legislation that prevents that from happening.

Last night the minority leader, the Republican leader of the other body, indicated that he was now moving to a position in favor of legislation preventing that from happening. House Democrats are prepared at this moment on this bill, on this day, to support legislation that will postpone that tax increase on middle class families.

The American people want us to work together, and I would trust that the vast majority of American people would say that in these economic times working together to suspend a thousand-dollar tax increase on a \$50,000-a-year family is something we ought to work together on. President Obama agrees. Senator REID agrees. It looks like Senator MCCONNELL agrees. Leader PELOSI and the House Democrats agree. But we don't have that bill on the floor this afternoon.

This is our opportunity, colleagues, to move away from the daily back-and-forth of Republican versus Democrat politics and do something for which there is broad agreement and, I think, urgent need.

Now, we have 30 days to get this done, and our track record is not very promising on meeting deadlines around here. My suggestion is let's move this agenda on this day at this time and put before the House a bill that would suspend this thousand-dollar tax increase on middle class families, all wage earners, across the country. Certainly this is something on which we ought to agree, certainly this is something the House should be able to devote its time to, and certainly we should act on it here today.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume.

Even though I'm a freshman in this body, I have been working hard to try to find metrics by which I can judge what's happening here because this body is not like so much that happens back home. The metric that I have found while we're debating a rule is that the less folks are talking about the rule, I think the better job we did crafting it. I think that's right. Because if it was an awful rule, we'd spend our time talking about what an awful rule it is. When it's a pretty good rule, we spend our time talking about other issues on the floor.

I happen to agree with my friend from New Jersey. A thousand dollars for a family earning \$50,000, that's real money. Now, I would say, though, to my friend from Massachusetts that if you take that \$1.75 trillion burden that the Small Business Administration tells us is upon the American people because of regulations, that's actually \$5,000 per person. That's \$15,000 per a three-member family. And so yes, I agree with my friend from New Jersey that we should absolutely cooperate on focusing on those burdens. The burden we're focusing on today? Even larger, by orders of magnitude.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I would just ask the gentleman, then, if he is prepared to tell us whether the majority will put on this floor before the 31st of December a bill that suspends this tax increase on middle class Americans.

Mr. WOODALL. My friend flatters me by thinking I have the answer to that information as a young freshman on the House floor, but I'll tell you this. I'll tell you that two things are true, and it is a puzzler for me on the payroll tax holiday that's gone on this year.

On the one hand I will tell you that Republicans are absolutely the party of lower taxes and not higher taxes and that actually speaks to this issue. We're also the party of making sure that we're paying for those commitments that we're making. Social Security is different from any other tax, and when I go and talk to my grandfather, he'll say, "Rob, I want that Social Security. I paid into it all my life."

Well, we're not paying into it right now. The proposal is not to pay into it next year, the proposal was not to pay into it last year. I'd be interested to ask my friend if he's prepared to support lowering those Social Security benefits because, again, this is something we're paying into.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I am most certainly not in favor of that. I would frankly make up for the lost revenue with a surtax on people making more than a million dollars a year to cover it.

Let me ask the gentleman another question.

I understand that there are differing views in his party, and frankly ours, as to whether an extension of the cut for middle class families should continue. And I'm not asking him to say it would pass. That's beyond the reach of any Member, even the Speaker.

But is the majority prepared to make a commitment to the American people to at least get to vote on it, that it will let the majority work its will and either vote "yes" or "no" on avoiding this tax increase on middle class Americans?

Mr. WOODALL. I would say to my friend that the majority, again speaking out of school as a young freshman here on the House floor, but I know enough about my leadership to know the majority is absolutely committed to protecting and preserving Social Security not just for this generation but the next generation and beyond. And the question is going to be can we find a proposal, because the one that was passed last year was not a proposal that both lowered tax burdens and protected the solvency of Medicare and Social Security.

We must be sure not to further bankrupt a program that we all agree is already going bankrupt. I look forward to that debate, Madam Speaker, between now and the end of the year.

And it's not just that tax that's expiring. I know my friend is also concerned about the Bush-Obama tax cuts that were extended in December of 2010 and wants to be sure that those will be extended in 2011 on into 2013.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'll be happy to yield.

Mr. ANDREWS. Those income tax reductions, of course, were extended to December 31 of 2012. So there's not an urgent imminence to addressing that issue the way there is with this.

I would just again put the question this way. I fully understand there are different views as to whether or not we should avoid this middle class tax increase. I'm simply asking whether the gentleman supports giving us a clear up-down vote on having that happen.

Mr. WOODALL. I would say to my friend that I happen to support up-down votes on all sorts of things. I'm an open rules guy, and I'm very proud of our Speaker who believes that the House works best when the House works its will. That's really one of the changes that I understand we've seen in this year that we haven't seen in years past.

I think that's important, Madam Speaker, for us to be able to bring those votes to the floor.

But it's also important to make sure that folks have all of the information in the same way that folks might be tempted to mischaracterize these balancing provisions that we're bringing forth today as some sort of Republican chicanery.

Folks might also be tempted to characterize something that is going to hasten the bankruptcy of Social Security as being something that has no consequence at all. There really are consequences to this decision. And to say to my friend I look forward to a robust debate on that because it's an important issue for American families.

With that, Madam Speaker, I would like to reiterate that on H.R. 527, six Democratic amendments offered, six Democrat amendments made in order. The House works best when the House works its will. The rule today is providing that opportunity.

I reserve the balance of my time.

Mr. MCGOVERN. I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Georgia for engaging in good spirit in this dialogue.

I would simply want to make it clear: I think it's the position of our party very clearly the House should vote on whether to avoid this thousand-dollar tax increase on the middle class. That's our position.

I think you can hear that the majority position is a little more nuanced than that. It is a yes-or-no question. We think there ought to be a vote on avoiding a thousand-dollar tax increase on the middle class. And we're ready to put our cards in the machine and do that.

□ 1400

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

My friend, the gentleman from Georgia, said that his party likes to pay for things. That statement startled me a little bit because they didn't think it was important to pay for the Bush tax cuts, mostly for the rich, which have now bankrupted us. They didn't think it was important to pay for the Medicare prescription drug bill, which was a lot more expensive than they had promised and was not paid for. They don't think about paying for the two wars that we're fighting in Afghanistan and Iraq.

We had balanced budgets when Bill Clinton left office. It was after that that everything got out of whack, and it was because of these tax cuts, which were mostly for the wealthy, and it was because of a prescription drug bill and two wars, all of which were not paid for. So I hope my friends on the other side have finally gotten religion on this issue in that it is important to try to pay for things as you go along and to embrace PAYGO as Democrats have done.

With that, I would like to yield 2 minutes to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I just don't think Americans can wait, but here we are again today debating legislation that will do nothing to create jobs or to help families during these tough economic times.

I agree with my colleague from New Jersey that we think that there just needs to be a vote on the House floor on this payroll tax cut, which, so far, my friends on the other side are not agreeing to. There were 120 million American families that had \$1,000 more in their pockets this past year because of the payroll tax holiday that we passed. I believe we need to pass a new middle class tax cut, one that will save the typical family \$1,500.

Now, I do agree with my friend from Georgia about job creators. I love job creators, but I think I have a different point of view on what helps our job creators and what helps our small businesses. I spent Saturday, November 26, Small Business Saturday, shopping in small businesses.

I went into every one of them, and I talked to them about what would help them: What can we do in Congress to

help you as a small business? Almost every single one of them said, Do you know what we need? We need customers. We need Americans to have jobs, and we need them to have money in their pockets that they will spend in our small businesses. That will help us. I guarantee, if we were to get more customers, we would expand and we would hire more people.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Mr. McGOVERN. I yield the gentleman an additional 1 minute.

Ms. HAHN. We know that it's our small businesses that have hired almost 60 percent of the new jobs that we've had in this country. We know that \$1,500 would go back into the economy, and we know that that \$1,500, through this middle class tax cut, would help businesses in this country.

I know we've been called the do-nothing Congress; but in this instance, if we do nothing, Americans who can least afford it will see a tax increase come right after the holidays. I dare say, Americans who will see that kind of a tax increase in January might worry about how they're spending their money this December, and it may just affect their generosity, not only to their own families, but to those who are in need in this country.

Mr. WOODALL. I yield myself such time as I may consume, Mr. Speaker, to say I'm always happy to find things that I agree on with those across the aisle.

I'll say to my friend from California that we're both new in this House and that I spent my Saturday doing those very same things. My small business owners told me that very same thing, though they told me one more thing.

They said, Do get the foot of government off the throat of my small business. They did say, ROB, you cannot help me by doing more, but you can help me by doing less. You can help me by getting out of the way and by letting me do what I do.

The question then becomes how we get those customers in that store, and there are absolutely two visions for making that happen. We can either try to dispense more favors from Washington, DC, Mr. Speaker. We can try to pump more money that we don't have out of Washington, DC, money that we're borrowing from our children and grandchildren; or we can try to get folks higher- and better-paying jobs—more jobs—which is what this rule is about today.

We are running jobs out of this country. We are forcing jobs out of this country. The new report came out of over 150 nations, Mr. Speaker. We are number 69 in how easy it is for businesses to comply with their tax burdens, for example. Number 69. We should be the best place on Earth to do business.

What is it that raises salaries?

Sometimes my friend on the left suggests that we could just raise the minimum wage and just guarantee everybody money, but I don't believe we can. What we can do is give folks an opportunity to increase their productivity. No worker on the planet works harder than the American worker. No worker on the planet has more productivity than the American worker, and regulation after regulation after regulation slows the American worker down. If you want to put more money in the American worker's pocket, you let the American worker be more productive by providing some balance.

Again, nothing we're talking about today, Mr. Speaker, says thou shalt not regulate. We know we're going to regulate. What we're saying is, let's regulate with balance. Then my friend's small businesses and my small businesses will have those customers that they need to get this economy moving again.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want my colleagues to understand that, if we were to extend the payroll tax cut, according to Mark Zandi, who is a Republican economist who advised JOHN MCCAIN in his Presidential campaign, it would create 750,000 jobs. He also says that we're likely to go into a recession if the payroll tax cut expires, if my Republican friends don't allow us to have a vote up or down on it. I am going to ask people to vote "no" on the previous question so that we can have an up-or-down vote on this and so that people will have an opportunity to make their views on this issue known.

The other thing is we've heard all this talk about what the cost of regulation is. Again, some of the numbers that have been touted here I question very seriously. OMB's calculations demonstrate that regulation has a positive net effect on the economy and not by a little. In 2008, the Bush administration's OMB estimated that regulatory costs for major rules were between \$46 billion and \$54 billion and that the benefits of those regulations were between \$122 billion and \$656 billion.

So it goes back to the point I was making earlier, which is what we should be doing on this floor today—debating a bill to put people back to work. We should be extending the payroll tax cut. We should also be talking about initiatives that the President put forward, these bipartisan initiatives. We should be doing things that will make a real difference in people's lives.

My friend talks about the American worker. There is no Congress, no Republican leadership in my lifetime that has been more hostile to the American worker than the leadership that runs

this House right now, bringing bill after bill after bill to this floor to take away the rights of workers at every single level.

Do you want to know what one of the problems is with jobs moving overseas? It's that some of the incentives in our tax laws have made it easier and even attractive for companies to pack up and go overseas and hire cheaper labor.

One of the problems with these series of bills that we're dealing with here today is that it will result in a rush to the bottom in terms of regulation—the lowest common denominator in terms of clean water and clean air standards—because, among other things, this legislation says that we should take into consideration the standards in other countries.

So China is going to now set our clean water and our clean air standards? Give me a break. Let's get real. Let's bring something to the floor that will make a difference in the lives of the American people, especially those who are unemployed. Let's bring a real jobs bill to the floor. Let's do something meaningful.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I could likely go back and forth all day long with my friend from Massachusetts believing that he loves workers more, with my believing that I love workers more and with his believing that to define "loving of workers" means we have to regulate them differently from Washington, D.C. For me, "loving workers" means we're going to free them to do those things that they do best, which is to produce.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to a member of the Judiciary Committee whose amendment was not made in order by the Rules Committee, the gentleman from Georgia (Mr. JOHNSON).

□ 1410

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to this rule and the underlying bills. Instead of creating jobs, the Grover Norquist/Tea Party Republicans are assaulting the very regulations that ensure we have clean air, safe water and food, along with safe prescription drugs and other products that Americans consume. They want us to create so many barriers and obstacles that it would essentially make it impossible for Federal agencies to do their jobs, all in the name of simply increasing the profits of big business.

The Regulatory Accountability Act would require agencies to perform 60 additional analyses and other procedural actions within the rulemaking process, further slowing down an already burdensome process. I am talking about bureaucratic red tape. They want to take it to the next level. They

want to duct tape and blindfold and put a straitjacket on Federal agencies issuing regulations that help Americans. This would also make it much easier for large corporations to evade their obligations to protect the public by giving special interests multiple points in the process to tie up the process in knots.

The Regulatory Flexibility Improvement Act is no better. It's a wolf in sheep's clothing. Don't be fooled. This is not about helping small businesses. It's about halting regulations and increasing the profits of big business. Under the guise of small business protection, it would subject any regulation that could conceivably have any direct impact on small businesses to a more lengthy process, thereby delaying the implementation of virtually any action any agency proposes and wasting agency time while doing so.

I urge my colleagues to oppose this rule and the underlying bills.

Mr. WOODALL. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

I would like to insert in the RECORD the Statement of Administration Policy, which is opposed to this legislation.

STATEMENT OF ADMINISTRATION POLICY
H.R. 3010—REGULATORY ACCOUNTABILITY ACT OF 2011

(Rep. Lamar Smith, R-Texas, and 36 cosponsors, Nov. 29, 2011)

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most cost-effective and efficient manner, and that they minimize uncertainty. Accordingly, the Administration strongly opposes House passage of H.R. 3010, the Regulatory Accountability Act. The Regulatory Accountability Act would impose unprecedented procedural requirements on agencies that would prevent them from performing their statutory responsibilities. It would also create needless regulatory and legal uncertainty and increase costs for businesses, as well as state, tribal, and local governments, and further impede the implementation of commonsense protections for the American public.

The Regulatory Accountability Act would impose unnecessary new procedures on agencies and invite frivolous litigation. When a Federal agency promulgates a regulation, it must already adhere to the requirements of the statute that it is implementing. In many cases, the Congress has mandated that the agency issue the particular rule or regulation, and it often prescribes the process the agency must follow. Agencies must also adhere to the robust and well understood procedural requirements of the Administrative Procedure Act, and major rules are subject to the requirements of other Federal statutes such as the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act. In addition, for decades, agency rulemaking has been governed by Executive Orders issued and followed by administrations of both political parties. These require regulatory agencies to promulgate regulations only upon a reasoned determination that the benefits of the regu-

lations justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility. Lastly, final regulations are subject to review by the Federal courts to ensure that agencies satisfy the substantive and procedural requirements of all applicable statutes and consider input from the relevant stakeholders.

Passage of H.R. 3010 would replace this time-honored framework with layers of additional procedural requirements that would seriously undermine the ability of agencies to execute their statutory mandates. It would require cumbersome "formal" rulemaking for a new category of rules, for which agencies would have to conduct quasi-judicial proceedings. It would impose unnecessary new evidentiary standards as a condition of rulemaking. It would subject the regulatory process to unneeded rounds of litigation. Finally, the Regulatory Accountability Act would undermine the Executive Branch's ability to adapt regulatory review to changing circumstances.

In these ways and others, the Regulatory Accountability Act would impede the ability of agencies to provide the public with basic protections, and create needless confusion and delay that would prove disruptive for businesses, as well as for state, tribal and local governments.

If the President were presented with the Regulatory Accountability Act, his senior advisors would recommend that he veto the bill.

Mr. Speaker, jobs, jobs, jobs. That's what we should be focusing on today—not guns, not abortion, not reaffirming our national motto—jobs. We need to put people back to work. But that doesn't seem to be part of the Republican agenda, and it's hurting our country.

At the end of this year, as you have already heard during this debate, the payroll tax cuts signed into law by President Obama will expire. Without action, middle class Americans will see their taxes go up by a thousand dollars next year. Without action, GDP growth will fall by half a percent and will cost the economy 400,000 jobs according to the economic forecasting group Macroeconomic Advisers. Extending this tax cut is not just good for American families, it's good for the American economy. According to Ameriprise Financial, extending the payroll tax cut could add more than 1 million jobs to the economy.

Mr. Speaker, this is the kind of legislation that we need to be debating, not right-wing, hot-button social issues or bills that, when you add it all up, don't mean anything to anybody in this country.

But where is this extension of the payroll tax? It's not in this rule? It's not in the majority leader's schedule. In fact, the Republicans seem to be ignoring this issue.

It's sad. It's sad that the Republican leadership would rather raise taxes on middle class Americans basically to protect tax breaks of millionaires. If there was a vote right now on a bill that was going to cut one penny, it was going to cost Donald Trump one penny more in taxes, the other side would be

overfilled with speakers. But we're talking about middle-income Americans, struggling Americans, that if we don't act by the end of this year they will see a \$1,000 increase in their taxes.

Now, we can change all that here today. We can change that here today and actually bring to the floor something that is meaningful. If we defeat the previous question, I will offer an amendment to the rule to require that we vote on a payroll tax holiday extension for next year. If we don't pass an extension, all working Americans will get a little less in their paychecks beginning in January.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, again I urge my colleagues to vote "no" and defeat the previous question so we can make sure that working families do not see their payroll taxes go up while we're still struggling to recover from a recession. This is exactly the type of action that people all over the country are hoping this Congress will move on.

I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WOODALL. I yield myself the balance of my time.

I'm proud to be here with you today, Mr. Speaker. When we talk about jobs, jobs, jobs, that's why I came to Congress, and that is exactly what we're talking about in this rule today. And I hope, Mr. Speaker, you have seen with great concern what I have seen here today, and that is a complete disconnect, it appears, with my colleagues on the other side with the understanding that increasing regulation, needlessly increasing regulation, burdens the American worker, undermines the American economy, thwarts jobs. And I say, Mr. Speaker, this is one of those things on which if we disagree we're just going to have to agree to disagree, because it is as clear to me as it is that the sky is blue that when you increase the regulatory burden you make the American family poorer for it.

I know I can't ask for a show of hands here, Mr. Speaker, but if I did and said, Who is it, who wants dirtier drinking water back home in their district? Who is it that doesn't drink from the same spigot as the rest of us? Who is it that doesn't shop at the same grocery stores as the rest of us? Who is it who doesn't drive on the same roads as the rest of us? We're all in this boat together. We're all this boat together, Mr. Speaker.

I come from the Deep South, and whenever we start talking about environmental issues, it always gets me so

pumped up, because, dad gum it, nobody spends more time outside than I do. Nobody cares more about the environment than I do. And yet time and time again you hear that characterization that somehow asking for a balanced regulatory environment, a balanced regulatory environment, is somehow anti-environment or anti-American.

I must tell you, Mr. Speaker, these bills before us today, the Regulatory Flexibility Improvements Act, the Regulatory Accountability Act, that's why I came to Congress. That is why I came to Congress.

We cannot make everybody rich, but we can make everybody poor. And when we regulate without regard to the benefits of that regulation, without regard to the burdens of that regulation, that's exactly what we do.

My friend quoted the OMB, talking about the values of regulations. I don't dispute that at all. I'm absolutely certain there are some regulatory initiatives that do, in fact, produce a benefit. All I'm asking for is that we balance that benefit with whatever burden it causes, because—and this is a rhetorical question, Mr. Speaker, but do folks honestly believe that the regulatory burden should exist irrespective of the benefits that it provides. That's what we do. In these two pieces of legislation, Mr. Speaker, we ask regulatory agencies to examine those benefits and burdens.

Now, as my friend from Massachusetts talks about partisan politics, I come from a district that was a proud "no" vote on both the ridiculous stimulus bill from the Bush administration and the ridiculous stimulus bill from the Obama administration.

□ 1420

We are equal opportunity "no" votes on ridiculousness. And that is what we have here as we try to reclaim some regulatory authority from the executive branch agencies.

I'll be the first to say, Mr. Speaker, that I think the Congress went a little light on President Bush. And I certainly believe the last 2 years of the Democratic Congress went a little light on President Obama. I think we have a constitutional duty to defend our legislative prerogative to make the rules that this Nation abides by, not an unelected bureaucrat downtown, but elected officials right here in Washington, D.C., here in the people's House, those of us who have to go home and subject ourselves to voters every 2 years. This is where that authority belongs. And we should have those votes. Yes and no, we should have those votes on whether or not that's our shared vision of America.

Now I'm going to get a little off topic, Mr. Speaker. It's clear to me that we're going to be talking about the payroll tax over the next week or

10 days. I want to encourage all of my colleagues to understand that's not a free discussion. Every penny that you choose not to deposit in the Social Security trust fund is a penny closer to bankruptcy the Social Security trust fund comes.

It's easy to say you're going to get something for nothing, but we're not. \$15 trillion in debt, Mr. Speaker; \$15 trillion. We've already been giving away something for nothing for far too long. The question is how can we both help the middle class taxpayer with their tax burden and preserve Social Security for generations to come. It's not a freebie, Mr. Speaker. These are tough questions that require serious answers, not on a motion to recommit, not on a motion to instruct, but in thoughtful committee consideration.

I'll get back to the rule now because this has had thoughtful committee consideration. Both the underlying provision and the rule itself have gone through regular order. Mr. Speaker, there's no need to rush these bills to the floor. We can take them through the process to make sure that they are thoughtfully examined line by line by line. And these bills have been.

Interestingly enough, Mr. Speaker, that's all these bills are asking of our administrative branch agencies—that the regulations that they're promulgating be examined line by line by line to make certain that the benefits outweigh the burdens.

It's a surprise to me, Mr. Speaker, that it's even something that we're arguing about today. I would have thought that this is common sense. Certainly in my district it's common sense. Perhaps other constituencies feel differently—balancing the benefits with the burdens. Don't let folks tell you, Mr. Speaker, that regulations come without a burden. I'll give you an example. I have a cardboard box manufacturer in my district, manufactures cardboard boxes. It may not be glamorous work, but it's important work. I was visiting the plant the other day. They said: ROB, when they were talking about the ethanol regulations, did they ever talk about the impact the ethanol regulations would have on cardboard box manufacturers?

I said I wasn't in Congress then, but I never heard about it.

They said when you decided that you were going to insert ethanol in every gallon of gasoline, you also decided you were going to raise the price of corn. And we use corn starch in the glue that holds our boxes together, and we use corn starch with our fiber to make our boxes stronger. And every time you pass a regulation that increases the use of ethanol and decreases the availability of corn to other sources, you raise the price of our boxes. You can produce boxes anywhere in the world; and if we can't stay competitive, we're going to lose this business overseas.

Mr. Speaker, there are unintended consequences to the work of this body every single day, and the arrogance to believe we can foresee them all astonishes me. We must understand our fallibility. We must understand that we cannot foresee all of those consequences.

So every time we have an opportunity to measure, Mr. Speaker, every time we have an opportunity to look at the pros and the cons to ensure that we're getting it right, Mr. Speaker, every time we pass a regulation, we steal freedom from someone somewhere. Understand that. Every time we pass a regulation, we steal freedom from somebody somewhere.

Our government is a social contract where we agree to give up individual liberty so we can exist collectively. We have public services for safety and fire, on and on and on. But every single one of those comes at the expense of personal liberty. But we have decided that the expense is worth it.

Mr. Speaker, these bills do that today: balance benefits and burdens, provide that information to the American voter, and let's make sure that what we're doing is worth it.

Mr. Speaker, this is an example of how one ought to do a rule, how one ought to open up the process, how one ought to encourage debate on all of the ideas that are brought to this House floor. I encourage strong support for this rule. I encourage strong support for the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 477 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new section:

SEC. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011'.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the

control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3094.

The SPEAKER pro tempore (Mrs. ROBY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 470 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3094.

□ 1427

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of H.R. 3094, the Workforce Democracy and Fairness Act, and I yield myself such time as I may consume.

The legislation we are considering today is straightforward. It reaffirms workforce protections that have been in place for decades.

Across the country, the American people are asking: How can we get this economy moving again? What will it take to finally put people back to work? And Washington is responding with a number of answers. Some think we should support more spending, more taxes, and more regulations. In essence, they are asking the country to double down on the same failed policies of the past.

My Republican colleagues and I believe we should chart a different course, one that includes removing regulatory roadblocks to job creation. The Workforce Democracy and Fairness Act is part of that effort. The legislation says we shouldn't allow unelected bureaucrats to dictate policies that make our workplaces less competitive.

In June the National Labor Relations Board proposed sweeping changes to the rules governing union elections. Under the board's radical scheme, employers would have just 7 days to find an attorney and navigate a host of complicated legal issues before confronting an NLRB election official. Employees will have as little as 10 days to decide whether they want to join a union, denying them an opportunity to gain valuable information and make an informed decision.

The NLRB is already telling employers like Boeing where they can and cannot create jobs. Now the board wants to take away a worker's right to make a fully informed decision in a union election. This proposal largely prohibits employers from raising additional legal concerns, denies answers to questions that can influence the vote, and turns over to union leaders even more personal employee information.

Let's get something straight: The board's scheme isn't about modernizing the election process. This is a draconian effort to stifle employer speech and ambush workers with a union election. Less debate, less information, and less opposition—that's Big Labor's approach to workers' free choice, and it is being rapidly implemented by the activist NLRB.

□ 1430

For 4 years Democrats controlled this Congress. To my knowledge, not once did they try to streamline the union election process. Not once. They did champion a failed effort to strip workers of their right to a secret ballot, but they didn't bother to offer any solutions to the alleged problems they now say plague the election process.

Today, union elections take place in an average of 31 days, giving workers a month to consider the monumental question of whether or not to join a union. One month. Are there cases where delays have occurred? Yes. But without a doubt, these are the exceptions to the rule. And former and current members of the NLRB have cited partisan shifts on the board as the leading cause of such delay. A broken board is no excuse for trampling on the rights of American workers.

I'm aware the board recently revised—recently being yesterday—its earlier proposal and set aside some of the more egregious provisions. However, the latest iteration still denies employers access to a fair election process, still deprives workers of the opportunity to make a fully informed decision, and still perpetuates the threat of more punitive measures in the future. The board seems utterly determined to finalize a flawed proposal, regardless of the damage to the integrity of the board and our workplaces. We must act now.

The Workforce Democracy and Fairness Act reaffirms workforce protections our Nation has enjoyed for decades. Employers currently have a fair opportunity to prepare for a preelection hearing. The bill ensures employers have at least 14 days—2 weeks—a fair opportunity to prepare for the hearing. Employers and unions can currently seek board review of issues raised before the election. The bill preserves their right to seek board review before the election. Workers currently have an average of 31 days to decide their vote. The bill guarantees workers at least 35 days.

Before the board's reckless Specialty Healthcare decision, a commonsense standard determined which employees would participate in the election. Once again, H.R. 3094 takes steps to restore a traditional standard, ensuring employees continue to have freedom and opportunities in the workplace and employers can effectively manage their labor costs.

Despite the heated rhetoric we will hear from opponents today, the bill is a responsible effort to set in law, Mr. Chairman, protections workers and employers have long enjoyed. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Rules Committee.

Ms. SLAUGHTER. I appreciate the gentleman yielding.

Mr. Chairman, with millions of Americans out of work, job creation certainly should be the number one priority of this Congress. And yet, where are we today? We're not creating any new jobs here, but we're using the precious floor time considering a bill that attacks the rights of all American workers and has no chance of becoming law. That, unfortunately, is something we do week after week here.

As my colleagues have pointed out, rather than minimizing the delay in union voting procedures, today's bill mandates delay. The bill empowers employers to interfere in union elections by adding anti-union employees to voting blocs—gerrymandering the elections. That, by itself, should be enough to vote against this bill.

Letting an employer deny and manipulate union elections is a blatant attempt to put the fox in charge of the henhouse. It is a direct attack on the ability of workers to bargain collectively to protect their rights. And we've seen in America, with all the protests and uprisings, that American citizens don't like that so much.

Wherever you work, whether it's union or not, if you appreciate a 40-hour work week, sick leave and vacation days, safer working conditions, don't blame the men and women of the unions for the unemployment crisis that they didn't cause. Thank them for bringing those things to you. It was not a benevolent employer that gave you those. It was the union movement.

So rather than considering a bill to attack the American worker, we should be working together. As we plead on the floor day after day to create jobs for the American people, the situation grows more dire every day.

I urge my colleagues to oppose this bill and see if we can get to work to really create jobs.

Mr. KLINE. Mr. Chairman, the gentlelady just said that we should be addressing legislation to create jobs.

That's exactly what we are doing today.

At this time I am very pleased to yield 3 minutes to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today to urge my colleagues to support the Workforce Democracy and Protection Act.

Our country is in the middle of a jobs crisis. The national unemployment rate is hovering at 9 percent. In Tennessee, where I live, it's higher than that. Millions of American families are struggling to make ends meet. Amidst this economic uncertainty, the House has passed over 20 jobs bills that would help spur our economy that are sitting over on the Senate side, right down the hallway here, not voted on. Sadly, the Senate isn't the only roadblock to economic recovery. That's why we're here today—to rein in a National Labor Relations Board that has run amok.

I grew up in a union household. My father was a member of the United Rubber Workers Union. And I know about this. I lived with it, grew up with it.

In June, what problem were we trying to fix? Currently, elections are held, as the chairman said, within 31 days. And unions win almost 70 percent of the elections held. So let's say the 1st of October of this year you wanted to have an election. By the end of that month you could vote on whether a worker wanted to be in the union or not. A very fair process. If this rule goes into effect, as he said, 7 days for an employer to find representation to go through over 400 pages of rules just on this very complicated subject.

It gets worse. As little as 10 days to vote. So a worker would have to make their mind up, in some cases, it could be as quick as 10 days. Imagine voting on the President of the United States in 10 days.

And it gets worse. Workers would then be required by law to hand over personal information. What we want to do is to allow the employee to decide what information is given to the union about how they want to get contacted.

Mr. Chairman, this just isn't right, nor is the National Labor Relations Board's decision to redefine how a bargaining unit is determined. Instead of creating jobs, employers will be forced to negotiate with a multitude of small bargaining unions, which will raise labor costs and destroy the possibility of advancement opportunities. Something must be done to restore the fairness to the union election process. And that's why I'm a proud cosponsor of this legislation.

The bill simply does this. It gives 14 days to pass before a preelection hearing is held. This hearing will allow both sides to raise any relevant or material issues in a non-adversarial envi-

ronment. It would protect the worker's right to make an informed choice by requiring an election take place in not less than 35 days. We owe it to our constituents to let them hear both sides of the story and make up their own minds. A worker's privacy should also be protected, allowing the unions access to only what the employee decides is their contact information. This bill also restores longstanding rules for defining what a bargaining unit is. It's over three decades of rules.

Mr. Chairman, there's only one way I can describe this bill—it's common sense. I respect the right of the workers to form unions. That's their right under the law. But I believe that the union election should follow a process that is balanced and protects the rights of employees and employers, not just the unions.

I urge support of this bill.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Chairman, Members of the House, during the depths of the Great Depression, Congress gave the American worker the right to ban together with coworkers and to bargain for a better life. For more than 75 years, the National Labor Relations Act has vested the ultimate decision on whether or not to form or belong to a union with the workers themselves. The principle underlying this law is that when workers decide they want to have a union, they should get a union.

□ 1440

These rights and this law have served this country well. They built the middle class. They brought us the 40-hour workweek. They brought us safer workplaces. The exercise of these rights ensured economically secure families and the prospect that our children could build an even better life. These rights have been an unqualified success. They helped to create an economic engine unparalleled in the history of the world.

But especially this year, forces have gathered that will do anything to take away those rights from American workers, from American families. These forces subscribe to the perverse ideology that says workers should just accept whatever the powerful decides is good enough for them, and that's the end of the discussion. They use real crises as an excuse to gain more power. We've seen them try it in Wisconsin and in Ohio and all across the country, where the real goal was to take away the rights of workers, not to solve the economic problems of those States; where the real goal was to constrain workers in the collective bargaining process, not to deal with the economic problems of those States; and where they don't control the statehouses and State legislatures, they have come to the Congress of the United States.

This bill today is part of that scheme. This bill is part of a national

effort by the Republican Party, by the Chamber of Commerce, and much of the business community in this country to strip workers of their rights at work; to take ordinary working men and women and tell them they will have no rights to join a union; they will not be able to gather for an election because this legislation prevents that election from happening.

How does it do that? It does that, one, by having the employer decide who will be in the bargaining unit, not the employees as is dictated under the law and as affirmed by this Congress over and over again that decision belongs to them.

How does it do that? So it stuffs the ballot box at the outset, and the employer making up the bargaining unit as opposed to the employee. Then they throw in the ability to have whatever frivolous appeals, whatever frivolous issues you want to raise, no matter how frivolous, they must be raised before this time, before the election, and all of the appeals must be decided. So while they talk about how this gives you a tight time frame, in fact what we see is endless delays. It's the endless running up of legal costs of attorneys on both sides, all in the idea of buying time for the employer to intimidate the employees from joining a union, to constantly hold businesses and the workplace—face to face, businesses to advocate against the union so that they can turn around the decision that the employees essentially have made when they say, We want to go to an election; we want to have a union; this is our bargaining unit. And that's the goal here is to destroy the ability of this law to function.

You cannot have a situation where that exists in this country, because this law is not only important to employees in the workplace. It's important to millions of Americans who are in the middle class in this economy today. These are people who are there because of the collective bargaining rights of people over the last 75 years in this country to bring the benefits, to bring the wages, to bring the job security, to bring the health care benefits, to bring the pension benefits and the protections to middle class families.

We have seen, as the unions have declined, so have the wages, so have the benefits of workers to their own productivity. The American worker continues to increase their productivity. They are the most productive workers in almost every sector of our economy in the world, and yet more and more of their productivity is being syphoned off by the 1 percent, if you will, by the employers that decide they need more bonuses, by the employers that decide they need bigger paychecks, by the employers that decide they need more shareholder dividends, by the employers that decide that they need more golden parachutes, they need more ar-

rangements to get rid of people at the elite level.

That's what this is about. It's about stealing from the American workers and not giving them a right to continue to bargain for the benefit of their families and their communities, and we ought to reject this bill today.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Subcommittee on Workforce Protections, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the chairman for yielding.

Mr. Chairman, as I, a former United Steelworkers Union member, stand here today, the unemployment rate in Michigan stands at 10.6 percent, and in areas of my district it is as high as 14 percent.

Our primary focus in Congress, as passed in the Republican jobs plan and seated in the Senate right now, our primary focus is to get burdensome government regulations out of our way and out of the way of the American people and let them get back to work.

The National Labor Relations Board has taken actions that directly oppose American job providers and job creators. How can any Michiganian operating a business expect to compete on a level playing field with NLRB membership like Craig Becker, who once wrote, "Employers should be stripped of any legally cognizable interest in their employees' election of representatives." And also, "Employers have no standing to assert their employees' right to fair representation."

In their recent action to create an ambush-style election process, the NLRB has taken the side of a former special interest attorney over the will of the American working people. The rogue majority of the NLRB wants to set conditions that stifle job creation and expansion. Job creators are terrified of the NLRB's actions to create an ambush-style election process that will prevent employees from making an informed decision. And more stunningly, they reversed 30 years of precedent through their Specialty Healthcare decision, which would allow unions to carve up a worksite however they use.

America's job creators and workforce deserve fairness to ensure that union representation elections, like elections for our political leadership, are done in a just manner that allows all participants to make an informed decision on their representation status.

The Workforce Democracy and Fairness Act will ensure that employees and employers will have a level playing field at the NLRB and its special interest allies are determined to tilt.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Chairman, for years the American Dream has been

based on a basic deal: If you go to work every day and work as hard as you can, you will make a decent wage. If you get sick and have to go to the hospital, you'll have health benefits that mean that you won't lose everything you have because you got sick. At the end of the 40th hour of the week, your time belongs to you and your family, not to your boss, unless your boss is willing to pay you time and a half. And you don't have to work until the day you die because you can earn a decent pension and spend the golden moments and days of your life taking care of your grandchildren and your family. That's the deal.

None of that existed for most Americans before collective bargaining existed. America has a middle class because America has collective bargaining.

This bill is not about the number of days before an election or the size of a bargaining unit. This bill raises the issue of whether you truly believe in collective bargaining. And what this bill does is say to the minority of employers in America—and I think they are the minority by far—who would choose to subvert an election process, who would choose to intimidate and coerce their workers into voting against the union, this bill gives them a roadmap of exactly how to do that. It is a subversion of the American middle class because it's a subversion of collective bargaining.

Our grandfathers and grandmothers stood on picket lines to fight for collective bargaining. The people of Ohio stood on election day to fight for collective bargaining. Colleagues, let us together stand today against this legislation and for collective bargaining and the American middle class.

Mr. KLINE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the chairman for yielding.

Mr. Chairman, I rise today in support of H.R. 3094, the Workforce Democracy and Fairness Act, a bill I proudly sponsor.

As a Representative from Alabama, a right-to-work State, the continued activist agenda of the National Labor Relations Board is alarming.

□ 1450

Its proposed rules to alter longstanding Federal labor practices and policies are a clear example that the White House and the NLRB are committed to a culture of union favoritism. The NLRB's proposals undermine the rights of employers and employees by empowering unions to manipulate the workforce for their own gain.

The Workforce Democracy and Fairness Act is one of many bills put forward by my Republican colleagues that will prevent the NLRB from imposing

sweeping changes to our Nation's workplaces. Additionally, and most importantly, this bill restores key labor protections that both workers and employers have enjoyed for decades.

I want to say that again: This bill restores key labor protections that both workers and employers have already enjoyed for decades. Congress has the responsibility to ensure that the NLRB's labor interests are not undermining an employer's efforts to create jobs and grow their businesses.

At a time when approximately 14 million Americans are unemployed and searching for work, not to mention the millions that have given up, Congress must implement policies that encourage new jobs, not hinder them. This legislation will rein in the activist NLRB and reaffirm protections workers and job creators have received for decades.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a ranking subcommittee member of the committee.

Ms. WOOLSEY. Mr. Chairman, H.R. 3094, the so-called Workforce Democracy and Protection Act, what a great title for legislation that assaults the majority's year-long war against unions, against workers, and the National Labor Relations Board. This is just the latest of that. And they gave it this wonderful title.

And since they took control of this body in January, my colleagues on the other side of the aisle have been doing everything in their power to stack the deck against labor unions and those who aspire to join them. Seemingly, the bills that they bring to the floor are designed to make life easier for the corporate special interests and, as usual, harder on workers who just want a fair shake.

Curious, since the labor movement is the most powerful force for economic security and upward mobility that we have in this country, and unions are the reason there is a strong middle class in the United States of America, that they would want to attack it. We need to remove obstacles to union elections, and we need to create ways for members to join unions, not prevent them from being union members.

It's baffling to me that my Republican friends have absolutely no plans to create any kind of jobs, but a carefully orchestrated plan to undermine the rights and protections of working people. Instead of helping people who are reeling from this sluggish economy, they work to create distractions and to create scapegoats.

Mr. Chairman, workers deserve better than a government of, by, and for the wealthiest 1 percent.

Vote "no" on H.R. 3094.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL OR-
GANIZATIONS,

Washington DC, November 18, 2011.

Hon. JOHN P. KLINE

Chairman, House Education and the Workforce,
Washington, DC.

Hon. GEORGE MILLER

Ranking Minority Member, House Education
and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any "relevant and material" issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form

a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership, Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,

Director, Government Affairs Dept.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 1 minute to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. I thank the chairman for yielding.

Mr. Chairman, I rise today to pose an important question to Nevadans. How would you feel about having only 10 days' notice that an election would be held? That would give you only 10 days to research the candidates and find out where they stand on the issues, 10 days to decide who best represents you, your voice, your values.

And to my distinguished colleagues in this body, how do you think your constituents would react if we changed the law so that they had only 10 days' notice that an election would be held?

It would be unconscionable for Congress to abdicate its responsibility and allow a board of unelected bureaucrats to do something that this body would never do itself. That's the debate today, whether or not Congress allows the National Labor Relations Board to radically change the way union elections are governed, with little to no input from those most affected by this decision.

I urge my colleagues to vote for the Workforce Democracy and Fairness Act to prevent the National Labor Relations Board from doing something we would not do ourselves.

Mr. GEORGE MILLER of California. I yield 2¼ minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Chairman, H.R. 3094, the Workforce Democracy and Fairness Act, really, as you know, should be called the Election Prevention Act.

I'm gravely concerned about today's legislative proposal. Current law recognizes that workers should be able to associate with other units into any appropriate bargaining unit. This bill creates a presumption that all workers should be in a bargaining unit unless it is proven otherwise. That's just the reverse of the way law should be.

It allows employers to stuff the ballot boxes with workers who are not engaged in the organizing drive in the first place, therefore likely to vote "no."

It also increases the chances that workers' petition for an election will be rejected, which would cancel elections because they do not obtain the 30 percent signatures from this vast bargaining unit, all ways to try to thwart the election.

The NLRB has proposed rules which would eliminate loopholes in current law that allow unscrupulous employers to delay elections, frustrating workers' efforts to organize. This bill would essentially impose arbitrary delays and block those pending NLRB rules to eliminate avoidable delays.

The fact of the matter is that that bill encourages frivolous litigation. The original bill provided employers with an unqualified right to consistently raise a new issue at any point during the pre-election hearing in order to drag out the hearing. This would include any issue that may reasonably be expected to impact the election's outcome.

This bill does not limit these problems, but states that these issues, even when immaterial to an election, are considered relevant. Based on this fact, a hearing could therefore go on indefinitely, and that's what the purpose of this is.

Furthermore, parties could bring up issues such as economic conditions, or unfair labor practices, or other items not normally considered in pre-election hearings. Additionally, this bill seems to require that the board must finish a request for review before an election can be directed. This will encourage employers to file requests for review, even frivolous ones, to create a backlog at the board and further delay elections.

The current election process needs to be fixed. Employers easily delay and prolong elections giving themselves a unfair advantage to our American workers.

The fact that we are even discussing the "Workforce Democracy and Fairness Act" is a mockery. There are millions of unemployed workers across the nation and yet we are here to limit the rights of those who are employed. We should be here passing the American Jobs Act to help the unemployed.

A recent survey, conducted by the National Employment Law Project, NELP, of four of the top job search websites—CareerBuilder.com, Indeed.com, Monster.com, and Craigslist.com—found over 150 job advertisements that specified applicants must be currently employed. That is simply unacceptable.

However, the provisions in the American Jobs Act will prevent qualified Americans, who are unemployed through no fault of their own, from being unfairly screened from employment opportunities.

For over 300 days in the House majority, the GOP has refused to put forward a clear jobs plan. Now is the time to help our workers and not harm them.

Again, I would like to reiterate my strong opposition to H.R. 3094 and I request my Congressional colleagues to do as well.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, MD, November 28, 2011.
Re. H.R. 3094 Workforce Democracy and
Fairness Act.

DEAR REPRESENTATIVE, On behalf of the International Association of Machinists and Aerospace Workers, I strongly urge you to vote "NO" to the "Workforce Democracy

and Fairness Act" H.R. 3094. This anti-worker legislation should be called the "Election Prevention Act" because it would give unscrupulous employers more opportunities to thwart workers' efforts to organize and also add more delays to an already broken National Labor Relations Board ("NLRB") election process.

This bill was introduced in direct response to the NLRB's proposed rule to minimize undue delay in union elections. Instead of minimizing delay, H.R. 3094 mandates it. For example, no election may occur sooner than 35 days after filing of an election petition. However, there is no limit on how long an election may be delayed as a result of employer claims, challenges and litigation. Delay gives employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of employers to force workers to listen to their antiunion propaganda, under the threat of discharge if they try to object.

H.R. 3094 also manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making.

In sum, H.R. 3094 would delay and ultimately prevent union representation elections, encourages frivolous litigation, and manipulates the procedure for deciding who is a bargaining unit. For the above reasons, I ask that you oppose this latest attack on workers' rights by voting "NO" to the "Election Prevention Act."

If you have any questions, please contact Matthew McKinnon, Legislative Director.

Sincerely,

R. THOMAS BUFFENBARGER,
International President.

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT, AMERICAN
FEDERATION OF LABOR-CONGRESS
OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, November 28, 2011.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the approximately 2 million skilled craft professionals who comprise the Building and Construction Trades Department, AFL-CIO, I write to urge you to vote against H.R. 3094, the Workforce Committee Democracy and Fairness Act.

This bill represents an unfair attack on workers and the mechanisms in place that protect their ability to freely choose to form a union. H.R. 3094 amends the National Labor Relations Act (NLRA) to allow for obstructive delays in the scheduling of a union election. This bill would mandate that workers wait at least 35 days before voting on joining a union once petitions have been filed seeking the vote. Not only would this flawed legislation call for delays, but H.R. 3094 would also empower employers to engage in anti union campaigns to discourage workers from making an unconstrained decision on whether to form a union.

Further, H.R. 3094 undermines the ability of the National Labor Relations Board to protect workers who are fired, threatened or otherwise harassed because they want to exercise their federal statutory right to form a union.

This troubling and misguided attack on workers' rights must be stopped.

With kind personal regards, I am,

Sincerely,

MARK H. AYERS,
President.

SERVICE EMPLOYEES
INTERNATIONAL UNION,

Washington, DC, November 18, 2011.

DEAR REPRESENTATIVE: On behalf of more than 2.1 million members of the Service Employee International Union (SEIU), I strongly oppose H.R. 3094, the Workforce Democracy and Fairness Act, and urge you to vote against this bill when it comes to the House floor for a vote.

H.R. 3094 is yet another attack on workers' rights and the NLRB's mandate to protect them. We encourage you not to force American workers to choose between their rights and their jobs. During these tough economic times, it is vital to support good-paying jobs and protect workers' rights to bargain collectively for better compensation. Good-paying jobs are necessary to rebuild the middle class and they support job creation by bolstering consumer demand.

H.R. 3094 undermines workers' rights by limiting the NLRB's ability to serve as an adjudicator of workforce fairness and democracy by increasing litigation and representation delays indefinitely; undermining a union's ability to communicate with workers; and removing employees' right to determine their bargaining unit. In a time when 54 percent of employers threaten workers during work time about union membership, it is vital that unions have fair access to communicate with employees about their rights.

If passed, H.R. 3094 will disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units and allowing employers to manipulate the pool of eligible voters for the representation election.

Employers have the ability to drag the election process out at least over six months. H.R. 3094 would allow the elections to be delayed even further by first reversing the NLRB's proposed rule to efficiently serve and standardize election procedures and secondly by allowing virtually any issue, including frivolous appeals, to be litigated in representation case proceedings prior to the election. During this delay, many employers hold captive audience meetings and threaten workers to prevent them from exercising their democratic right to representation in the workplace. Finally, H.R. 3094 would overturn 50 years of NLRB procedure regarding the list of eligible voters provided to the union and making it difficult for unions to communicate with workers.

SEIU strongly opposes H.R. 3094 and urges you to vote NO when this bill comes to a vote. It not only overturns the NLRB's recent proposed rules but sets American workers' rights back decades.

Votes on this legislation will be added to the SEIU Congressional Scorecard found at www.seiu.org. If you have any questions, contact Josh Nassar, Assistant Director of Legislation.

Sincerely,

MARY KAY HENRY,
International President.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another distinguished member of the committee, the gentleman from Florida (Mr. Ross).

Mr. ROSS of Florida. Thank you, Mr. Chairman, for the recognition and also for bringing forth this most necessary legislation.

I rise in support of H.R. 3094. Quite simply put, the National Labor Relations Board has lost all credibility.

From its anti-American attack on Boeing to its inability to allow Delta employees to choose their own labor future, the NLRB has become nothing more than a taxpayer-funded Big Labor advocate.

The Workforce Democracy and Fairness Act is just what it says it is, legislation that, if passed, will enshrine in law the rights of the American worker to both information and choice, two things my friends on the other side of the aisle believe in as well.

What is truly sad, Mr. Chairman, is that taxpayers, already living under the burden of exploding debt and record unemployment, are paying the salaries of NLRB attorneys and administrators to stifle employment and to ship jobs overseas. The proposed NLRB rule remedied by this legislation requiring elections be held in as little as 10 days gives workers virtually no opportunity to inform themselves about their rights.

□ 1500

To show just how radical this NLRB has become, we must ask ourselves, when in the history of this great Republic has shortening the time for an election been considered more fair? We hear Members from the other side of the aisle say that even requiring some to show identification to vote is unfair and restrictive. But drastically cutting short the time for an election is more fair?

As if that was not radical enough, the NLRB's decision on micro-unions overturns 30 years of successful precedent. For example, at retail stores, multiple labor unions could target unorganized different groups of workers. Sales persons, merchandise managers, department managers, stock clerks, and security guards could each form separate unions. This will put worker against worker, and employers will spend more time negotiating with unions than they do on focusing on their jobs and on their business.

The question we must ask is, what are they so afraid of? The answer is they're afraid of an American worker free to work hard and earn the fruits of that labor. They're afraid of the American worker given the right to choose their own future. I don't know about anyone else, but I trust the American worker to make the right decision. I don't trust the government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The right to organize is a fundamental right in a democratic society. In fact, workers' rights are human rights. This bill seeks to frustrate workers' rights to an election through attacking the National Labor Relations Board.

Today workers have to wait an average of 101 days to cast a ballot in an election, 101 days to wait for union rep-

resentation. How long should workers have to wait to be able to assert their fundamental rights in a democratic society if we really believe in democracy?

Some of us believe that when a majority of workers want to be able to have a union, they should be able to do so forthwith.

We believe in government of the people. Why then would corporations want to block or frustrate the right of workers to be able to organize? I think it's pretty obvious. When workers are organized, they have the ability to participate in being able to say what their wages are worth. So this is about wages. It's about benefits. It's about workplace safety, about working conditions.

Workers rights are human rights. And this assault on the NLRB actually ends up being translated into a fundamental assault on our democracy. If we believe in a democracy, then we believe in a right to organize, a right to collective bargaining, a right to strike, a right to decent wages and benefits, a right to a secure retirement, a right for workers to participate in a political process.

This is America. Let's lift up the standard of workers—not attack it by making the day of their election and claiming a union farther and farther away almost to the point of nullification. Stand up for the American workers. Defeat this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Workforce Democracy and Fairness Act offered by Chairman KLINE, and I thank the chairman for his leadership on this issue.

For the past 3 years, we have seen a vast expansion in the size and scope of the Federal Government, which has resulted in a suffering economy and job market and an unfriendly business environment for job creation and investment.

A recent troubling example of this government overreach is the National Labor Relations Board's proposed rule-making that would alter the longstanding precedent of procedures that govern union elections. These new rules would do little more than empower Big Labor bosses by restricting employers from communicating with their employees during the process, preventing the employees from gaining access to critical information necessary to make informed decisions on their votes, and diminishing the fundamental rights of both employees and employers across the country.

This sort of government intervention in the workplace is an attack on our economic freedom and will only provide more uncertainty in our economy at a time when we are struggling to recover.

With far too many Fifth District Virginians and Americans out of work, we must put an end to the arbitrary rule-making of the unelected bureaucrats that comprise the NLRB. Instead, we must provide our job creators the opportunity to hire and grow without the uncertainty caused by unnecessary and burdensome government regulations. And we must preserve the protections and freedoms that American workers deserve, allowing them to participate in a full and fair election process.

I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and for his leadership on behalf of America's working families and for bringing the opposition to this legislation to the floor today.

Mr. Chairman and my colleagues, more than 75 years ago, President Franklin Roosevelt signed a bill which created the National Labor Relations Board and said he did so to give every worker "the freedom of choice and action which is justly his." Today we say which is justly his or hers. That was a very important moment for workers because it said that they could negotiate, they could bargain collectively, giving great leverage to workers in our country, and it was necessary.

The freedom of choice in action has rested at the core of a growing, thriving American workforce. It has created the American middle class that has made our country great and is the backbone of our democracy.

This legislation on the floor today undermines freedom of choice in action. It will weaken our middle class, and again weaken our democracy.

For months in Wisconsin, Ohio, and other States nationwide, Americans have seen Republican Governors and legislatures attack teachers, firefighters, police officers, and other public servants. We've seen American workers, union and non-union alike, fight back, inspiring the Nation.

My colleagues on the other side of the aisle have promoted many myths about their misguided legislation which they're bringing forward today and how it will impact the National Labor Relations Board. So I would like to clarify a few facts.

First, this bill mandates delay rather than minimizes it. It encourages frivolous litigation rather than discourages it. It convolutes and distorts elections rather than simplifying them.

Simply put, this legislation would deny workers their right to a free and fair election to form a union. It adds extensive delays to the process as workers organize with the clear intention of, as my colleague, Congressman GEORGE MILLER, the ranking member of the Education and Labor Committee

has said, wearing down workers so they give up fighting for a better deal. It's an age-old tactic. It must be rejected.

At a time when Americans are demanding jobs and job growth, economic growth for our country, today's legislation is the wrong priority. We need to be solving the problem and challenge of creating jobs, and not adding to the problems, as this bill would do.

There is a great deal of work to be done to reignite the American Dream. Igniting the American Dream is what Franklin Roosevelt did when he signed this bill and many other initiatives of that era. And they corrected many ills in our economy and our society in communities across the country in terms of fairness and American value.

So we want to reignite the American Dream, to build ladders of success for all who want to work hard and play by the rules, and remove obstacles to fuller participation in our economy so that many more workers can participate in America's prosperity.

□ 1510

This is about, again, strengthening the middle class, the backbone of our democracy. Yet this legislation will have the opposite effect of eroding rights and opportunity. I urge my colleagues to vote "no."

Mr. KLINE. Mr. Chairman, I submit for the RECORD this letter from the Coalition for a Democratic Workplace, with 243 associations and organizations in support of this legislation.

COALITION FOR A
DEMOCRATIC WORKPLACE,

November 29, 2011.

DEAR REPRESENTATIVE: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace urges you to support H.R. 3094, the Workforce Democracy and Fairness Act. Congress needs to immediately pass this much-needed legislation. The bill directly addresses recent and economically crippling actions of the National Labor Relations Board (Board or NLRB). Specifically, the bill would block the Board from moving forward with its ambush election proposal. If left unchecked, the proposal will effectively deny employees' access to critical information about unions and strip employers of free speech and due process rights. H.R. 3094 also would reverse the Board's recent decision in Specialty Healthcare, which poses an immediate and direct threat to our economy by opening the door to swarms of micro-unions.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called "Employee Free Choice Act" (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out at-

tack on job-creators and an effort to enact EFCA through administrative rulings and regulations.

While the Board's actions have gained recent notoriety from the unprecedented attempt by the agency's Acting General Counsel to mandate where and how one company—Boeing—can operate and expand its business, the Boeing case is just the tip of the iceberg. During the last few years, the Board and DOL have issued a barrage of anti-business and anti-worker decisions and rules, which collectively amount to the greatest upheaval in U.S. labor law in over 50 years. The Workforce Democracy and Fairness Act directly remedies ambush elections and micro-unions (Specialty Healthcare), which are two of the Board's most damaging and outrageous actions.

On June 21, the Board proposed a rule on "ambush elections." According to Board Member Brian Hayes, these new procedures could result in union representation elections held in as few as 10 days after the filing of a union petition. The NLRB's own statistics reveal that in 2010, the average time to election was 31 days, with over 95 percent of elections occurring within 56 days. The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which would not be possible under the proposed timetables. In fact, the reduced time frame would leave employers barely enough time to secure legal counsel, with little to no opportunity to talk with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these "ambush" elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union. Ambush elections would be particularly damaging to small businesses as the proposed changes would effectively eliminate any measure of due process by forcing elections before most employers could even understand what was happening or even obtain legal advice and representation.

The proposal also tramples over employer due process rights. As Member Hayes noted, the proposed rule will "substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility and election misconduct." The proposal would require that all pre-election hearings occur within seven days of the petition. Businesses must file a statement within those seven days setting forth their position on all relevant legal issues. Any issues not identified in the statement would be waived forever. These unnecessary time limits put enormous pressure on all businesses, but like the NLRB's ambush election proposal, the impact will be especially damaging to small business, who will have enough problems finding counsel within these time frames, let alone obtaining any meaningful understanding of their rights and obligations under this complex law.

In Specialty Healthcare, the NLRB paved the way for the formation of "micro-unions," which make it easier for unions to organize by permitting them to form smaller bargaining units that often exclude those

similarly situated employees who oppose unionization. This effectively disenfranchises them. Prior to the decision, bargaining units had to include employees who share a "community of interest." Smaller units were only permissible where the employees in the proposed unit had interests that were "sufficiently distinct from those of other employees to warrant the establishment of a separate unit." This prevented swarms of small, "fractured units," of similarly situated employees. As a result of the Board's decision, businesses now face the possibility of having to manage multiple, small units of similarly situated employees with increased chances of work stoppages, as well as potentially different pay scales, benefits, work rules and bargaining schedules. This will greatly limit an employer's ability to cross-train and meet customer and client demands via lean, flexible staffing because employees will no longer be able to perform work assigned to other units. Employees also will suffer from reduced job opportunities, as promotions and transfers will be hindered by organizational unit barriers.

Again, we urge you to support passage of H.R. 3094, the Workforce Democracy and Fairness Act. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

THE COALITION FOR A DEMOCRATIC
WORKPLACE

NATIONAL ORGANIZATIONS (118)

60 Plus Association;
Aeronautical Repair Station Association;
Agricultural Retailers Association;
AIADA, American International Automobile Dealers Association;
Alliance for Worker Freedom;
American Apparel & Footwear Association;
American Bakers Association;
American Concrete Pressure Pipe Association;
American Council of Engineering Companies;
American Feed Industry Association;
American Fire Sprinkler Association;
American Foundry Society;
American Frozen Food Institute;
American Health Care Association;
American Hospital Association;
American Hotel and Lodging Association;
American Meat Institute;
American Nursery & Landscape Association;
American Organization of Nurse Executives (AONE);
American Pipeline Contractors Association;
American Rental Association;
American Seniors Housing Association;
American Staffing Association;
American Supply Association;
American Trucking Associations;
American Wholesale Marketers Association;
Americans for Tax Reform;
AMT—The Association for Manufacturing Technology;
Asian American Hotel Owners Association;
Assisted Living Federation of America;
Associated Builders and Contractors, Inc.;
Associated Equipment Distributors;
Associated General Contractors of America;
Association of Equipment Manufacturers;
Automotive Aftermarket Industry Association;
Brick Industry Association;
Building Owners and Managers Association (BOMA) International;

Center for Individual Freedom;
 Center for the Defense of Free Enterprise
 Action Fund;
 Coalition of Franchisee Associations;
 College and University Professional Asso-
 ciation for Human Resources;
 Consumer Electronics Association;
 Custom Electronic Design & Installation
 Association;
 Environmental Industry Associations;
 Fashion Accessories Shippers Association;
 Food Marketing Institute;
 Forging Industry Association;
 Franchise Management Advisory Council
 (FRANMAC);
 Heating, Airconditioning & Refrigeration
 Distributors International (HARDI);
 HR Policy Association;
 IEC National;
 INDA, Association of the Nonwoven Fab-
 rics Industry;
 Independent Women's Voice;
 Industrial Fasteners Institute;
 International Association of Refrigerated
 Warehouses;
 International Council of Shopping Centers;
 International Foodservice Distributors As-
 sociation;
 International Franchise Association;
 International Sign Association;
 International Warehouse Logistics Asso-
 ciation;
 Kitchen Cabinet Manufacturers Associa-
 tion;
 LeadingAge;
 Metals Service Center Institute;
 Motor & Equipment Manufacturers Asso-
 ciation;
 NAHAD—The Association for Hose and Ac-
 cessories Distribution;
 National Apartment Association;
 National Armored Car Association;
 National Association of Chemical Distribu-
 tors;
 National Association of Convenience
 Stores;
 National Association of Electrical Dis-
 tributors;
 National Association of Home Builders;
 National Association of Manufacturers;
 National Association of Wholesaler-Dis-
 tributors;
 National Club Association;
 National Council of Chain Restaurants;
 National Council of Farmer Cooperatives;
 National Council of Investigators and Se-
 curity Services (NCISS);
 National Council of Textile Organizations
 (NCTO);
 National Federation of Independent Busi-
 ness;
 National Franchise Association;
 National Grocers Association;
 National Mining Association;
 National Multi Housing Council;
 National Pest Management Association;
 National Precast Concrete Association;
 National Ready Mixed Concrete Associa-
 tion;
 National Restaurant Association;
 National Retail Federation;
 National Roofing Contractors Association;
 National School Transportation Associa-
 tion;
 National Small Business Association;
 National Solid Wastes Management Asso-
 ciation;
 National Systems Contractors Association;
 National Tank Truck Carriers;
 National Tooling and Machining Associa-
 tion;
 National Utility Contractors Association;
 NATSO, Representing America's Travel
 Plazas and Truckstops;

North American Die Casting Association;
 North American Equipment Dealers Asso-
 ciation;
 Petroleum Marketers Association of Amer-
 ica;
 Precision Machined Products Association;
 Precision Metalforming Association;
 Printing Industries of America;
 Professional Beauty Association;
 Retail Industry Leaders Association;
 Snack Food Association;
 Society for Human Resource Management;
 Society of American Florists;
 SPI: The Plastics Industry Trade Associa-
 tion;
 Steel Manufacturers Association;
 Textile Care Allied Trades Association;
 Textile Rental Services Association;
 The Real Estate Roundtable;
 Truck Renting and Leasing Association;
 U.S. Chamber of Commerce;
 United Fresh Produce Association;
 United Motorcoach Association;
 Western Growers Association.

STATE AND LOCAL ORGANIZATIONS (125)

A & K Earthmovers, Inc.;
 American Society of Employers (Michi-
 gan);
 Arkansas State Chamber of Commerce/As-
 sociated Industries of Arkansas;
 Associated Builders and Contractors, Inc.
 California Chapter;
 Associated Builders and Contractors, Inc.
 Central Florida Chapter;
 Associated Builders and Contractors, Inc.
 Central Pennsylvania Chapter;
 Associated Builders and Contractors, Inc.
 Chesapeake Shores Chapter;
 Associated Builders and Contractors, Inc.
 Delaware Chapter;
 Associated Builders and Contractors, Inc.
 Eastern Pennsylvania Chapter;
 Associated Builders and Contractors, Inc.
 Florida East Coast Chapter;
 Associated Builders and Contractors, Inc.
 Florida Gulf Coast Chapter;
 Associated Builders and Contractors, Inc.
 Hawaii Chapter;
 Associated Builders and Contractors, Inc.
 Heart of America Chapter;
 Associated Builders and Contractors, Inc.
 Indiana Chapter;
 Associated Builders and Contractors, Inc.
 Inland Pacific Chapter;
 Associated Builders and Contractors, Inc.
 Iowa Chapter;
 Associated Builders and Contractors, Inc.
 Keystone Chapter;
 Associated Builders and Contractors, Inc.
 Massachusetts Chapter;
 Associated Builders and Contractors, Inc.
 Mississippi Chapter;
 Associated Builders and Contractors, Inc.
 Nevada Chapter;
 Associated Builders and Contractors, Inc.
 New Mexico Chapter;
 Associated Builders and Contractors, Inc.
 New Orleans/Bayou Chapter;
 Associated Builders and Contractors, Inc.
 Ohio Valley Chapter;
 Associated Builders and Contractors, Inc.
 Oklahoma Chapter;
 Associated Builders and Contractors, Inc.
 Pacific Northwest Chapter;
 Associated Builders and Contractors, Inc.
 Rhode Island Chapter;
 Associated Builders and Contractors, Inc.
 Rocky Mountain Chapter;
 Associated Builders and Contractors, Inc.
 South East Texas Chapter;
 Associated Builders and Contractors, Inc.
 South Texas Chapter;
 Associated Builders and Contractors, Inc.
 Western Michigan Chapter;

Associated Builders and Contractors, Inc.
 Western Washington Chapter;
 Associated Industries of Massachusetts;
 Builders Association of Northern Nevada;
 CA/NV/AZ Automotive Wholesalers Asso-
 ciation (CAWA);
 CAI—Capital Associated Industries Inc. (Ra-
 leigh, NC);
 California Delivery Association;
 Carson City Chamber of Commerce, Carson
 City, NV;
 CenTex Chapter IEC;
 Central Alabama Chapter IEC;
 Central Indiana IEC;
 Central Missouri IEC;
 Central Ohio AEC/IEC;
 Central Pennsylvania Chapter IEC;
 Central Washington IEC;
 Centre County IEC;
 Charleston Metro Chamber of Commerce;
 Eastern Washington IEC;
 El Paso Chapter IEC, Inc.;
 Employers Coalition of North Carolina
 (Raleigh, NC);
 Fairfax County Chamber of Commerce;
 Greater Bakersfield Chamber of Com-
 merce;
 Greater Columbia Chamber of Commerce;
 Greater Montana IEC;
 IEC Atlanta;
 IEC Chesapeake;
 IEC Dakotas, Inc.;
 IEC Dallas Chapter;
 IEC Florida West Coast;
 IEC Fort Worth/Tarrant County;
 IEC Georgia;
 IEC Greater St. Louis;
 IEC Hampton Roads Chapter;
 IEC NCAEC;
 IEC New England;
 IEC of Arkansas;
 IEC of East Texas;
 IEC of Greater Cincinnati;
 IEC of Idaho;
 IEC of Illinois;
 IEC of Kansas City;
 IEC of Northwest Pennsylvania;
 IEC of Oregon;
 IEC of Southeast Missouri;
 IEC of Texoma;
 IEC of the Bluegrass;
 IEC of the Texas Panhandle;
 IEC of Utah;
 IEC Southern Colorado Chapter;
 IEC Southern Indiana Chapter-Evansville;
 IEC Texas Gulf Coast Chapter;
 IEC Western Reserve Chapter;
 IECA Kentucky & S. Indiana;
 IECA of Arizona;
 IECA of Nashville;
 IECA of Southern California, Inc.;
 IEC-OKC, Inc.;
 Iowa-Nebraska Equipment Dealers Asso-
 ciation;
 Little Rock Regional Chamber of Com-
 merce;
 Lubbock Chapter IEC, Inc.;
 Manufacturer and Business Association;
 MEC IEC of Dayton;
 Mid-Oregon Chapter IEC;
 Mid-South Chapter IEC;
 Midwest IEC;
 Minnesota Grocer Association;
 Montana IEC;
 NAIOF Colorado;
 Nebraska Chamber of Commerce & Indus-
 try;
 New Jersey Food Council;
 New Jersey IEC;
 New Jersey Motor Truck Association;
 North Carolina Chamber;
 Northern New Mexico IEC;
 Northern Ohio ECA;
 NW Washington IEC;

Ohio Manufacturers' Association;
 Plumbing-Heating-Cooling Contractors Association of California (CAPHCC);
 Portland Cement Association;
 Puget Sound Washington Chapter;
 Rio Grande Valley IEC, Inc.;
 Rocky Mountain Chapter IEC;
 Rogers-Lowell Chamber of Commerce (Arkansas);
 San Antonio Chapter IEC, Inc.;
 South Carolina Trucking Association;
 Southern New Mexico IEC;
 State Chamber of Oklahoma;
 Texas Hospital Association;
 Texas State IEC;
 Tri State IEC;
 Virginia Manufacturers Association;
 Virginia Trucking Association;
 Western Carolina Industries;
 Western Colorado IEC;
 Western Electrical Contractors Association;
 Wichita Chapter IEC.

I am now pleased to yield 2 minutes to another member of the committee, the distinguished gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in strong support of the Workforce Democracy and Fairness Act.

In the last few years, the National Labor Relations Board has had a clear bias toward Big Labor in decisions and rulemaking. Although this bill addresses several onerous rules and decisions from the NLRB, I would like to focus on one in particular.

On August 26 of this year, the Board overturned decades—let me repeat—decades of precedent with its decision in the Specialty Healthcare case. By standing up today and voting for the bill before us, we can stop an out-of-control agency from causing irreparable harm to industries across the Nation. The Board has decided it will no longer determine if the interests of a bargaining unit are sufficiently different from other current units. This will encourage unions to create the smallest so-called “micro-unions” possible, and it could result in employers having to negotiate with multiple units within their own businesses. This undermines a worker's ability to make an informed choice about whether to join a union, and it may potentially fractionate the workplace.

H.R. 3094 reinstates the traditional standard for determining which employees make up an appropriate bargaining unit. This bill is about fairness for workers and employers. It returns the Board to the precedent that it has operated under for the last 20 to 30 years under both Republican and Democratic administrations. Returning to this precedent will provide certainty and clarity to workers and employers, and it will undo the biased behavior of the current Board.

I support this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman for yielding.

Mr. Chairman, today the majority is showing the American public again that the majority doesn't think we have a jobs crisis in America. Getting Americans back to work is not their top priority. Getting the American economy back on track and creating jobs is my first, second, and third priority. Until the majority gets to work, we're not going to move this country forward.

Democrats remain committed to creating jobs immediately and to expanding educational opportunity for all Americans. Rather than bringing to the floor legislation to help create jobs, we're wasting time with this attempt to undermine workers' rights—the right to organize, to have safe working conditions, fair wages.

On Monday night, I had a town hall. Not one person—not one—wanted to talk with me about the NLRB or its rulemaking; but many wanted to talk about job creation and wanted to make sure we were investing in our children's education. I offered an amendment to this bill to help keep teachers in the children's classrooms. I offered a real solution to a real problem, not a special interest giveaway to big business. Unfortunately, the majority blocked my amendment on procedural grounds.

Now, across the country, budget cuts and teacher layoffs have forced schools to reduce the days of the school year, to cut classes in literacy or arts or music or physical education, to increase class sizes, or to reduce library hours. My amendment would have invested in our workforce and our educational system. My amendment would have supported nearly 400,000 education jobs, enough for States to avoid the harmful layoffs and to rehire tens of thousands of teachers who lost their jobs over recent years.

Tom, a student from East Brunswick, wrote me recently. “Teacher layoffs in the eyes of this student is a bad thing,” he said. “This past year, I had many oversized classes.”

Our children don't get a second chance to succeed in school. Our future economic growth depends on a well-educated and innovative workforce. That's what we should be dealing with today. My amendment would have supported our children. This flawed bill ignores those pleas for help.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 4 minutes to another distinguished member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank Chairman KLINE not only for yielding but also for his leadership on this and on so many other issues on the Education and the Workforce Committee.

Mr. Chairman, when so many of our fellow citizens are looking for work,

when so many of our fellow citizens want nothing more than to be able to meet their familial obligations and their obligations to the community, when so many of our fellow Americans want nothing more than the most fundamental of all family values, which is a job, and when they look and they see that America is increasingly competing with other countries for work, it is no longer just competition among the States. We are competing with other countries for work.

The NLRB continues to pursue an activist, politically motivated agenda, thwarting economic recovery and continuing to place our companies at a competitive disadvantage worldwide.

Mr. Chairman, virtually everyone is familiar with the most glaring example of NLRB overreach and union pandering, which is the complaint against Boeing. Despite not a single example of a job being lost in Washington State, despite not a single example of a worker losing a single benefit or right in Washington State, the NLRB sued Boeing, seeking to have Boeing close its South Carolina facility, mothballing a \$1 billion facility, displacing 1,000 workers and returning the work to Washington State.

Then they had the unmitigated temerity, as we recently learned, to joke about it in emails, to joke about a competitor called Airbus, which is Boeing's number one competitor. Wanting work and not getting it is not a laughing matter. Boeing is exhibit A among the evidentiary reasons that the NLRB has overreached its statutory mission, but it is not the only piece of evidence, Mr. Chairman. Currently, union elections take place, on average, within 31 days of the filing of an election petition. Additionally, unions are victorious more often than not when there is an election.

But that's not good enough. The NLRB wants more.

So they proposed sweeping changes to the election process, shifting the balance of power even further towards unions seeking employees by promoting rush elections and ruling that elections can take place in as little as 7 to 10 days. The Board severely limits the opportunities for workers to hear all sides of an issue and make an informed decision. Additionally, employers would only have 7 days to retain legal counsel and decipher the complex labyrinth of Federal labor law before presenting their cases before an NLRB hearing officer.

So Education and the Workforce Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to simply level the playing field. This legislation requires that no union election occur in less than 35 days, thus granting all parties the ability to present their arguments and ensuring workers have the ability to reach an informed decision.

H.R. 3094 acknowledges that full and complete information is treasured when employees are contemplating how they will vote.

Ironically, some unions have already endorsed President Obama in an election that is well nigh a year off; but somehow 31 days is too long for employers in an election that's every bit as important to them. The hypocrisy and blind advocacy has to stop.

The purpose of the NLRA is to balance the rights of employers, employees, and the general public. The NLRA is not calculated to drive up union membership, because they're a loyal constituency for the Democrat Party. Because the NLRB through its filings and proposed rules and regulations has lost all pretense of objectivity in labor issues, fair, even-handed pieces of legislation, such as this one, are necessary.

□ 1520

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this legislation will delay workers' attempts to unionize and will deny Americans their fundamental right to bargain collectively.

In the next 3 weeks, we have jobs legislation to consider, middle class tax cuts and unemployment benefits to extend, a 2012 budget to pass. The Labor, Health and Human Services, Education Appropriations Subcommittee has not even seen a bill yet; and yet just as they have all year long, the majority has chosen to waste precious time—time that we should be spending on the people's business—to continue their misguided war against workers' rights.

Once again, the majority has put forward a bill that has no other purpose than to roll back hard-won gains by American workers and erode the right of collective bargaining in this country. The legislation before us attempts to deny the right to form a union by imposing excessive delays on the process, stifling the flow of information to workers, and looking the other way while workers' rights are being violated.

How long is this majority going to persist in this wrong-headed crusade against hardworking American men and women, the same hardworking men and women who built the middle class of this Nation? Last month the CBO found that wages have stagnated in this country and median income has fallen in recent times, even as the income of the top 1 percent has tripled. It is no coincidence that this has happened while union membership has decreased. But the majority persists in trying to squeeze middle class workers and accelerate this race to the bottom.

This is not the American way, and it is not what the American people want. In Ohio last month, they rejected yet another Republican attempt to evis-

cerate the right to collective bargaining. It is time to stop these attacks on basic American rights. It's time to roll up our sleeves and get to work on creating jobs, reducing the deficit, and restoring economic growth to this Nation.

Say "no" to this legislation.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another member of the committee, the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman yielding.

Mr. Chairman, I cosponsored and rise today in support of H.R. 3094 because it aims to restore key protections to the American workplace, protections for both workers and their employers from overreach by the National Labor Relations Board.

This important legislation intends to protect job growth by deterring harmful NLRB regulations. The NLRB's recent notice of proposed rulemaking would significantly alter NLRB union election procedures, thus undermining the rights of employers and employees alike. The proposed rules will unacceptably shorten the time between the filing of a petition and the election date, which will limit the opportunity for a full hearing of contested issues, including the appropriate bargaining unit, voter eligibility and election misconduct.

I share the concerns of my constituents regarding the shortened timeframe for union elections and the potential it may have on an employer's ability to communicate with his or her own employees regarding unionization. H.R. 3094 aims to ensure that employers and employees are able to participate in a fair union election process by providing 14 days for employers to prepare their case to present before the NLRB, providing employees with at least 35 days to deliberate over the pros and cons of unionizing prior to voting on this issue, discouraging the so-called practice of "ambush elections," and guaranteeing the right of employers to discuss the pros and cons.

This legislation is not about whether employees should have the right to unionize. As a former Teamster member who worked his way through college, I certainly strongly support that right. This legislation is about giving employees a fair and deliberate opportunity to make that decision, one of the most important decisions they'll make in their life, because it deals with their livelihood.

Outside of family matters and health concerns, deciding where you work and in what type of environment you work is going to be probably more important than anything else you do related to your career. What this legislation says is we think employees should have a fair opportunity to make that decision.

I support this legislation and urge a "yes" vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the Workforce Democracy and Fairness Act.

This bill would severely undermine workers' rights to organize and, if implemented, will eventually silence and end unions as we know them.

Congressman GEORGE MILLER was correct in referring to this bill as the Election Prevention Act. H.R. 3094 would require the National Labor Relations Board to hear useless and trivial appeals from companies in order to stop elections. This is an outright assault on middle class workers and the families they support.

The middle class is in decline. A CBO report found that between 1979 and 2007, the top 1 percent of earners experienced income growth of 275 percent. That's the top 1 percent, while the middle-income earners saw only 40 percent in growth over the same period. Statistics like these are startling and paint a distinct picture of this country as one that is quickly evolving into a two-tiered society with no room at the top at all for the middle class.

The Workforce Democracy and Fairness Act is nothing more than an outright assault on the middle class. If this misguided and dangerous legislation is passed, you will see an even more rapid decline of the middle class in our country. I urge all Members of the House to rebuke this misguided legislation and instead focus on policies that will encourage and facilitate job growth.

Mr. KLINE. Mr. Chairman, may I ask how much time remains.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 9¾ minutes remaining.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this misnamed bill, which would promote neither democracy nor fairness in the workplace. Now, I have just been on this floor a few minutes, but it is ironic that I have heard speaker after speaker in favor of this bill but who vote consistently against working men and women's right to organize and bargain collectively.

Ironic, perhaps, the right of workers to organize and bargain collectively for better and fairer conditions has been protected by our laws since the era of the New Deal, which was opposed by so many.

This legislation is part of an agenda, frankly, that the Republican Party continues to pursue, which no economist believes creates jobs in the coming year. This bill before us won't do

anything to help the economy or create jobs, period; and it places obstacles in front of workers seeking to exercise their right to organize.

I want to point out to my friends that interestingly enough, in terms of trying to protect elections, there's all about you can't have an election before, but there's nothing in this legislation you have to have an election by. That would perhaps be more credible, if it said not sooner than this, but not later than this.

That would show that you really wanted to pursue elections for working men and women so they could organize and bargain collectively for pay and benefits and working conditions.

□ 1530

But it doesn't say that. It says you simply can't have it before. It never says you have to have it. It never says you can't delay it by suit after suit after suit. It never says you've got to get to issue. It never says you've got to give the employees the right by a certain date.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. HOYER. This bill before us won't do anything to help the economy or create jobs, as I said. I continue to have the strongest faith in the American worker, that they are the most talented and most productive in the world. We should not be rolling back their protections. Instead, we should focus on helping to get more Americans back to work.

And as for the NLRB, the real trauma is it is now a pro-worker and employer NLRB, as opposed to simply a pro-employer NLRB. That's the problem you have.

The courts ought to ensure equal treatment. The NLRB ought to ensure equal treatment. It has not been doing that for some period of time; and now, in my view, it is. God bless them. That's what they should do.

Employers and employees ought to get a fair shake and a fair election, and I agree with that premise. Timing is obviously of concern to both parties. I would hope we would defeat this bill, and then if we want to talk about assuring elections, let us do so to protect democracy and protect workers.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

I come before you as an ironworker for 18 years before coming to Congress. I actually practiced before the National Labor Relations Board, and I've actually represented a number of

unions in election proceedings, and I wish I could point out every inaccuracy offered by my colleagues on the other side of the aisle, but I only have 1 minute.

Let me start off by saying that I've heard time and time again by my colleagues that the NLRB is an advocate for unionism; it's an advocate for Big Labor; it's nothing more than overreaching and trying to create unions. For those who believe that, I ask you to look at the American workforce. What percentage, since the NLRB is creating all of these unions and is overreaching, what percentage of the American workforce is working under a union agreement right now? The answer is 11 percent.

So if those guys are in the tank, the NLRB is in the tank for creating unions, they're batting about 110. They're doing a lousy job. I've heard a lot about 31 days for an average election. That's where the union and the employer agree; it's 31 days. If the union and the company don't agree, it's over 100 days.

I urge my colleagues to vote against this bill. This is an attack on the middle class in America. We need to put people to work instead.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Why aren't we talking about jobs today? We are here on the floor to talk about this bill, this so-called Workforce Democracy and Fairness Act. Not surprisingly, it is neither democratic nor fair. It is, in fact, a blatant attack on workers' rights, the latest in a long line of Republican assaults on workers. This time the right wing is attacking the very right to organize.

Labor unions helped create the middle class and build the American dream. They helped establish for all American workers much-needed protections and bargaining rights for wages and workforce conditions. This bill would undo that progress.

The anti-worker bill would also empower employers to engage in anti-union campaigns and weaken the NLRB and their ability to protect people from unfair treatment at work.

Just as voters in Wisconsin and Ohio stood together to stop the Republican assault on workers, today I stand here on the floor against yet another assault on working families. When will we get beyond yet another Republican sideshow and get back to talking about jobs?

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the so-called

Workforce Democracy and Fairness Act. The sponsor of this bill recently said it would remove an obstacle standing in the way of a stronger and more competitive workforce. I find that statement puzzling. This bill, if passed, would actually make the organization process even longer, less efficient, and more litigious. It would drag out union elections so that the deck is stacked even higher against American workers.

But the truth is unions have been at the forefront of workers' rights for over a century in the United States. They've been instrumental in achieving the 40-hour work week, the right to collectively bargain, safer workplaces, and the guarantee of compensation for injuries sustained on the job. They have created an entire generation of middle class Americans and helped build the most prosperous country in the world today. I think we'd all agree that unions have made the American workforce stronger.

So how can legislation that makes it harder to form unions strengthen the American workforce? If someone has an answer, I'd like to know. If not, then let's get back to the job of creating jobs for the American people, strengthening the economy, and creating more jobs for these people. I urge Members to vote "no" on this bill.

Mr. KLINE. I continue to reserve the balance of my time.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 3¾ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. This particular piece of legislation that undermines unions makes it more difficult to organize and generally frustrates American working men and women from organizing on the job takes place just a few weeks after the Republican majority was trying to take down the Clean Air Act and the EPA. When you look at the Republican job approach, their argument seems to be that workers and people who want to breathe are the problem with the American economy. People who want to drink clean water and breathe clean air and people who want to have some rights to the job, they're the reason why the American economy doesn't work. Well, that happens to be about 99 percent of us, Mr. Chairman.

I hope that as people are watching this debate on this floor today, that they're taking careful note of who is on the side of the American worker, who is on the side of Americans trying to breathe and to have clean air. And what in the world does getting rid of the Clean Air Act and gutting unions have to do with making American jobs?

The fact is the Republican majority is abandoning their responsibility to create jobs, and I hope the American worker is watching today.

TRANSPORTATION TRADES
DEPARTMENT, AFL-CIO,
Washington, DC, November 29, 2011.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to vote against the Workforce Democracy and Fairness Act (H.R. 3094) when it is considered by the House of Representatives this week. Despite its misleading title, this bill has nothing to do with "democracy" or "fairness" but instead is intended to interfere with a worker's basic right to freely decide whether or not to be represented by a union under the National Labor Relations Act (NLRA). Instead of wasting time on bills that would make it hard for workers to negotiate for fair wages and good jobs, Congress should focus on helping the 14 million Americans looking for work every day.

H.R. 3094 would complicate and delay the union election process. Specifically, the bill creates a mandatory waiting period of 35 days after the filing of an election petition, even if the employers and employees agree to an earlier date. This waiting period is designed to give unscrupulous employers time to mount aggressive campaigns to pressure workers into abandoning their organizing efforts. At the same time, the bill does nothing to limit how long an election can be delayed, leaving the door open for employer claims, challenges and litigation that could prevent fair elections from being held for months or years after a petition is filed. Moreover, this legislation encourages wasteful litigation by mandating a full pre-election hearing on any broadly defined "relevant and material" issues. The result would be to incentivize time-consuming pre-election hearings, and increase taxpayer costs.

This legislation would also make it more difficult for workers to choose to form a union and tip the scales further toward employers in the election process. Additionally, the bill would allow employers to effectively gerrymander the bargaining unit to artificially create a workforce that is more likely to reject union representation.

H.R. 3094 is nothing more than an attack on the right of America's workers to collectively bargain. At a time when unemployment remains high, and our economy continues to struggle, this legislation is an unfortunate distraction from what the American people need: job-creating legislation that invests in our nation's aging transportation system while helping our economy recover. Please vote against H.R. 3094 and stand up for America's workers.

Sincerely,

EDWARD WYTKIND,
President.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Washington, DC, November 28, 2011.

Hon. JOHN P. KLINE,
*Chairman, House Education and the Workforce,
Rayburn House Office Building, Washington, DC.*

Hon. GEORGE MILLER,
Ranking Minority Member, House Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations

Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any "relevant and material" issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership. Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

THE ELECTION PREVENTION ACT
FACTS ON THE REPUBLICANS' H.R. 3094
(Prepared by the House Committee on Education and the Workforce Democrats, November 2011)

While Americans across the country are rejecting the special interest attacks on work-

ers' rights and demanding action on jobs, Republicans in Washington are continuing their overreach against working families. Their latest effort to roll back workers' rights is H.R. 3094, which should be called the 'Election Prevention Act.' The bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections.

The Republican agenda's obsession with busting workers' unions comes at the expense of rebuilding the middle class and getting America back to work.

H.R. 3094 favors wealthy special interests at the expense of Americans' rights in the workplace.

These rights helped to create the American middle class in the last century. In recent decades, the erosion of these rights has helped to lower families' paychecks, decrease health and retirement security, and widen the gap between rich and poor.

A key to growing and strengthening our nation's middle class is empowering Americans to bargain for more of the wealth they create, not stripping them of rights.

The 'Election Prevention Act' denies workers' right to a free and fair election in three key ways:

The 'Election Prevention Act' bill mandates delay, rather than minimizing undue delay in elections. The bill's overarching concern is that workers' choice be postponed with mandatory and arbitrary waiting periods. For instance, no election may occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay gives unscrupulous employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

Rather than discouraging frivolous litigation, the Election Prevention Act encourages it. The bill incentivizes a mountain of litigation for the sole purpose of gumming up the election process and stalling any vote. This will create a massive backlog of cases, including frivolous ones, on the taxpayer's dime.

The 'Election Prevention Act' bill manipulates the procedure for deciding who is in a bargaining unit. Employers would get an edge in preventing an election from ever being triggered by gerrymandering elections through stuffing the ballot boxes with voters who were never engaged by the organizing drive. And, although employers already have the information, this bill would require that voter information be hidden from those supporting a union until right before the election.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 2¾ minutes.

Mr. GEORGE MILLER of California. If anybody thinks that this is just a technical change, let's understand what has gone on since the Republicans have taken control of the House. The first effort was they cut \$50 million out of the NLRB account. Then there was an amendment on this floor to try and zero out the money for the NLRB. Then they passed a rule that said that you could retaliate against workers and you could move work away from those workers. You could outsource it, and they enshrined the right to outsource work to retaliate against workers. And

now we have the effort to try and prevent elections from taking place. This is a systematic effort joined in by a number of States and the Republicans in this Congress to take away the rights of workers at the workplace in America, the basic rights that have built the middle class.

And while they've continued this campaign against the NLRB, thank God the NLRB has continued to work because we see today that a settlement has been reached in the Boeing case, and you don't get to retaliate against workers. The new 737 work will go to Washington; the 787 will continue to go to South Carolina. The NLRB worked that agreement out between employer and employee. And let's remember, Boeing is on the record they didn't support the legislation that was put on in behalf of their name. So that worked out.

And just a few minutes ago, the NLRB apparently voted on a compromise rule dealing with elections. And so that compromise rule hopefully will now become a permanent rule and that will go forward. That's what the NLRB does: It works out these arrangements between employers and employees over these issues about how the American workplace will be managed, but it does not strip away the basic rights of workers to choose to join a union. It does not allow you to retaliate against the union.

□ 1540

It does not allow you to delay elections to such a point that you finally beat the union into submission or people give up, they get dispirited and move away. It doesn't allow that. That's the basic labor law of this country.

So today the NLRB, working with employers and employees, has reaffirmed that principle. Today in this House, they continue the effort to try to strip workers of their rights. They continue the effort in light of the evidence that these things get worked out in the workplace. Yes, these are contentious. They're big issues. But we have a vehicle that's 75 years old that has worked well on behalf of this economy. Not only did it build the middle class in this country, it also built one of the largest economies. Why? Because we have the most productive workers in the history of the world industry after industry after industry, however you measure it.

Why aren't our steelworkers competitive with China? Because our plants are cost competitive on ton of steel, but when you manipulate the currency, our people can't win. But our workers continue to be there every day. And now, thank you to the work of the NLRB working out these arrangements, the NLRB will continue to be there every day for employers and employees to settle their differences.

Mr. KLINE. Mr. Chairman, I yield myself the balance of my time.

Let's clear up a few things today we've heard in this debate. It's very interesting. We clearly have a different view, there's no question about it.

We've heard repeatedly that this bill strips workers of their rights. Sometimes my colleagues confuse workers with Big Labor leaders. This bill in fact protects workers' rights—union workers' rights, nonunion workers' rights. The proposed regulations—which apparently are under modification, as we speak, from the NLRB—were in fact an attack on workers' rights, a demand that more personal information be provided union organizers whether or not the workers approved of that, and shrinking the amount of time that workers might have to make a decision on one of the most important aspects in their life to as little as 10 days. This bill protects workers' rights and makes sure they have time to make this important decision.

We've heard today that bargaining units would be gerrymandered by employers. In fact, this bill puts us back to the standards that have been in place for decades to make sure that workplaces aren't fractured and fragmented and you have worker against worker, worker against employer, making it harder for employers to run an effective business, making it harder for them to have confidence to hire Americans.

We've been told that we're wasting time today and that we ought to be having a jobs bill, which apparently means spending more borrowed money. We're already borrowing 42 cents on every dollar, Mr. Chairman, that we're spending now, and yet apparently you can't create a job in this country unless government does it with borrowed money. Well, we disagree.

We think, we believe that we have been moving legislation in this House which will in fact help American job creators put Americans back to work. One of the obstacles is confusion. It's uncertainty. It's worry about the regulatory climate and what is coming down the path.

The President of the United States has said this economy needs a jolt, Mr. Chairman. I disagree. It needs certainty. It needs predictability. Employers, employees, and consumers need confidence in the future. They don't need to be jerked.

The distinguished minority whip said the NLRB ought to be fair. He said employers and employees ought to get a fair election. I couldn't agree more. Employers and employees ought to have a fair shake. They ought to get a fair election. And that's what this bill does.

So the choice today is pretty simple. If you support an employer's right to speak to his or her employees during an organizing campaign, then support

the Workforce Democracy and Fairness Act. If you support a worker's right to make an informed decision in a union election, then support the Workforce Democracy and Fairness Act. If you support giving workers a say in the personal information, Mr. Chairman, available to union leaders, then support the Workforce Democracy and Fairness Act. And if you support reining in an activist NLRB and reaffirming Congress' responsibility to write the law, then support the Workforce Democracy and Fairness Act.

I urge my colleagues to stand by our workers and their employers by supporting this simple, commonsense legislation.

I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chair, I rise today in strong opposition to the so-called "Workforce Democracy and Fairness Act" (H.R. 3094).

The changes to union election procedures promoted in this bill are the exact opposite of the kind of fair and democratic policies that our working families need. Instead of focusing on job creation and the revitalization of our middle class, the Republicans in this chamber are once again promoting legislation that undermines the rights of American workers.

This proposed legislation would limit the ability of the National Labor Relations Board to interpret our nation's labor laws and to protect worker's right to unionize. For over 75 years, the National Labor Relations Act has guaranteed the rights of employees to organize and bargain collectively, or to refrain from such activity if they choose. During the New Deal, our predecessors in this body created the National Labor Relations Board as an independent agency charged with the oversight and enforcement of these rights. H.R. 3094, which overturns the rulings of the NLRB, undermines its charge to maintain fair and democratic relationships between unions and employers.

This legislation allows the problem of prolonged delays in union elections to continue unchecked by adding mandatory and arbitrary waiting periods. It seizes from workers the right to determine their own representative membership groups, which would allow unscrupulous businesses to suppress election drives and vote down union representation. It would also make it possible for irresponsible and frivolous litigation to endlessly delay the election process, effectively barring workers from their fundamental right to collective bargaining representation in the workplace.

Supporting and protecting America's workers is an essential part of rebuilding our economy and ensuring that all families and communities share in our nation's prosperity. Our middle class was built on the rights and safeguards that labor unions fought to obtain. From the 40 hour workweek to ending child labor, union representation has helped to guarantee rights that many of us take for granted today. Unions negotiate for safe working conditions, living wages, and basic benefits that impact all workers. Efforts to decrease the power of collective bargaining in this country in recent decades have been accompanied by an erosion of workers' benefits and greater income inequality. This year in Wisconsin and Ohio, we have seen voters reject recent attempts to strip away the rights of government

workers, and we should likewise reject this attempt to limit access to these rights for those in the private workforce.

This bill does nothing to protect and support working families, and I urge my colleagues to stand up for workers rights and oppose this bill.

Mr. TOWNS. Mr. Chair, H.R. 3094, is a bill more aptly named the Election Prevention Act—not the Workforce Democracy and Fairness Act. There is nothing particularly fair about a bill intended to diminish the right of private-sector workers to organize union elections, promote delays for the sake of delays, and encourage unnecessary litigation. At a time when American workers are suffering from layoffs, unemployment, and stagnant wages it is quite simply irresponsible to roll-back basic labor protections. This bill does nothing to put the country back on a track of sustained economic growth. Instead of preserving the ability of workers to unionize and demand fairer wages, this legislation will keep wages low and economic recovery stagnant.

We should be working together to identify ways to keep people employed and providing more Americans with opportunities to return to work. We should not be spending valuable time contemplating measures that make workers weaker and more vulnerable to unemployment or unfair compensation for their hard work. In the state of New York, which has the highest rate of union membership, the 7.9 percent rate of unemployment is well below the national average and the latest statistics show it is decreasing. Nation-wide, between 2004–2007 unionized workers enjoyed wages 11.3 percent higher than workers with similar characteristics who did not belong to a union. The more money workers have, the more they spend, and the more consumer demand grows. And yet, here we are considering a measure designed to prevent union elections across the nation and depress wage growth, instead of contemplating legislation to create teacher jobs, construction jobs, and economic reforms to address the deep structural causes of persistent unemployment.

There is a good reason why people do not want to see their labor rights trumped. Our rights in the workplace are the basis for the middle class. These rights were essential to securing higher paychecks for everyday people, and obtaining health and retirement security for the average worker. At a time when we are facing the possibility of deep cuts in health, education, and social security it is all the more imperative that we keep in place whatever power people have to demand a fair compensation and a fairer share of the wealth we create through diligent work. Workers should be empowered to bargain for a bigger share of the wealth they create; they have earned it. But this is not what this legislation is interested in doing. It would rather protect employers at the expense of employees, which history has shown will not distribute the wealth created by the workers.

The main purpose of H.R. 3094 has nothing to do with democracy and fairness in the workplace. Making elections difficult or almost impossible, whether it be in society or the workplace, is neither democratic nor is it fair. The Election Prevention Act preemptively blocks the National Labor Relations Board's

proposed rules to streamline the election process and use modern administrative measures to improve communication between all parties involved—the workers, employers, unions, and the Board. It does this because the more protracted the delays during an election process, the greater the chance workers will give up demanding a union and the power to bargain collectively.

A basic American value is that we should all be able to choose how and with whom to form into an association for the purpose of voicing our interests and views. This same idea that we ought to be able to choose how and with whom to form a community of interests is enshrined in the National Labor Relations Act. The bill before us seeks to deprive workers of this basic right so fundamental to our understanding of democracy by giving employers the power to determine who should be included in an “appropriate” bargaining unit instead of allowing people to decide for themselves. This is unacceptable.

Supporting this bill means contradicting our basic values about fair representation, ignoring the message that Americans have sent regarding their wish to retain their rights in the workplace, and putting ideology above the need to create employment. Voting for this bill will not only hurt our chances of an economic recovery—it is equivalent to cutting people's rights and preventing them from securing a fair portion of the wealth they have created.

I urge my colleagues on both sides of the aisle to vote “no.”

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill should be defeated because it does nothing to help create jobs or put this country back on the path to sustainable economic recovery. Rather, H.R. 3094 is an unconscionable assault on the right of every American worker to organize, a right that I have defended for my entire congressional career.

The Workforce Democracy and Fairness Act is a partisan reaction to a recent rulemaking by the National Labor Relations Board (NLRB) concerning union elections. This one-sided bill carries on in the fine Republican tradition of stifling any attempt of working men and women to gain any leverage on management by unionizing. This frightens my Republican colleagues to no end, and while they will tell you that H.R. 3094 allows workers equal opportunity to hear both sides of the story, the hard truth of the matter is it will not. The bill we consider today allows employers to use all manner of litigious rascality to postpone union elections and fire workers for objecting to having to listen to anti-union propaganda. That is neither democratic nor fair, and is certainly undeserving of our support at a time when our country's middle class is being decimated.

Vote down this bill, and stand up for America's working families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in opposition of H.R. 3094, the Workforce Democracy and Fairness Act. Contrary to what the title suggests, there is nothing democratic or fair about this biased attempt to weaken labor unions and hurt working families all across the country.

This partisan bill does nothing positive for the high unemployment rate in this country or

our vulnerable economy. Instead of utilizing our limited time on the House floor to consider real solutions to the economic problems we are facing today, this legislation seeks only to exploit these difficult times in order to advance a Republican ideological agenda against union organizing and the National Labor Relations Board (NLRB).

The goals of this legislation are simply to undermine the ability of American workers to organize and bargain collectively. H.R. 3094 will create barriers to union elections through waiting periods and more stringent criteria, dilute voter pools, and disproportionately tip the scales of power in favor of employers.

We have seen similar attempts to disarm the NLRB in this Congress before, also deceptively titled to deliberately mislead the American people. The Protecting Jobs from Government Interference Act, which I opposed, sought to gut the NLRB of its authority entirely. Under the guise of protecting jobs, this bill also sought purely to advance a partisan agenda.

It is these same partisan tactics that are preventing this Congress from making any significant progress on the real important issues at hand.

Mr. Chair, it is shameful that my Republican colleagues insist on bringing such partisan bills such as H.R. 3094 to the House floor. At this critical time for our economy, it is absolutely vital that we spend our time constructively to work toward shoring up our economy and creating jobs here at home. Instead, they have demonstrated that radical ideology is a more important priority than compromise in the name of finding real solutions to our nation's problems.

Mrs. MALONEY. Mr. Chair, I rise today to oppose yet another attempt at rolling back workers' rights, H.R. 3094, the Election Prevention Act. This assault on union employees is anti-democratic and harmful to the American middle class. Instead of legislation to create jobs and to grow the American workforce, the House Majority is attempting to undermine worker protections and put workers at risk.

It is a strength of our democracy that employees have the freedom and the federal statutory right to choose whether or not to be represented by a union. However, this legislation would effectively end collective bargaining rights by putting power exclusively in the hands of employers. It gives employers the ability to delay indefinitely a union election, allowing for intimidation and harassment of employees. It does nothing to protect workers who are fired, threatened, or interrogated for exercising their right to form a union. It also prevents individuals to choose the coworkers with whom they wish to seek representation. Furthermore, this legislation incentivizes wasteful litigation prior to union elections and would increase taxpayer costs by creating a backlog of required findings on superfluous issues.

Unions have helped to improve the wages and working conditions of all Americans and to grow the American middle class. This war on union employees that is being waged in states across the country and here on Capitol Hill must not continue. It is time for us to turn our efforts to strengthening protections for American working men and women as well as to

helping those outside the workforce to find good jobs. I urge my colleagues to vote “no.”

Mr. PRICE of North Carolina. Mr. Chair, I rise in strong opposition to the cynically named “Workforce Democracy and Fairness Act,” which is neither fair nor democratic and would do nothing to create a single job or improve conditions for American workers. Instead, this legislation represents just the latest Republican attack on the workers’ rights that are at the core of American democracy.

Look around you today. Fourteen million Americans—our neighbors, friends, and family members—are unemployed, searching for a job. They, and millions more citizens from every congressional district in America, are demanding that we, as their elected Representatives, proactively address our nation’s economic crisis, create jobs, and reduce unemployment. But these demands continue to fall on the deaf ears of the Republican majority. No wonder we see such unrest around the country. Instead of attempting to put people back to work, the House Republican majority, in between its manufactured fiscal crises, spends its time attacking the rights of American workers. Instead of crafting bipartisan legislation aimed at helping unemployed Americans find work, the majority has instead focused on stripping those Americans fortunate enough to have a job of the rights they already possess.

Today is Wednesday, the middle of the work week—a day when millions of unemployed Americans would love nothing more than to pull on their work boots, tie their ties, or put on their suits and head to work. But today on the floor of the House of Representatives, we’re not considering a jobs bill. Instead, we face the latest product of the majority’s single-minded obsession with the dismantling of American worker rights. H.R. 3094 does not create one single job. Instead, this legislation would undermine a private-sector worker’s right to vote, to exercise his right to bargain collectively. This bill will effectively gum up, delay, and obscure the election process overseen by the National Labor Relations Board, opening the door for unscrupulous employers to undermine their employees’ rights.

What’s worse, in order to pay for the changes made in this bill, tomorrow we will be considering a bill to eliminate the Presidential Public Financing System and the Election Assistance Commission—key safeguards against the influence of special-interest money in politics and abuses of voting rights, respectively. The irony should not be lost on anybody who is paying attention: in order to undercut the democratic rights of organized workers, this majority is undermining the democratic rights of the entire American electorate.

Let’s be clear: this bill, like all of the other unambiguously partisan, anti-worker bills brought to a vote in the House by the Republican majority over the course of this year, has no chance of being signed into law. It’s simply an ode to special interests that does nothing to move our economy forward. After 11 months of control, the House majority has made clear that it has no interest in reigniting our economic recovery and helping put people back to work. I encourage my colleagues to defeat H.R. 3094 and to continue to push for the consideration of jobs legislation to help put Americans back to work.

Mr. WILSON of South Carolina. Mr. Chair, I would like to thank our Chairman and I am thankful for his leadership on this very important issue.

Once again, the President’s National Labor Relations Board is trampling on the rights of American workers and employers by denying them the opportunity to participate in a free election. Current policies have been in place for decades to ensure each worker is given a fair amount of time to make a decision about joining a union. With the proposal set forth in June, the NLRB will decrease the amount of time given for a worker to consider joining a union from an average of thirty days to as little as ten days. This radical policy of rush elections will limit the amount of knowledge and information available to each union worker.

Moreover, this new proposal will give unions the capability to branch out and form smaller collective bargaining groups, creating a bigger burden on employers as costs will rise to manage multiple unions. Our Nation does not need more government involvement that negatively impacts the way employers operate their businesses.

The job killing influence of the NLRB such as the attack on Boeing workers in South Carolina must be stopped before it tramples the rights of American workers. Congress has a responsibility to ensure every American is given the right to a free election, an opportunity granted by the laws of our country.

I am proud to be an original cosponsor of this commonsense legislation and encourage my colleagues to vote in favor of The Workforce Democracy and Fairness Act which protects our employers and union workers from the Big Labor policies of the President’s National Labor Relations Board and promotes more freedom for job creation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill is just one more Republican attack on workers and middle class Americans under the guise of protecting the “job creators” we hear so much about from the other side of the aisle.

In case you missed the recent Republican Presidential debate when front runner and former House Speaker Newt Gingrich said we should do away with child labor laws, the Republican message is clear: laws that protect workers are not needed. Instead, workers should just rely on the benevolence of “job creators” to pay them for the hours they worked or to hold a fair union election. Today’s legislation is another attempt to undermine workers’ rights.

For eighty years, the National Labor Relations Board, NLRB, has operated as an intermediary between workers and employers. I applaud the NLRB’s decision to modernize union election rules with standardized election timelines and electronic petition filing, and a streamlined hearings process. House Republicans responded to these modest and overdue changes by bringing up legislation to interfere with workers’ rights to organize.

Every aspect of this legislation would make it more difficult for workers to form a union. It would allow companies to obstruct any attempt by workers to unionize and create infinite avenues for employers to delay elections, including litigation. These delays empower

those employers who want to intimidate and harass workers and bring in union-busters. It would also allow employers to gerrymander bargaining units to skew election results in their favor.

When I hold town meetings in my district, my constituents are not clamoring for Congress to make it harder to join a union. They want our economy fixed and they want jobs. Attacking working men and women, as this bill does, will not create a single job or help a single family pay their bills. I urge all of my colleagues to vote no.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I rise today in opposition to H.R. 3094, the Republican plan to crush workers’ rights and destroy any glimmer of hope our working families have at economic recovery. The Republicans designed this bill to destroy 75 years of National Labor Review Board case law in their attempt to dismantle the middle class.

Collective bargaining and the right to organize helped build a strong American middle class. It doesn’t cost the federal government one dime in real money. Instead of taking steps to create jobs and strengthen working families, Republicans are dismantling key worker protections. All workers should have the ability to negotiate with their employer about salary and benefits, whether they’re in a union or not. Organized labor is great for business. Thousands of companies across the country thrive with a unionized workforce.

Those businesses recognize that their employees deserve to have a safe workplace and fair wages and benefits. That’s just good business. This bill encourages corporations to stall NLRB elections while they mount a one-sided, anti-union campaign. At its core, this is an undemocratic bill that undermines our values.

We have a long established process for workers to attempt to form a union and collectively bargain with employers. Employers and employees should stay on equal ground in the process. There is no need to deny workers their right to a free and fair union election.

Many of my Republican friends like to talk about the issue of Tort Reform. They like to tell us that we have to prevent frivolous lawsuits—they cost taxpayers millions and millions of dollars and they drag down the economy.

I have news for my Republican friends: the Election Prevention Act encourages frivolous litigation. This bill will mean mountains of litigation before union elections can be held. The result is a massive backlog. Guess who picks up the tab? The American taxpayer!

We have important issues facing our country and it boggles my mind that we are taking up yet another bill that does nothing to get our friends and neighbors back to work. We need to focus on lowering the unemployment rate and creating jobs—not taking away the rights of hardworking Americans.

I urge my colleagues to recognize this veiled attempt to destroy the rights of American working families.

Mr. VAN HOLLEN. Mr. Chair, today in the United States, 13.9 million people are unemployed. Nine percent of the American workforce is out of a job, worrying how to make ends meet. Nearly half are long-term unemployed, jobless for over 27 weeks.

These Americans are looking to Congress for help. The President sent us a comprehensive plan for job creation and this House has not acted. We have over thirteen percent unemployment in the construction sector and roads and bridges to repair all over the country and this House has not brought an infrastructure bill to the floor. Local governments are facing tough budgets and laying off teachers and police and this House has provided no relief.

Today we have a bill on the floor that will not create a single job nor help a single American worker. Instead, it will make it more difficult for them to assert their rights in the workplace and almost certainly encourage frivolous litigation.

The time we spend on legislation like this is time we fail to spend addressing the real needs of the American people. I urge my colleagues to vote no on this bill.

Ms. HIRONO. Mr. Chair, it is sad for our country that today the U.S. House is voting on H.R. 3094, yet another bill to roll back workers' rights.

Today's bill does nothing for the number one issue on people's minds in Hawaii and around the country: creating new, good-paying jobs.

We're seeing unemployment on Hawaii Island at nearly 10 percent.

On Kauai, it's nearly 9 percent. In Maui County, it's nearly 8 percent.

Instead of addressing this top issue of jobs, today's bill is part of a continuing assault against organized labor around the country. This bill is just like the attacks we saw in Wisconsin and Ohio.

But Ohio's families said no.

And so do Hawaii's.

Because Hawaii families believe working men and women should be able to have a voice at the table.

This belief helped build the middle class in Hawaii and across our country through legislation enabling workers to bargain collectively for better wages and working conditions.

Congress should be focusing on creating jobs—

Not making it easier for a few companies to prevent workers from having a voice in the workplace.

While most employers in Hawaii want to support their workers, I have heard from workers in Hawaii that some companies exploit the current system to prevent workers from having a voice in the workplace.

For example, in February 2003, National Labor Relations Board Administrative Law Judge Gerald Wacknov ruled against a Hawaii business where a labor dispute had been going on for years.

In 2002, workers at this company, who had not been given a raise in six years, asked the International Longshore and Warehouse Union (ILWU) for help in organizing a union.

Judge Wacknov ruled that "the Employer's conduct prior to the election . . . substantially interfered with the employees' free choice."

In the run-up to the union election, the workers were forced to attend one-on-one or group meetings on work time, where the management could convince workers to vote against the union.

Under current law, we know that a company can talk to their workers at any time and urge them to vote against joining a union.

The company can scare workers into thinking that voting for a union will cost them their jobs.

Meanwhile, unions are not allowed to visit the worksite to make their case for joining a union.

They do not have access to complete contact information that will enable them to effectively contact workers.

This company even hired a private security firm and posted large, threatening security guards outside the voting area during the vote.

After Judge Wacknov's ruling in February 2003, the company appealed the decision. A year and a half later, in summer 2004 the overburdened National Labor Relations Board upheld Judge Wacknov's ruling and ordered a new election.

In August 2004, a second election was held for the company's workers, and a majority voted to join the union.

The company appealed yet again.

In February 2005, NLRB Administrative Law Judge James Rose found that the company had effectively stuffed the ballot box in its favor by unfairly adding ineligible voters.

In July 2005—40 months after a petition was first filed to hold an election—the NLRB Board finally certified the ILWU Local 142 as the union for the workers.

Still, the company has continued to offer appeal after appeal of the election's results.

It's now the end of 2011.

The workers still do not have their first bargaining contract for better wages and conditions.

Today's bill on the House floor would make this unfairness even worse.

H.R. 3094 would make it nearly impossible, in contested situations, for workers to come to the table and have a voice in the workplace by voting to join a union.

Nationwide, in contested cases, workers already have to wait an average of four months to vote whether to join a union. Various delays can already occur.

Today's bill would make this problem even worse. It would add an extra minimum waiting period of two weeks before a hearing, and five weeks before an election. This is in addition to the already long wait time.

And each day of delay allows an employer to continue to scare their employees into voting against a union.

Today's bill would add to the NLRB's paperwork burdens. H.R. 3094 would require the NLRB to hear frivolous appeals from a company to stop an election.

This would completely overwhelm the NLRB with thousands of frivolous appeals and delay elections even longer.

Clearly, the current system is already stacked against workers trying to have a voice at the table.

This bill should really be called the "Election Prevention Act."

I urge my colleagues to join me in voting against this bill.

Instead, let's stand with working men and women of this country and focus on what people really want—getting back to work.

Mahalo.

Ms. RICHARDSON. Mr. Chair, I rise in strong opposition to H.R. 3094, the deceptively named "Workforce Democracy and Fair-

ness Act," and I appeal to my colleagues to join me in rejecting this dangerous legislation designed to undermine the collective bargaining rights of America's workers.

I oppose this legislation for three principal reasons:

First, it flies in the face of 75 years of judicially-approved, National Labor Review Board (NLRB) case law governing the eligibility of bargaining units, transferring that power away from workers wishing to organize.

Second, it would open the door to indefinite delays within the union election process, inviting frivolous litigation designed to cripple the system and prevent fair elections.

Third, it would unfairly impose restrictions on the opportunity of workers to receive union information while allowing employers free reign to bombard their workers with anti-union propaganda.

In short, this legislation would reduce the power of workers to organize for fair treatment to a level not seen since the late 19th century.

At first glance, the Workforce Democracy and Fairness Act sounds like a reasonable bill, but its glib appeal vanishes when one examines its intent closely.

Proponents argue that by inserting delays prior to a union election, so-called "ambush elections" would be avoided. It claims not to interfere with the NLRB's supervision of elections.

Mr. Chair, this claim is disingenuous. The argument that creating employer based delays for a union election will somehow give a union member more time to make a better and more informed decision is questionable at best.

Letting an employer delay union elections is unfair to the American worker who wants his or her voice heard. Big Business is not supporting this bill to help unionized workers make more thoughtful decisions. H.R. 3094 is a blatant attempt to silence and confuse.

Enacted in 1935, the National Labor Relations Act (NLRA) was designed explicitly to encourage collective bargaining. Since then, the NLRB and the courts have interpreted this law and developed processes for handling workers who seek to form and manage unions.

H.R. 3094 would substitute 75 years of expertise and decades of case law for new and untested processes that favor wealthy special interests and corporate litigators.

Creating a legal precedent for unfairly stalling or even halting union elections is the true aim of this act. This legislation takes away the ability of unions to function as a democratically elected entity, prevents it from communicating with its members, and saps its organizational strength.

Moreover, the resounding defeat of Ohio's Senate Bill 5, which tried to restrict collective bargaining rights of more than 360,000 public employees in that state, plainly demonstrates the American people's opposition to a legislature's attempt to stifle the rights of workers.

Equally troubling is that under H.R. 3094 companies are free to force their workers to listen to anti-union information under the threat of discharge if they try to object. This provision is truly an act of coercion which has no place in the American workplace.

The result of this strategy is obvious. H.R. 3094 permits employers to intimidate their employees and discourage them from securing workplace rights.

This is why the White House recently released a statement describing H.R. 3094 as an attempt to “undermine and delay workers’ ability to exercise their right to choose whether or not they will be represented by a union.”

Imagine if H.R. 3094 passed. Imagine a working environment where a union wants to cast a ballot, but its obstructed by the employer with a steady stream of delays, bureaucracy, and litigation. Imagine a working environment where one’s livelihood is threatened if a worker refuses to attend an anti-union meeting. Imagine a working environment where dissent is not permitted. This would be the reality under H.R. 3094.

At one time, this was the reality in our country. It existed in the days of child labor, when the 12-hour workday was the standard, when there were no weekends, no safety regulations, or any of the other workplace protections that we take for granted.

America no longer lives in the Gilded Age. American workers fought for over 100 years to achieve the right of collective bargaining for a better future. The democratic core of the right to unionize is under attack by this legislation.

H.R. 3094 would be a great leap backward for our country. I urge my colleagues to reject this deceptive legislation and secure the rights of American workers.

Mr. HOLT. Mr. Chair, I rise in strong opposition to the Election Prevention Act, H.R. 3094. As a member of the House Committee on Education and Workforce, I voted against this fundamentally flawed bill when we considered it and I will oppose it again today.

The majority deceptively named this bill the Workplace Democracy and Fairness Act, which should tell us all that this bill has nothing to do with workplace democracy or fairness. If they wanted to deal with those issues they would bring to the floor the Employee Free Choice Act, which I have long been a co-sponsor of.

Today again the Majority is showing the American public that the Majority don’t think we have a jobs crisis in America, and that getting Americans back to work is not their top priority.

Getting the American economy back on track and helping to create jobs is my first, second and third priority. Unlike the Majority, I remain committed to creating jobs immediately and expanding educational opportunity for all Americans. Unfortunately, my amendment to help keep almost 400,000 teachers in the classroom was rejected on procedural grounds.

Rather than bringing to the floor legislation to help create jobs, we are wasting the time of this House attempting to undermine workers rights.

The Election Prevention Act continues an assault on the National Labor Relations Board (NLRB) and the work it does to uphold the rights of workers across our country. This bill will NOT help create a single job. Rather, the bill would allow employers to delay union organizing elections in the hopes of discouraging workers from organizing, encourage frivolous litigation and manipulate the procedures of union elections.

The NLRB has proposed real changes to restore fairness to the union election process and reduce unnecessary delays. For example

the proposed rules would allow the electronic filing of petitions, ensure that all parties receive timely information about pending matters, and allow for the consolidation of all appeals into a single post-election appeals process. These are sensible changes. Yet, the Election Prevention Act would override these proposed rules, and make arbitrary delays commonplace.

This bill is one more solution in search of a problem. The problem is jobs; the solution is Congress taking bold steps to get Americans back to work. At a town hall I recently held, no one asked me about the NLRB, they asked me about jobs and economic growth.

We should be mindful of why Congress approved the National Labor Relations Act (NLRA) and established the NLRB in 1935. Senator Robert Wagner who wrote the NLRA reminded his colleagues that in 1935 “in the highest income bracket, one-tenth of 1 percent of the families in the United States were earning as much as the 42 percent at the bottom.” Today’s economic conditions are remarkably similar.

Yet, instead of helping workers organize and bargain collectively to help raise wages, improve workplace safety and ensure a comfortable retirement, the Election Prevention Act ignores the economic crisis facing American workers and makes the American Dream even harder to achieve.

Mr. COSTELLO. Mr. Chair, I rise in strong opposition to H.R. 3094, the so-called Workplace Democracy and Fairness Act of 2011.

Since coming to Congress, I have been a strong advocate for the right of every employee to form a union and collectively bargain for their rights. This bill represents the most recent attempt to put the interests of businesses over the rights of workers, another in a long line of Republican attempts to strip these fundamental rights from working Americans.

H.R. 3094 is designed to derail fair, legal union elections by mandating delays and encouraging frivolous, distracting lawsuits. At a time when we should be pursuing policies that will strengthen our workforce and support the middle class, this bill will only make it harder for working families to maintain their pay checks, secure health insurance, plan for retirement, and achieve the American Dream.

As our economy continues to recover, it is my hope that Congress can come together to pass legislation that puts Americans back to work and maintains the strongest and most competitive workforce in the world. H.R. 3094 will not achieve either of these goals, and I urge my colleagues to oppose it.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Workforce Democracy and Fairness Act”.

SEC. 2. TIMING OF ELECTIONS.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—

(1) in subsection (b), by striking “The Board shall decide” and all that follows through “Provided, That the” and inserting: “In each case, prior to an election, the Board shall determine, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, and excluding bargaining unit determinations promulgated through rulemaking effective before August 26, 2011, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer’s organizational structure; (7) similarity of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the sole exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity. The”; and

(2) in subsection (c)(1), in the matter following subparagraph (B)—

(A) by inserting “, but in no circumstances less than 14 calendar days after the filing of the petition” after “hearing upon due notice”;

(B) by inserting before the last sentence the following: “An appropriate hearing shall be one that is non-adversarial with the hearing officer charged, in collaboration with the parties, with the responsibility of identifying any relevant and material pre-election issues and thereafter making a full record thereon. Relevant and material pre-election issues shall include, in addition to unit appropriateness, the Board’s jurisdiction and any other issue the resolution of which may make an election unnecessary or which may reasonably be expected to impact the election’s outcome. Parties may raise independently any relevant and material pre-election issue or assert any relevant and material position at any time prior to the close of the hearing.”;

(C) in the last sentence—

(i) by inserting “or consideration of a request for review of a regional director’s decision and direction of election,” after “record of such hearing”; and

(ii) by inserting “to be conducted as soon as practicable but not less than 35 calendar days following the filing of an election petition” after “election by secret ballot”; and

(D) by adding at the end the following: “Not earlier than 7 days after final determination by the Board of the appropriate bargaining unit, the Board shall acquire from the employer a list

of all eligible voters to be made available to all parties, which shall include the employee names, and one additional form of personal employee contact information (such as telephone number, email address or mailing address) chosen by the employee in writing."

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-291. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-291.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike "and".

Page 9, line 19, strike the second period and insert "; and" and after such line insert the following:

(3) by adding at the end the following:

"(f)(1) Prior to presenting any objection, filing, pleading, statement of position, paper, or appeal (in this subsection referred to as 'filing') in any proceeding prior to an election under this section, an attorney or other party representative has a duty, to the best of his or her knowledge, information, and belief, and formed after an inquiry reasonable under the circumstances, to assure that—

"(A) such a filing is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

"(B) the claims, defenses, positions, and other legal contentions in the filing are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

"(C) the factual contentions in the filing have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or development of the record; and

"(D) any denials of factual contentions in the filing are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

"(2)(A) At any stage of a representation proceeding prior to an election under this section, including pre-election hearings, requests for Board reviews, or Board reviews, the Board or its agents, upon their own motion or that of a party to the proceeding, shall have discretion to impose sanctions against a party for presenting a frivolous or vexatious filing or raising a frivolous or vexatious matter to the Board under this section, or upon a finding that an attorney or other party representative breached his or her duty under this subsection. Sanctions may include reasonable litigation costs, salaries, transcript and record costs, travel and other reasonable costs and expenses. If the

Board determines that a party has raised a frivolous or vexatious matter for purposes of delaying an election, the Board shall immediately direct that an election be conducted not less than 7 days after such determination.

"(B) For purposes of this section, a frivolous or vexatious filing is one that an attorney of ordinary competence would recognize as so lacking in merit that there is no substantial possibility that the Board would accept it as valid. The Board shall be guided by Rule 11 of the Federal Rules of Civil Procedure in determining whether an objection, filing, pleading, paper or appeal is frivolous."

The CHAIR. Pursuant to House Resolution 470, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. If a party makes a frivolous or vexatious filing during a preelection representation hearing, the NLRB or an administrative law judge will have the authority to impose sanctions. Potential sanctions include reimbursement of attorney fees and costs. Further, if the Board determines that a party has presented a frivolous filing and further finds that such filing is for purposes of delaying an election, an election will be ordered to take place not less than 7 days after the determination.

My amendment is rooted in well-established law—Rule 11 of the Federal Rules of Civil Procedure. Rule 11, which sanctions frivolous filings in Federal court, is a longstanding and tested standard that has been in practice for nearly 70 years, but it is currently inapplicable to representation proceedings at the NLRB. Why should we continue to allow the filing of frivolous litigation at the NLRB but defer it in the courts? The short answer: We shouldn't. There is no good reason. This amendment simply harmonizes NLRB practice with the national standards used in our court system.

While I urge the adoption of this amendment, the underlying bill before us today is nothing more than another attempt by the majority to distract the public from the most important issue facing our country—job creation. Because my colleagues on the other side of the aisle apparently lack any plan to get unemployed Americans working again, they are relying on the false specter of powerful unions and burdensome regulations as the bogeymen in the American labor market.

However, a recent national poll by the Bureau of Labor Statistics shows that only 0.2 percent of employers cite "government regulations and interference" as their reason for laying off employees. That's 0.2 percent. The main reason cited for layoffs is lack of demand. We need real solutions to create American jobs, not phony distrac-

tions that attempt to steer the conversation to problems that don't exist.

While current law allows union elections to proceed while requests for full Board review are considered, H.R. 3094 mandates that elections be delayed until the full Board decides whether or not to grant a request for review by the full NLRB, no matter how frivolous the arguments. In doing so, this bill incentivizes parties opposed to unionization to file frivolous lawsuits to delay union elections. Not only is this unfair to hardworking Americans, but it adds tremendous cost to taxpayers. This built-in incentive for delaying tactics makes my amendment all the more important.

In the past, many of my Republican colleagues have argued passionately about the evils of frivolous lawsuits; therefore, I am confounded to hear opposition to my amendment that seeks to discourage frivolous litigation. Why is it that litigation that thwarts the ambitions of working families, no matter how frivolous or misguided, is now suddenly okay? Don't construction workers matter?

Unfortunately, such frivolous litigation is too often used by unscrupulous employers to oppose unionization. In my own district, 14 T-Mobile technicians attempted to organize a local chapter of the Communications Workers of America, only to discover that their employer had undertaken several subversive measures aimed at derailing the path to union organization.

□ 1550

One such legal challenge included a dispute over the definition of whether or not the CWA is a legitimate labor organization. Let me say that again: a dispute over whether or not the CWA is a legitimate labor organization. The CWA, we should all know, represents over half a million American workers.

Under H.R. 3094, T-Mobile's frivolous challenge would have to be completely adjudicated by the NLRB before the union election could occur, giving T-Mobile the ability to legally hammer employees with anti-union messaging for weeks, months, or even years.

A constituent of mine wrote to me regarding the T-Mobile incident, and I quote: "It is abundantly clear to us that the company is only engaged in this effort in order to buy enough time to continue with an intimidation campaign as an effort to prevent us from exercising our right to organize and bargain collectively. We want to exercise our legal right in a timely and efficient manner, to decide for ourselves through the established election process whether or not to join the CWA. This process of delay and intimidation being exercised by T-Mobile management is wrong and should not be allowed to happen in the future. After several months of this verbal and emotional assault, I will stand firm in my

commitment to gaining a voice at work. What I am asking for is a fair chance to vote.”

A fair chance to vote. What can be more American than that?

This is a fundamental matter of standing up for the American worker. This bill is an affront to one of our most principled values. The ability of workers to collectively bargain has been one of the basic pathways for workers to gain the protections and pay necessary to access the American Dream. We should not undermine this shared principle, and yet this is precisely what the underlying bill does. My amendment would provide at least some protections for employees who seek to organize their workplace.

Mr. Chairman, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. I yield myself such time as I may consume.

Let me first thank Mr. BISHOP for raising the important issue of frivolous, vexatious litigation. I am thrilled almost beyond words—not quite—almost beyond words that our colleagues on the other side of the aisle recognize the deleterious impact that frivolous, vexatious litigation has on our economy.

We very much support, Mr. Chairman, a more effective use of rule 2011. We have consistently supported tort reform that correctly sanctions frivolous and vexatious lawsuits. So, again, I thank our colleague from the other side of the aisle for bringing attention once again to the impact frivolous litigation has on our economy.

Nevertheless, Mr. Chairman, this amendment is not the right vehicle for a number of reasons.

The purpose of the underlying bill is to correct the misguided effort of the NLRB to have quick elections, which means the time is compressed for litigants, especially those caught off guard by the legal filing, to respond. What do litigants and their counsel do when they're given an inadequate time to prepare for litigation? They overplead, they over-answer, they throw everything they can into the answer because to do otherwise is to risk missing an issue and being sued for illegal malpractice or, worse yet, failing to adequately represent your client. So in a very counterintuitive way, the NLRB's rush to have elections is more likely to result in over-pleading than the status quo would be.

Mr. Chairman, this amendment also gives increased power to the very agency that we are trying to rein in. That, too, is counterintuitive. To reward an activist, agenda-driven executive branch entity with even more power to

wield incorrectly is an invitation we are loathe to accept.

This amendment does not even provide all the safeguards of rule 11 in the Federal Rules of Civil Procedure. And I heard my colleague and friend on the other side of the aisle make reference to rule 11. If this were simply rule 11, we may very well be standing up to join in support. It's not rule 11. It doesn't provide notice and a reasonable chance to respond. It doesn't provide an appeal procedure. It denies an opportunity to withdraw the frivolous matter before sanctions are imposed. Even current NLRB provisions require due notice and an opportunity for a hearing in allegations of misconduct cases.

This amendment, I am sure—I am convinced—is well intended, to root out frivolous filings and pleadings; but it has to be done in an evenhanded, fair manner, not one calculated to skew the balance even more in favor of those seeking unionization and away from job creators.

Other than union membership being at a historic low, Mr. Chairman, why the rush to change the rules? Is 31 days too long? Is a 70 percent success rate in elections not good enough? I appreciate the motive behind the amendment, but I must oppose it because of the mechanism; and I would encourage my colleagues to do the same.

I reserve the balance of my time.

The Acting CHAIR (Mr. YODER). The gentleman from New York has 15 seconds remaining.

Mr. BISHOP of New York. I will only say in my 15 seconds that rule 11 gives the person who files a frivolous motion or the entity that files a frivolous motion 20 days to withdraw that filing, which would defeat the purpose of what we're trying to accomplish here, which is to see to it that we ultimately do get elections.

And I would repeat what the minority whip said, which is I think is lot of us would feel differently about this underlying bill if there were not just a minimum time for which there was an election to take place, but a maximum time in which the election had to take place. This is one means for us to try to get that.

Mr. Chairman, I yield back the balance of my time.

Mr. GOWDY. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from South Carolina has 1½ minutes remaining.

Mr. GOWDY. I just find it instructive again—and we need to give pause and reflect on why we're here. We're not here because Chairman KLINE had an idea out of the blue. We're here because an activist, agenda-driven NLRB is dissatisfied with 31 days to have an election. They're dissatisfied with a 70 percent success rate. So what Mr. KLINE

has done—and smartly so—in this bill is try to get us back to the status quo ante and have a level playing field where employees can have enough information to make what may be one of the most important decisions of their lives.

And again I will say to my colleague, rule 11 has built-in procedural safeguards. And we had a very civil, constructive, I thought, conversation about this amendment in committee, and I commend our friend for that. And I commend him for bringing up frivolous and vexatious lawsuits. And I'm happy to work with him on how to get it done. This vehicle, while well intended, is not the vehicle to get it done.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-291.

Mr. BOSWELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike “and”.

Page 8, line 20, insert “(except those designated parties described in subparagraph (C))” after “parties”.

Page 9, line 19, strike the second period and insert “; and” and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

“(C) The designated parties referred to in subparagraph (B) are employers that paid any executive bonus compensation in excess of 10,000 percent of the total annual compensation of the average employee during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.”.

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Mr. Chairman, I yield myself such time as I may consume.

I rise to encourage my colleagues to support my amendment to the underlying legislation. I first want to thank my colleagues, Mr. MILLER and Mr. ANDREWS, for their work on this important issue.

I'm concerned that this legislation creates an opportunity for parties to abuse the preelection hearing process to engage in open-ended litigation. The majority would allow parties in a hearing to raise any "relevant and material" issues at any time before the close of the hearing. Yet they define "relevant and material" as "any other issues" that may possibly impact the election. Practically, this means that any workplace issue, however frivolous, could be raised and litigated before the hearing closes.

As we've seen, there are always some—though not all—that seek to enrich their CEOs while denying their workers a fairer and safer workplace. This amendment would only apply to companies that have given bonuses—now hear this—bonuses to their executives that amount to 10,000 percent more than the average yearly salary of their employees. Those employers would be required to state their issues and positions at the onset of a hearing and would be prohibited from engaging in open-ended litigation.

This is a simple principle: If your average employee makes \$50,000 and you can afford to pay the CEO a bonus of \$5 million, then you can also afford to be prepared for the hearing in 14 days and state your position up front.

□ 1600

I'm not sure why we're considering H.R. 3094 right now. It won't create one job, and it won't reduce our deficit by \$1. It won't add one job for unemployed construction workers to fix Iowa bridges that need to be repaired. It won't help one member of the Iowa National Guard that recently returned from Afghanistan and is still looking for a job.

All this bill does is help a small number of companies make it harder for their workers to organize. The very least we can do is make sure those companies aren't abusing their process while handing out executive bonuses that are 10,000 percent more than what their workers earn.

Support this amendment for fairness. I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

It's kind of ironic sometimes, but this Occupy Wall Street sort of inspired amendment is an effort to dismantle a successful union election process and deny workers an opportunity to make an informed decision. Under the guise of fighting greed on Wall Street, this amendment will actually punish workers if their company executives receive bonuses deemed too big by officials in Washington.

Mr. Chairman, while most of the time, employer and unions can agree to

the terms of the union elections, often a preelection hearing convened by an NLRB official is needed to address questions and concerns raised by both sides. The preelection hearing ensures all relevant and material preelection issues may be addressed before a worker is required to cast his or her ballot in the election, providing workers an opportunity to make an informed decision in the union election.

Forcing a vote before these issues can be addressed at the preelection hearing will severely undermine an employee's free choice. This is the workers, the employees we're talking about here. In fact, this amendment may lead to needless delay in the election process. The courts have overturned the results of elections because important issues were not properly addressed at the preelection hearing.

No worker should be denied a fair union election process because of the bonuses paid to company executives. Yet that is precisely what this amendment would do.

Congress should not be picking winners and losers here, determining that some workers deserve greater protections than other workers. They all deserve protection. The Workforce Democracy and Fairness Act reaffirms longstanding protections for all workers.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My friend from Minnesota, the chairman of our committee, says that Congress shouldn't be picking winners and losers. I think the Congress has already picked a lot of winners in the last number of months. They've picked the people who are the subject of Mr. BOSWELL's amendment, those whose bonuses are 10,000 percent more than the average salaries of their workers. They've picked them for the largest tax cut in American history.

They picked a winner by saying that if that person manipulates a hedge fund or financial institution, the regulators will look the other way as our 401(k)s become 201(k)s and our home values shrink.

Most decidedly, this Congress has picked a set of winners, and those winners are those at the very top of American society who have gotten 93 percent of the pay raises. Ninety-three percent of the pay raises given out in this country have gone to that top group.

So Mr. BOSWELL is trying to create a significant disincentive that says, you know what? If you pay yourself 10,000 percent more than your average worker, maybe there should be a separate

set of circumstances you have to abide by and live by. It's a novel idea around this Congress, very novel idea that those at the very top of American society should have to live by a set of rules that protects the rest of American society.

For that reason, I strongly support Mr. BOSWELL's amendment and would urge a "yes" vote.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

I, like my colleagues on the other side of the aisle, and Americans across the country, can get pretty angry when some officials, corporate officials receive extraordinarily high salaries. I'm not here to defend that.

What I'm talking about here is, why would you punish the workers because the employers are paying themselves too much money? I don't think we should do that, and that's what this amendment does. It denies workers the opportunity to make an informed decision. We shouldn't be punishing those workers because executives have paid themselves too much money.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. BOSWELL. Thank you very much, and I appreciate the discussion.

Thank you, Mr. ANDREWS, for those very astute remarks that have applied to workers.

My friend from Minnesota, Congressman, I recall we both have led troops, and I'm proud of you for having done that. I'm proud that I had the opportunity.

I see these top CEOs as—who are their troops? Their troops are the workers. Thank heavens we have got those people that are willing to be entrepreneurs and get out there and invest and do those things, but they've got to have workers to get the job done just like you and I had to have troops to take the objective.

What's the difference? Our troops had to be well-fed, trained, equipped, morale had to be good, and then we could take our objective. Any sergeant, any lieutenant, any lieutenant colonel, any general, they can't take their objective without troops. And how do CEOs and people, entrepreneurs that we appreciate—we rely on them, but they've got to have those workers; they've got to treat them fairly, and they've got to realize that they too want to have the American Dream.

And I was concerned where is that American Dream going to be as I was surrounded by my grandchildren just a few days ago at Thanksgiving. Is it going to be there for them? Then we'd better be thinking about it.

We don't pull the ladder up, we leave it down. Let's let everybody have a part of the American Dream.

And 10,000 percent, and you're worried about that? Come on, give me a break.

I urge support of this amendment. I think it is fair and it's the right thing to do.

I yield back the balance of my time.

Mr. KLINE. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I, too, want to thank my friend and colleague from Iowa for his service. He, like me, made an early mistake and chose to fly and, even worse, to fly helicopters. He just perhaps was better at it than some of us.

But this amendment is going in the wrong direction. It's not the percentage. How many percent? 10,000, 100,000, 1,000 percent more money that an executive makes—I don't want to defend that either. And I don't want to defend the leader who eats before his troops. I don't want to defend the leader who thinks he can get it done without the troops.

But this amendment takes away the rights and the protections of the employees and the workers. We shouldn't punish the workers because we're mad at the executives. We shouldn't punish the troops because we're mad at the colonels. I agree with the gentleman on that.

Let's don't punish the workers. Let's defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-291.

Mr. WALZ of Minnesota. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike "and".

Page 8, line 20, insert "(except those designated parties described in subparagraph (C))" after "parties".

Page 9, line 19, strike the second period and insert "; and" and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

"(C) The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of

a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing."

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

First of all, I rise to offer an amendment that would reinforce our commitment to protecting the employment rights of our brave servicemembers.

We've all seen this show before, Mr. Chairman. Let's not insult the intelligence of the American public. When we had an Employee Free Choice Act the other side argued we only want to protect the secret ballot. Now it's no, we want to protect the ability to let you vote on a secret ballot, but only when we decide that time has come.

We've seen this song and dance in Ohio, we've seen it in Wisconsin. Let's just be honest that we have a fundamental difference about labor rights and the ability to collectively bargain. We probably are not going to agree on that, but let's find some bipartisan ground where we can agree. I think my amendment is the one that will do that.

□ 1610

It's very straightforward. It simply prevents this piece of legislation, H.R. 3094, from applying to businesses that have been cited for violations of labor laws against employees who are veterans in the previous year. It is very simple. These are not the vast majority of employers who are playing by the rules. These are those who have had egregious violations, specifically against veterans, and this will help us protect those.

I wholeheartedly agree we've got a lot of good, strong employers out there supporting our Guard and Reserve, but labor laws are still being violated. We need these laws—last year, 3,000 cases of employers who violated the Uniform Service Employment and Reemployment Rights Act, USERRA, the main Federal law that protects veterans. My amendment provides a means for Congress to enforce veteran-related labor laws by removing the ability for violators to present unnecessary barriers to a free and expeditious union election process.

Keep in mind, these are the very people who fought to protect the basic American right to organize collectively for a safe workplace; yet, when they come home, we're going to throw barriers in their way even by companies that have already violated veterans' employment rights at a time when we have high unemployment amongst vet-

erans. This is one on which we can come together.

By the way, 2 million veterans are in labor unions of their choice now, so this isn't a small number. This is a large number. Why would Congress hinder the ability for a veteran to choose whether or not they want representation? It's what they fought for.

While my colleagues and I can debate the role of government in collective bargaining, I don't believe there should be any difference in where we believe that this should not apply to violators of veterans' employment rights and allow them to make the choice.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. I yield myself such time as I may consume.

Of course I always hate to oppose something presented by my Minnesota delegation colleague, a veteran himself, but again I think we have a misguided amendment here.

In the last amendment, we were sort of taking an Occupy Wall Street moment to express our outrage at the salaries or bonuses or compensation for executives, and we were going to punish workers because of our outrage. Unfortunately, we're sort of doing the same thing here.

If you're a veteran and your employer has harmed any number of your rights under Federal labor law, they've broken the law and action ought to be taken against them. But now with this amendment, this would give this activist NLRB an excuse to undermine the free choice of your coworkers in a union election. I don't think we want to do that. We want to support the rights of all workers.

As the distinguished minority whip said, employers and employees ought to get a fair election. We want a fair election for employers and employees, for workers—whether they are veterans or not veterans. I, having spent some time in uniform myself, have a special place for veterans. I want to make sure they get everything, everything that's coming to them. We owe them so much. But this amendment, unfortunately, would end up punishing them and their coworkers in, I think, a misguided effort to help them. We shouldn't do that.

Let's support the underlying legislation and oppose this amendment.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I respect the chairman and the gentleman's opinion on this, but I want to be very clear. The only people this applies to is violators of veterans' workplace employment. These are veterans returning home who choose to have

union representation, who have fought for that right in uniform and are now being told this.

The NLRB said this is no problem being able to be put in. It's at no cost to the taxpayer to be able to do this. And the thing that I hear coming up in the discussion today was we need to have more time to explain it to them.

I have tremendous faith in the ability of our folks who served in split-second, life-and-death decisions overseas serving in combat to be able to, after a few days, make a decision with the information they're given whether they want representation or not, not being drug out in litigation for 2 years so they can protect their rights against employers previously cited in the 1 year. These are not the good actors. These are the bad actors.

I don't like the underlying bill. I'm trying to make it better. Why are we protecting the 1 percent of bad actors in this at the expense of a veteran who has the right to organize?

With that, I reserve the balance of my time.

Mr. KLINE. Again may I inquire as to how much time remains on either side.

The Acting CHAIR. The gentleman from Minnesota (Mr. KLINE) has 3 minutes remaining, and the gentleman from Minnesota (Mr. WALZ) has 1½ minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman. I yield myself such time as I may consume.

I think there is some confusion here. The other gentleman from Minnesota says that these are talking about veterans who have chosen to have a union. The point is we don't know if they've chosen to have a union. We don't know that. That's what the election is for. And they deserve the time and the opportunity to ask questions, get answers, hear from all sides and make an informed decision.

What the underlying bill does, it says you get at least 35 days. And I would remind my colleagues that the current mean time, average time, is 31 days and the median time is 38 days. It's not out of line. But we think a month, 5 weeks, ought to be time for workers to be able to receive the information, ask the questions, challenge information from the employer and from the union organizer, and then make an informed decision.

While it's true, certainly, sometimes in combat that you have to make split-second decisions to save your life or the lives of colleagues or to achieve the mission, you shouldn't be required to do that here in making this decision for you and your families. You ought to have time to do it.

Because an employer has misbehaved, in the example of this amendment, the employer should be punished for that if he's a broken law, but the employees should not be deprived of

the opportunity to make an informed decision, and that's what this amendment would do. So, again, reluctantly, I oppose this amendment and support the underlying bill.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself the balance of my time.

I express my disappointment with the gentleman. I do respect his service, and we have a fond attachment to our veterans in getting this right.

Let me do something that doesn't happen down here very much to show you how small this is. I'll read you the entire amendment:

"The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a preelection hearing that were not raised prior to the commencement of the hearing."

No matter how you feel about the underlying bill, if we really want to make this better and try and reach across together, maybe this is one area we could do it.

I would urge my colleagues on both sides of the aisle: Do what's right. Pick off these bad employers so they can't engage in these tactics against veterans. Let's get our folks back to work and let's agree to disagree on the fundamental underlying bill on labor. On this one, we shouldn't.

I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Thank you, Mr. Chairman, and thank you for keeping track of the Minnesotans here as well.

I'm sorry, but again we just have a fundamental difference here. If an employer is liable, has made mistakes, has broken the law, they should be punished under the law, whichever law they have violated in violating the rights of employees, veterans or not.

But this amendment is an attempt to dismantle a successful union election process that is fair to veterans and nonveterans, to employees and to employers. This amendment, in an attempt to punish employers who have misbehaved, who ought to be punished under the law under another law, is simply going to deny the rights of workers to have the opportunity to make an informed decision.

I oppose this amendment and support the underlying legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALZ of Minnesota. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

□ 1620

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-291.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, beginning on line 4, strike "subparagraph (B)" and all that follows through "(B) by inserting" on line 8, and insert "subparagraph (B), by inserting".

Page 8, line 24, strike "last sentence—" and all that follows through page 9, line 9, and insert "last sentence, by inserting 'or consideration of a request for review of a regional director's decision and direction of election,' after 'record of such hearing'; and".

The Acting CHAIR. Pursuant to House Resolution 470, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

The question to my colleagues is whether workers come as Republicans or Democrats or if they come simply as Americans operating under a constitutional provision that we all celebrate, and that is the First Amendment.

The First Amendment clearly allows the American people to petition, to have freedom of expression and, in essence, freedom to assemble. We also recognize that, in the course of power, there is the worker and there is the employer. The employer, in many instances, intimidates, and the National Labor Relations Board recognized the unevenness of power. Whether they are returning troops and veterans or whether they are single mothers and working families who want to better their lives, they understand that there needs to be fairness in order for this little, small book, the Constitution, to actually operate.

My amendment is very simple. My amendment attempts to make an even playing field. It takes away the power of the underlying legislation, which is to limit how long the election may go on—in fact, delay the election, if you will. This amendment strikes the provision that deals with the timeframe in which the election can go on and in which the employer can interfere with that election. Delay gives unscrupulous employers more time to use the timeframe to delay the election.

It's a simple premise that you win or lose elections; but if you allow employers to use the hand of intimidation and to stop the election, you take away some of the privileges of being an American.

I, frankly, believe that in this time that we're on the floor we really should be debating the extension of the unemployment benefits, and I believe that we should be discussing the passage of the American Jobs Act. We're not doing that. We're here to limit the rights of Americans. So I'd ask my colleagues to support the amendment that stops employers from delaying the rights of Americans by participating in delaying litigation, raising their power while limiting the power of the worker. I hope my colleagues will join me in supporting my amendment.

Mr. Chair, I rise today in support of my amendments to H.R. 3094, "The Workforce Democracy and Fairness Act." My amendment eliminates the provisions in this bill that would allow employers to unnecessarily delay an election. The bill in its current form rolls back decades of earned collective rights for workers and prevents workers from simply voting in workplace elections.

This legislation is an assault on working Americans. H.R. 3094 is designed to delay and ultimately prevent union representation elections, rendering the National Labor Relations Board (NLRB) powerless and undoes decades' worth of improvements for worker's rights.

In order to prevent needless delays in conducting elections I propose my amendment which simply strikes the text which requires that an election must be delayed for at least 35 days from the date the petition was filed. This amendment would restore current law.

While my colleagues on the other side of the aisle seemed focused on the NLRB decision and their claim to minimum delays, there is no provision in H.R. 3094 to limit the time that an election can be delayed. This would ensure that an election would be conducted as soon as practicable following the pre-election hearing, consistent with the facts determined by the Regional Director.

By setting a floor that an election will always be held at least 35 days from the filing of a petition, H.R. 3094 imposes delay for delays sake, even if an election could practically be scheduled before 35 days from the filing of a petition. A witness testified before the Education and Workforce Committee's that: "This [35 day delay] would apply even where the union and employer are willing to stipulate to an earlier date. Other than facilitating an employer in ramping up an antiunion campaign, it does not appear to have any meaningful purpose."

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

H.R. 3094 would amend the National Labor Relations Act to define how the National Labor

Relations Board should determine a unit for purposes of collective bargaining. In addition, it allows an election to occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay would provide employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

This legislation would perpetuate undue delays in union elections, a blatant attempt to undermine American worker's right to organize to protect their rights. This bill is an attack on collective bargaining, and on the American workforce as a whole.

Delaying elections grants employers the necessary time to use legal and illegal means to discourage employees' interests in forming unions for the purpose of collective bargaining. The bill encourages legal but frivolous appeal litigation, further delaying elections for several months or years. The measure will severely cripple and undermine elections process. A procedure intended to empower workers.

Consequently union voters lose zeal for elections and unscrupulous employers are able to manipulate elections for their desired outcome, stalling the plight of workers' advancement.

Further, The bill misconstrues the procedure for deciding who is a bargaining unit. What effect will this have on the progress union workers have made over the last 75 years?

Employers will use this disruption to gerrymander elections, induce uncertainty regarding elections, thus being able to manipulate workers and flood the ballot boxes with voters not engage in the organizing drive.

For 75 years union workers have fought for basic rights to maintain improved and safer workplace environments. How does this measure effect these achievements?

After the bill's implementation will workers view their workplace favorably? Will their wages match the growth rate of the company and economy? And will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation undermines American workers by eliminating laws that prevent employers from gerrymander elections when employees consider whether or not to form a union. Employees have a right to unionize. They have the right to exercise their rights collectively bargain for competitive wages, benefits, and safe working environments. I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces the voice of hard working Americans to be diluted by their employers. In many cases employees would have to settle for accepting the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the

American workforce by forcing them to choose between their rights and their jobs. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting their right to vote in any capacity.

My Republican friends have not passed a single bill to create jobs, and this bill is no exception. In fact, this reckless legislation threatens American jobs and undermines worker's rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. I yield myself such time as I may consume.

This amendment would strike provisions of the Workforce Democracy and Fairness Act that ensure employers have at least 14 days to find legal counsel and prepare their cases for the preelection hearings. Additionally, it would strike the provisions that ensure employers have 35 days to educate their workers and that employees have 35 days to determine whether they wish to join a union.

Information is power, and I, frankly, don't understand the antagonism towards information. I don't understand the antagonism towards employers. We give garden-variety, common-criminal shoplifters 180 days to find lawyers—180 days for a shoplifter to find a lawyer—but we can't give employers 2 weeks? Is 2 weeks really too much to ask to find a lawyer?

There have been unions, Mr. Chairman, that have already endorsed this President and his reelection bid. Already, 360-something days out, was the first one I noted. So they need 365 days to prepare for an election, but we can't give employers 35 days? You can check out a library book for longer than you want to give employers the ability to prepare for an election.

This is an important decision, not only in the lives of the employees but of the employers, many of whom are small business owners. They've got to negotiate the legal labyrinth that is our Federal labor law, and you're going to give them 35 days and 14 to get lawyers.

Mr. Chairman, this amendment will restrict employers' free speech and will undermine workers' free choice. Information is power. Sometimes that takes time. I don't think 35 days under anyone's calculus is too much time to prepare for an election. If we can give a shoplifter or a speeder or a drunk driver 180 days to hire a lawyer, surely to goodness we can give a small business job creator a couple of weeks.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

Very briefly, in listening to my good friend from South Carolina, it's time to take out the white hanky and begin to cry for the employers against these deafening and deadly workers, some of them veterans and single parents.

Hear me very clearly: there are 35 days for the filing of a petition, but there is no limit to the amount of time the employer can delay the election through litigation. If that isn't an imbalance against the vulnerable worker—the worker who is behind a cashier, the worker who is manufacturing a made-in-America trinket of some kind, the textile worker, the returning soldier on the battlefield—then what is?

God bless the employers with their constitutional rights. I applaud them. But what this bill is doing and what this section is doing is taking a spear and going on and on and on with dilatory litigation tactics to disallow the organizing that is protected under the Constitution and the due process under the Fifth Amendment.

Go ahead, employers, get your lawyers. Move on.

But the question is, how long is too long?

I reserve the balance of my time.

The Acting CHAIR. The gentleman from South Carolina has 2½ minutes remaining.

Mr. GOWDY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

My first job was delivering newspapers. My job after that was bagging groceries at a local grocery store. My job after that was working at a tobacco warehouse.

I don't recall ever being hired by an employee.

I don't understand the antagonism towards employers. I don't understand the antagonism towards people who are willing to invest their fortunes and have the unmitigated temerity to want to be successful and hire other people. I don't understand the antagonism towards job creators.

Mr. Chairman, I will say it again: We give 180 days to someone who shoplifts from a store to go find a lawyer, but we can't give 14 days to the small business owner who wants to defend against a suit—to negotiate the legal labyrinth that many of the lawyers in this body don't understand, present company included. There are experts in labor law; but unless you have corporate counsel hired, you're going to have to go find a lawyer and educate him on your issues.

Mr. KLINE gives them a whopping 2 weeks. Fourteen days is eminently reasonable, and 35 days for something as potentially transformative as an election is not too much to ask for, and there is nothing in the Constitution of the United States that says otherwise.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

What I say to my good friend from South Carolina is that I have the greatest respect for employers. I'd like the gentleman to join me in passing the American Jobs Act to give them payroll tax relief and to give them tax credits for hiring new employees. But you have to ask the question:

After this bill's implementation, will workers view their workplaces more favorably? Will their wages match the growth rates of the companies and economy? Will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation, frankly, undermines the American workers. Can we all get along? Can we find a way to address the concerns of making sure that we are fair to the employer but not have delay after delay after delay to deny someone his constitutional right of organizing freedom of expression? I think we can.

□ 1630

The elimination of the provisions that I have spoken of is a dilatory upper hand of employers to get the better hand of our employees.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 15 seconds remaining, and the gentleman from South Carolina has 45 seconds remaining.

Mr. GOWDY. Thank you, Mr. Chairman.

I would invite my friends on the other side of the aisle to join us in addressing what I hear from every small business owner back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don't have.

Mr. Chairman, the President, who was standing not 3 feet in front of you, said we should have no more regulation than is necessary for the health, safety, and security of the American people. That's not a Republican that said that; it's the President of the United States.

So I would ask the NLRB, what part of health, safety, and security are you trying to fix with quick elections, the placing of posters in the workplace, and other regulations that do nothing except punish job creators?

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. In my hand I have H.R. 3094 and in this hand I have the Constitution. I don't know who you would stand with. Support my amendment, support the Constitution, provide workers the opportunity for freedom and the right to organize.

I ask my colleagues to join me in supporting the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

MOTION TO RISE

Ms. MOORE. Mr. Chairman, I have a preferential motion at the desk.

The Acting CHAIR. The Clerk will report the motion.

The Clerk read as follows:

Ms. Moore moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes in support of her motion.

Ms. MOORE. Thank you, Mr. Chair.

I rise to make this motion today because I am opposed to the underlying bill, the so-called Workforce Democracy and Fairness Act.

Mr. Chair, I hope that all of my colleagues have gotten their tickets for this show, because once again my Republican colleagues have turned these hallowed Halls of Congress into a place for political theater or, better yet, a circus, and the joke is on working class Americans.

Today's so-called Workforce Democracy and Fairness Act is another scene in this unfolding plot to undermine American workers.

It would be comedy if it weren't such a tragedy for the American people. Every day, the American people are forced to play the part of the clown Pagliacci. They watch Republicans put on this performance, claiming to want to protect American jobs and workers while behind the scenes they work to dismantle the rights of the American worker and, like Pagliacci, the American people must learn to laugh with tears in their eyes.

Today's installment of tragic theater stars a bill which has been more appropriately renamed by my Democratic colleagues as the Election Prevention Act.

This bill would permit employers to delay indefinitely a union election by mandating delays in the union election process and failing to place limits on how long an election can be delayed. These delays would allow more intimidation and harassment of employees, including hiring union-busting companies.

This bill perverts the notion of employee free choice in the face of the power of an employer to indefinitely postpone an election.

In Wisconsin, Mr. Chair, we have seen this song and dance before under the guise of deficit reduction. Governor

Walker undermined the workers' rights, rammed through legislation that cut State employee benefits and stripped unions of their collective bargaining rights.

Ohio, too, has seen this horrific curtain call. Governor John Kasich and the Ohio Republican legislature's passage of S.B. 5. But what Governors Walker, Kasich and so many others are not prepared for is the second act of this drama.

When the curtain opened on November 8 in Ohio, voters flocked to the polls in record numbers with a resounding voice and repealed S.B. 5. The staging continues in my State of Wisconsin, where in just 2 weeks we have garnered 300,000 signatures poised to recall Governor Scott Walker.

Mr. Chair, the American people will not be upstaged by this anti-union, anti-worker, and anti-family play. Our Nation's middle class is demanding to bargain for more of the wealth that they created.

Mr. Chair, this clear attack on workers' rights departs from a long-preserved tradition of American democracy in the workplace. It's time for us to close the curtain, pull the hook out on this circus act, and bring up the lights on real legislation that creates real jobs.

Mr. Chair, I would now yield to my colleague, the gentlelady from Ohio, BETTY SUTTON.

Ms. SUTTON. I thank the gentlewoman for yielding and I thank her for the motion.

What's it going to take to get this body to focus on priority one, which is getting America back to work? Why, Mr. Chair, are we here yet again debating an anti-worker bill when we should be working together to help foster jobs? Instead of trying to disempower workers and further weaken the middle class, why aren't we trying to create opportunities for them and their families? Every day that the focus is on attacking workers instead of generating job opportunities is one day longer we're mired at unacceptable rates of unemployment, and it's one more day that far too many unemployed Americans will struggle.

And yet here we are debating this extreme and lopsided bill to give big corporations the upper hand over working families, a bill that does nothing to bolster our recovery but does a lot to stack the deck against American workers. We have seen this fight before, as the gentlewoman has pointed out, in other places, and the American people are voicing their opposition to these types of fundamentally unfair attacks that stack the deck against workers.

In my State of Ohio, we saw a Governor try to silence our firefighters, teachers, our police officers, our nurses, and other people who serve Ohio. Instead of focusing on jobs, the Governor and his allies pushed the bill

through and unlevelled the playing field for working families. It wasn't right there and it's not right here, and the American people urge the defeat of this bill.

The Acting CHAIR. The time of the gentlewoman from Wisconsin has expired.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the motion.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this clearly, in fact, in the language of the motion, is designed to kill the bill. I understand the gentlelady doesn't like the bill, but the characterization of it is incorrect. We heard today on this floor some distinguished Members of the other party say that the NLRB ought to be fair, that employers and employees ought to get a fair election. We agree with that.

We have heard today that the majority party has done nothing to improve the economy and help job creators create jobs. Clearly we disagree. Member after Member has stood up here and said we have a plan, we've been advancing legislation, we continue to advance legislation, we have over 20 bills passed by this House sitting over in the Senate waiting for Majority Leader REID to take them up, jobs that will clear the way for job creators, the private sector, to put Americans back to work.

Clearly there is a blizzard of regulations that is descending on the workplace. The Speaker got a letter back from the administration some 2 weeks ago that said there were some 219 regulations in the pipeline, each of which would have an impact on the economy of over \$100 million, and I think seven that would have an impact of over a billion dollars, regulations coming from every direction. My colleagues pointed out that even the President of the United States said we shouldn't be having more regulations that don't directly affect the safety and security of the American people, or words close to that effect.

The gentlelady, my friend from Wisconsin, said that there was an unfolding plot. Well, I agree, there does seem to be an unfolding plot. It's coming from the administration through the NLRB to advance the special interest of Big Labor bosses. We don't think that's right. That's not giving employers and employees a fair election; that's advancing the special interest of big union bosses.

It's not protecting the rights of workers, whether they're in a union or not.

□ 1640

Employees and employers ought to get a fair election. The NLRB should not be slanting it, handing it to Big Labor bosses.

So this is an effort to kill the bill. I believe it is a good bill that restores

practices that have been in place providing fair elections for decades. I would encourage my colleagues to support the underlying legislation and vote against this motion to kill the bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the preferential motion.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chair, I would note that there is no quorum, and I request a rollcall.

The CHAIR. The Chair will count for a quorum.

Ms. MOORE. I am not asking for a quorum call. I am just asking for a rollcall.

The Acting CHAIR. Does the gentlewoman withdraw her point of order of no quorum?

Ms. MOORE. Yes.

The Acting CHAIR. The Chair will count for a recorded vote. Those in favor of a recorded vote will rise and be counted.

A sufficient number having risen, a recorded vote is ordered. Members will record their vote by electronic device.

Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the preferential motion to rise will be followed by 2-minute votes on the following amendments:

Amendment No. 1 by Mr. BISHOP of New York.

Amendment No. 2 by Mr. BOSWELL of Iowa.

Amendment No. 3 by Mr. WALZ of Minnesota.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 863]

AYES—176

Ackerman	Conyers	Hanabusa
Altmire	Costa	Hastings (FL)
Andrews	Costello	Heinrich
Baca	Courtney	Higgins
Bass (CA)	Critz	Himes
Becerra	Crowley	Hinche
Berkley	Cummings	Hinojosa
Bishop (GA)	Davis (CA)	Hirono
Bishop (NY)	Davis (IL)	Hochul
Blumenauer	DeFazio	Holden
Boswell	DeGette	Holt
Brady (PA)	DeLauro	Honda
Braley (IA)	Deutch	Hoyer
Brown (FL)	Dingell	Inslie
Butterfield	Doggett	Israel
Capps	Donnelly (IN)	Jackson (IL)
Capuano	Doyle	Jackson Lee
Cardoza	Edwards	(TX)
Carnahan	Ellison	Johnson (GA)
Carney	Engel	Johnson, E. B.
Carson (IN)	Eshoo	Kaptur
Castor (FL)	Farr	Keating
Chandler	Fattah	Kildee
Chu	Filner	Kind
Cicilline	Frank (MA)	Kissell
Clarke (MI)	Fudge	Kucinich
Clarke (NY)	Garamendi	Langevin
Clay	Gonzalez	Larsen (WA)
Cleaver	Green, Al	Larson (CT)
Clyburn	Green, Gene	Lee (CA)
Cohen	Grijalva	Levin
Connolly (VA)	Hahn	Lewis (GA)

Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Speier
Sutton
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Wooley
Yarmuth

Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kington
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luettkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Murphy (PA)	Roe (TN)	Stivers	Ellison	Levin	Richmond	Miller (FL)	Rivera	Southerland
Myrick	Rogers (AL)	Stutzman	Engel	Lewis (GA)	Ross (AR)	Miller (MI)	Roby	Stearns
Neugebauer	Rogers (KY)	Sullivan	Eshoo	Lipinski	Rothman (NJ)	Miller, Gary	Roe (TN)	Stivers
Noem	Rohrabacher	Terry	Farr	Loeb	Roybal-Allard	Mulvaney	Rogers (AL)	Stutzman
Nugent	Rokita	Thompson (PA)	Fattah	Loeb	Ruppersberger	Murphy (PA)	Rogers (KY)	Sullivan
Nunes	Rooney	Thornberry	Finer	Lofgren, Zoe	Rush	Myrick	Rogers (MI)	Terry
Nunnelee	Ros-Lehtinen	Tiberi	Frank (MA)	Lujan	Ryan (OH)	Neugebauer	Rohrabacher	Thompson (PA)
Olson	Roskam	Tipton	Fudge	Lynch	Sanchez, Linda	Noem	Rokita	Thornberry
Palazzo	Ross (FL)	Turner (NY)	Garamendi	Maloney	T.	Nugent	Rooney	Tiberi
Paulsen	Royce	Turner (OH)	Gonzalez	Markey	Sanchez, Loretta	Nunes	Ros-Lehtinen	Tipton
Pence	Ryan (WI)	Upton	Green, Al	Matsui	Sarbanes	Nunnelee	Roskam	Turner (NY)
Petri	Scalise	Walberg	Green, Gene	McCarthy (NY)	Schakowsky	Olson	Ross (FL)	Turner (OH)
Pitts	Schilling	Walden	Grijalva	McCollum	Schiff	Owens	Royce	Upton
Platts	Schmidt	Walsh (IL)	Hahn	McDermott	Schrader	Palazzo	Runyan	Walberg
Poe (TX)	Schock	Webster	Hanabusa	McGovern	Schwartz	Paulsen	Ryan (WI)	Walden
Pompeo	Schweikert	West	Hastings (FL)	McIntyre	Scott (VA)	Pence	Scalise	Walsh (IL)
Posey	Scott (SC)	Westmoreland	Heinrich	McKinley	Scott, David	Petri	Schilling	Webster
Price (GA)	Scott, Austin	Whitfield	Higgins	McNerney	Serrano	Pitts	Schmidt	West
Quayle	Sensenbrenner	Wilson (SC)	Hinchey	Meeks	Sewell	Platts	Schock	Westmoreland
Reed	Sessions	Wittman	Hinojosa	Michaud	Sherman	Poe (TX)	Schweikert	Whitfield
Rehberg	Shimkus	Wolf	Hirono	Miller (NC)	Sires	Polis	Scott (SC)	Wilson (SC)
Reichert	Shuster	Womack	Holden	Miller, George	Slaughter	Pompeo	Scott, Austin	Wittman
Renacci	Simpson	Woodall	Holt	Moore	Smith (WA)	Posey	Sensenbrenner	Wolf
Ribble	Smith (NE)	Yoder	Honda	Moran	Speier	Price (GA)	Sessions	Womack
Rigell	Smith (TX)	Young (AK)	Hoyer	Murphy (CT)	Stark	Quayle	Shimkus	Woodall
Rivera	Southerland	Young (IN)	Insee	Nadler	Sutton	Reed	Shuler	Yoder
Roby	Stearns		Israel	Napolitano	Thompson (CA)	Rehberg	Shuster	Young (AK)
			Jackson (IL)	Neal	Thompson (MS)	Reichert	Simpson	Young (FL)
			Jackson Lee	Oliver	Tierney	Renacci	Smith (NE)	Young (IN)
			(TX)	Pallone	Tonko	Ribble	Smith (NJ)	
			Johnson (GA)	Pascarelli	Towns	Rigell	Smith (TX)	
			Johnson, E. B.	Pastor (AZ)	Tsongas			
			Kaptur	Payne	Van Hollen			
			Keating	Perlmutter	Velázquez			
			Kildee	Peters	Visclosky			
			Kind	Peterson	Walz (MN)			
			Kissell	Pingree (ME)	Waters			
			Kucinich	Price (NC)	Watt			
			Langevin	Quigley	Waxman			
			Larsen (WA)	Rahall	Welch			
			Larson (CT)	Rangel	Wilson (FL)			
			Latham	Reyes	Woolsey			
			Lee (CA)	Richardson	Yarmuth			

NOT VOTING—18

Bachmann	Harris	Ruppersberger
Baldwin	Mack	Smith (WA)
Berman	McKeon	Wasserman
Dicks	Paul	Schultz
Dreier	Pearce	Young (FL)
Giffords	Pelosi	
Gutierrez	Rogers (MI)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1718

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Iowa (Mr. BOSWELL) on
which further proceedings were post-
poned and on which the noes prevailed
by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 181, noes 239,
not voting 13, as follows:

[Roll No. 865]

AYES—181

Ackerman	Capuano	Costello
Altmire	Cardoza	Courtney
Andrews	Carnahan	Critz
Baca	Carney	Crowley
Barrow	Carson (IN)	Cummings
Bass (CA)	Castor (FL)	Davis (CA)
Becerra	Chandler	Davis (IL)
Berkley	Chu	DeFazio
Berman	Cicilline	DeGette
Bishop (GA)	Clarke (MI)	DeLauro
Bishop (NY)	Clarke (NY)	Deutch
Blumenauer	Clay	Dicks
Boswell	Cleaver	Dingell
Brady (PA)	Clyburn	Doggett
Braley (IA)	Cohen	Donnelly (IN)
Brown (FL)	Connolly (VA)	Doyle
Butterfield	Conyers	Duncan (TN)
Capps	Costa	Edwards

NOES—239

Adams	Davis (KY)	Herger
Aderholt	Denham	Herrera Beutler
Akin	Dent	Himes
Alexander	DesJarlais	Hochul
Amash	Diaz-Balart	Huelskamp
Amodei	Dold	Huizenga (MI)
Austria	Duffy	Hultgren
Bachus	Duncan (SC)	Hunter
Barletta	Ellmers	Hurt
Bartlett	Emerson	Issa
Barton (TX)	Farenthold	Jenkins
Bass (NH)	Fincher	Johnson (IL)
Benish	Fitzpatrick	Johnson (OH)
Berg	Flake	Johnson, Sam
Biggart	Fleischmann	Jones
Bilbray	Fleming	Jordan
Bilirakis	Flores	Kelly
Bishop (UT)	Forbes	King (IA)
Black	Fortenberry	King (NY)
Blackburn	Fox	Kingston
Bonner	Franks (AZ)	Kinziger (IL)
Bono Mack	Frelinghuysen	Kline
Boren	Gallagher	Labrador
Boustany	Gardner	Lamborn
Brady (TX)	Garrett	Lance
Brooks	Gerlach	Landry
Buchanan	Gibbs	Lankford
Bucshon	Gibson	Latta
Buerkle	Gingrey (GA)	Lewis (CA)
Burgess	Gohmert	LoBiondo
Burton (IN)	Goodlatte	Long
Calvert	Gosar	Lucas
Camp	Gowdy	Luetkemeyer
Campbell	Granger	Lummis
Canseco	Graves (GA)	Lungren, Daniel
Capito	Graves (MO)	E.
Carter	Griffin (AR)	Manzullo
Cassidy	Griffith (VA)	Marchant
Chabot	Grimm	Marino
Chaffetz	Guinta	Matheson
Coble	Guthrie	McCarthy (CA)
Coffman (CO)	Hall	McCaul
Cole	Hanna	McClintock
Conaway	Harper	McCotter
Cooper	Harris	McHenry
Cravaack	Hartzler	McKeon
Crawford	Hastings (WA)	McMorris
Crenshaw	Hayworth	Rodgers
Cuellar	Heck	Meehan
Culberson	Hensarling	Mica

NOT VOTING—13

Bachmann	Giffords	Pearce
Baldwin	Gutierrez	Pelosi
Broun (GA)	LaTourette	Wasserman
Cantor	Mack	Schultz
Dreier	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1722

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Minnesota (Mr. WALZ)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 200, noes 221,
not voting 12, as follows:

[Roll No. 866]

AYES—200

Ackerman	Brady (PA)	Clarke (NY)
Altmire	Braley (IA)	Clay
Andrews	Brown (FL)	Cleaver
Baca	Butterfield	Clyburn
Barrow	Capps	Cohen
Bartlett	Capuano	Connolly (VA)
Bass (CA)	Cardoza	Conyers
Becerra	Carnahan	Costa
Berkley	Carney	Costello
Berman	Carson (IN)	Courtney
Bishop (GA)	Castor (FL)	Critz
Bishop (NY)	Chandler	Crowley
Blumenauer	Chu	Cuellar
Boren	Cicilline	Cummings
Boswell	Clarke (MI)	Davis (CA)

Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating

NOES—221

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble

Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
Green, Al
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)

Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long

Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts

Bachmann
Baldwin
Cantor
Coffman (CO)
Dreier

Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus

NOT VOTING—12

Giffords
Gutierrez
Mack
Paul
Pearce

Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Pelosi
Wasserman
Schultz

[Roll No. 867]

AYES—188

Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCormack
McCollum
McDermott
McGovern
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver

NOES—236

Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson

Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1727

Mr. DUNCAN of Tennessee changed his vote from “no” to “aye.”
So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated against:
Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 866 I was unavoidably detained and I would have voted “no.”

PERSONAL EXPLANATION

Mr. PEARCE. Mr. Chair, on rollcall Nos. 864, 865, and 866 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 236, not voting 9, as follows:

Gibbs	Lummis	Rohrabacher
Gibson	Lungren, Daniel	Rokita
Gingrey (GA)	E.	Rooney
Gohmert	Manzullo	Ros-Lehtinen
Goodlatte	Marchant	Roskam
Gosar	Marino	Ross (FL)
Gowdy	Matheson	Royce
Granger	McCarthy (CA)	Ryan (WI)
Graves (GA)	McCaul	Scalise
Graves (MO)	McClintock	Schilling
Griffin (AR)	McCotter	Schmidt
Griffith (VA)	McHenry	Schock
Guinta	McIntyre	Schweikert
Guthrie	McKeon	Scott (SC)
Hall	McMorris	Scott, Austin
Hanna	Rodgers	Sensenbrenner
Harper	Meehan	Sessions
Harris	Mica	Shimkus
Hartzler	Miller (FL)	Shuler
Hastings (WA)	Miller (MI)	Shuster
Hayworth	Miller, Gary	Simpson
Heck	Mulvaney	Smith (NE)
Hensarling	Murphy (PA)	Smith (TX)
Herger	Myrick	Southerland
Herrera Beutler	Neugebauer	Stearns
Huelskamp	Noem	Stivers
Huizenga (MI)	Nugent	Stutzman
Hultgren	Nunes	Sullivan
Hunter	Nunnelee	Terry
Hurt	Olson	Thompson (PA)
Issa	Palazzo	Thornberry
Jenkins	Paulsen	Tiberi
Johnson (OH)	Pearce	Tipton
Johnson, Sam	Pence	Turner (NY)
Jones	Petri	Turner (OH)
Jordan	Pitts	Upton
Kelly	Platts	Walberg
King (IA)	Poe (TX)	Walden
King (NY)	Pompeo	Walsh (IL)
Kingston	Posey	Webster
Kinzinger (IL)	Price (GA)	West
Kline	Quayle	Westmoreland
Labrador	Reed	Whitfield
Lamborn	Rehberg	Wilson (SC)
Lance	Reichert	Wittman
Landry	Renacci	Wolf
Lankford	Ribble	Womack
Latham	Rigell	Woodall
LaTourette	Rivera	Yoder
Latta	Roby	Young (AK)
Lewis (CA)	Roe (TN)	Young (FL)
Long	Rogers (AL)	Young (IN)
Lucas	Rogers (KY)	
Luetkemeyer	Rogers (MI)	

NOT VOTING—9

Bachmann	Giffords	Wasserman
Baldwin	Gutierrez	Schultz
Cantor	Mack	
Dreier	Paul	

□ 1732

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, and, pursuant to House Resolution 470, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. SUTTON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SUTTON. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Sutton moves to recommit the bill, H.R. 3094, to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 3. ADDITIONAL PROVISIONS TO ENSURE A LEVEL PLAYING FIELD FOR EMPLOYEES AND EQUAL ACCESS TO VOTERS AND TO DISCOURAGE OUTSOURCING.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is further amended by inserting at the end of subsection (c)(1) the following new subparagraph:

“(C) LEVEL PLAYING FIELD FOR EMPLOYEES AND CORPORATE DIRECTORS.—Once an election by employees is directed by the Board, nothing in this subsection shall require a longer delay for employees to vote for a bargaining representative than is required for the board of directors to vote for a chief executive officer under the incorporation laws of the State where the employer is located.

“(D) FREE AND FAIR ELECTIONS AND EQUAL ACCESS TO VOTERS.—Upon the filing of a petition for an election, the Board shall ensure an equal opportunity for each party to access and inform voters prior to the election, including by prohibiting campaign meetings for which employee attendance is mandatory or employee time is paid unless both parties mutually agree to waive such prohibition.

“(E) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.”.

“(F) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.”.

Mr. KLINE. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I am opposed to this bill, but let me begin by saying that this final amendment, if adopted, will not kill the bill or send it back to committee. Instead, the bill, as

amended, will immediately be voted upon for final passage. We may strongly disagree on the bill in question, but surely no one in this Chamber can disagree that, in these hard times, working families in this country deserve a fair shake. Unfortunately, the underlying bill, as written, is fundamentally unfair.

Mr. Speaker, a few weeks ago, in my home State of Ohio, voters, in an exercise of direct democracy, voted to overwhelmingly repeal the infamous senate bill 5, which was a fundamentally unfair and extreme attack on workers. In a resounding victory for middle class Ohioans, many Democrats and Republicans alike went to the polls and soundly rejected the union-busting effort that would have unfairly silenced workers and stacked the deck against them. At a time when public officials across every level of government should be focused on getting Americans back to work, the underlying bill before us today, like Ohio's recently repealed senate bill 5, would unfairly stack the deck against our workers and American jobs.

But the good news, Mr. Speaker, is that it doesn't have to be that way. Right here, right now, Democrats and Republicans together, like so many voters in Ohio joined together, can stand up for fairness and the middle class, and can pass this amendment. Our amendment would improve the bill in three very important ways:

First, it would level the playing field between employees and corporate boards.

It's only fair.

When workers choose whether to organize a union, they're choosing who their representative will be in the workplace. When a board of directors takes a vote on whether to hire a CEO, it's choosing management's representative in the workplace. I doubt that proponents of this bill would ever think of leaving a corporation voiceless or would ever think of throwing obstacles in the way of a corporate board of directors' ability to choose its next CEO. Yet that's exactly what this bill before us does to workers.

It's not right. Workers shouldn't have to wait any longer than a corporate board of directors. So this amendment levels things out by saying that nothing in this bill will impose any longer of a waiting period for workers to vote for a union than any State law imposes on a board of directors voting on a CEO.

Second, this amendment will make sure that elections proceed legitimately and fairly.

Everyone can agree that workers deserve to be fully informed. So this amendment requires that, when a petition for an election is filed, the board must ensure an equal opportunity for workers to hear from all sides. Under current law, Mr. Speaker, only one

party—the employer—can engage in what is called “captive audience meetings.” Only one party can force the voters to attend campaign speeches, rallies, and meetings or be fired. Under this motion, under this amendment, the parties would agree to equal access to voters.

It's only fair. No more captive audience meetings unless the parties agree, unless there is fair and equal access to voters so that all sides may be heard and so that workers can judge for themselves and make fully informed choices when it comes time to vote.

Finally and importantly, this amendment discourages job outsourcing. With 9 percent unemployment in the country and with our economy barely growing, the last thing we want to do is reward companies that ship jobs overseas.

□ 1740

The underlying bill provides employers with a nasty weapon for tactical delay. It allows employers to drag out preelection hearings indefinitely, preventing an election from ever happening.

Employers can raise any issue at a time prior to the end of the hearing, even issues that have nothing to do with the conduct of the election or the question of whether there should be an election at all. Outsourcers should not have the benefit of a tactical delay to help ship jobs overseas. We should not allow it.

This amendment says if you have outsourced jobs or announced plans to outsource jobs in the past year, you don't get that privilege. You have to do what every party to a Federal case must do: state your claims at the beginning of the hearing. We shouldn't extend privileges to outsourcers.

I urge a “yes” vote on this final amendment to the bill.

Mr. KLINE. Mr. Speaker, I withdraw my reservation of the points of order.

The SPEAKER pro tempore. The gentleman's reservation is withdrawn.

Mr. KLINE. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, this motion to recommit is similar to amendments we have seen earlier today. We had an amendment sort of trying to capitalize on the Occupy Wall Street movement and limit workers' rights because of behavior of executives.

This motion attempts to rewrite existing rules regarding union access to employer property. Mr. Speaker, the point is the current system has been providing fair elections, as the distinguished minority whip said, for employers and employees. The NLRB's job is to see that employers and employees have fair union-organizing elections.

At a time when millions of Americans are searching for work, the Demo-

crats have introduced yet another proposal that will make it more difficult for job creators, employers, to put Americans back to work. Rather than promoting a balanced election process, this motion to recommit will further tilt the playing field in favor of Big Labor bosses.

It's time for the Democrats here to stop standing in the way of the Nation's job creators and work on commonsense solutions that will allow job creators to put Americans back to work. Mr. Speaker, the underlying bill protects employers' free speech and employees' opportunity to make an informed decision.

This motion to recommit undoes that. We need to defeat this motion to recommit for what it is and support the underlying legislation. Let's vote “no” on this motion.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 477; and adoption of House Resolution 477, if ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:

[Roll No. 868]

AYES—185

Ackerman	Cohen	Green, Gene
Altmire	Connolly (VA)	Grijalva
Andrews	Conyers	Hahn
Baca	Costa	Hanabusa
Barrow	Costello	Hastings (FL)
Bass (CA)	Courtney	Heinrich
Becerra	Critz	Higgins
Berkley	Crowley	Himes
Berman	Cummings	Hinchey
Bishop (GA)	Davis (CA)	Hinojosa
Bishop (NY)	Davis (IL)	Hirono
Blumenauer	DeFazio	Hochul
Boswell	DeGette	Holden
Brady (PA)	DeLauro	Holt
Braley (IA)	Deutch	Honda
Brown (FL)	Dicks	Hoyer
Butterfield	Dingell	Inslee
Capps	Doggett	Israel
Capuano	Donnelly (IN)	Jackson (IL)
Cardoza	Doyle	Jackson Lee
Carnahan	Edwards	(TX)
Carney	Ellison	Johnson (GA)
Carson (IN)	Engel	Johnson, E. B.
Castor (FL)	Eshoo	Jones
Chandler	Farr	Kaptur
Chu	Fattah	Keating
Cicilline	Filner	Kildee
Clarke (MI)	Frank (MA)	Kind
Clarke (NY)	Fudge	Kissell
Clay	Garamendi	Kucinich
Cleaver	Gonzalez	Langevin
Clyburn	Green, Al	Larsen (WA)

Larson (CT)	Pallone	Scott (VA)
Lee (CA)	Pascarell	Scott, David
Levin	Pastor (AZ)	Serrano
Lewis (GA)	Payne	Sewell
Lipinski	Pelosi	Sherman
Loeb sack	Perlmutter	Shuler
Lofgren, Zoe	Peters	Sires
Lowey	Peterson	Slaughter
Lujan	Pingree (ME)	Smith (WA)
Lynch	Polis	Speier
Maloney	Price (NC)	Stark
Markey	Quigley	Sutton
Matsui	Rahall	Thompson (CA)
McCarthy (NY)	Rangel	Thompson (MS)
McCollum	Reyes	Tierney
McDermott	Richardson	Tonko
McGovern	Richmond	Towns
McIntyre	Ross (AR)	Tsongas
McNerney	Rothman (NJ)	Van Hollen
Meeks	Roybal-Allard	Velázquez
Michaud	Ruppersberger	Visclosky
Miller (NC)	Rush	Waltz (MN)
Miller, George	Ryan (OH)	Waters
Moore	Sánchez, Linda	Watt
Moran	T.	Waxman
Murphy (CT)	Sanchez, Loretta	Welch
Nadler	Sarbanes	Wilson (FL)
Napolitano	Schakowsky	Woolsey
Neal	Schiff	Yarmuth
Oliver	Schrader	
Owens	Schwartz	

NOES—239

Adams	Emerson	Lance
Aderholt	Farenthold	Landry
Akin	Fincher	Lankford
Alexander	Fitzpatrick	Latham
Amash	Flake	LaTourette
Amodei	Fleischmann	Latta
Austria	Fleming	Lewis (CA)
Bachus	Flores	LoBiondo
Barletta	Forbes	Long
Bartlett	Fortenberry	Lucas
Barton (TX)	Fox	Luetkemeyer
Bass (NH)	Franks (AZ)	Lummis
Benish	Frelinghuysen	Lungren, Daniel
Berg	Gallely	E.
Biggert	Gardner	Manzullo
Bilbray	Garrett	Marchant
Billirakis	Gerlach	Marino
Bishop (UT)	Gibbs	Matheson
Black	Gibson	McCarthy (CA)
Blackburn	Gingrey (GA)	McCaul
Bonner	Gohmert	McClintock
Bono Mack	Goodlatte	McCotter
Boren	Gosar	McHenry
Boustany	Gowdy	McKeon
Brady (TX)	Granger	McKinley
Brooks	Graves (GA)	McMorris
Brown (GA)	Graves (MO)	Rodgers
Buchanan	Griffin (AR)	Meehan
Bucshon	Griffith (VA)	Mica
Buerkle	Grimm	Miller (FL)
Burgess	Guinta	Miller (MI)
Burton (IN)	Guthrie	Miller, Gary
Calvert	Hall	Mulvaney
Camp	Hanna	Murphy (PA)
Campbell	Harper	Myrick
Canseco	Harris	Neugebauer
Cantor	Hartzler	Noem
Capito	Hastings (WA)	Nugent
Carter	Hayworth	Nunes
Cassidy	Heck	Olson
Chabot	Hensarling	Palazzo
Chaffetz	Herger	Paulsen
Coble	Herrera Beutler	Pearce
Coffman (CO)	Huelskamp	Pence
Cole	Huizenga (MI)	Petri
Conaway	Hultgren	Pitts
Cooper	Hunter	Platts
Cravaack	Hurt	Poe (TX)
Crawford	Issa	Pompeo
Crenshaw	Jenkins	Posey
Cuellar	Johnson (IL)	Price (GA)
Culberson	Johnson (OH)	Quayle
Davis (KY)	Johnson, Sam	Reed
Denham	Jordan	Rehberg
Dent	Kelly	Reichert
DesJarlais	King (IA)	Renacci
Diaz-Balart	King (NY)	Ribble
Dold	Kingston	Rigell
Duffy	Kinzing (IL)	Rivera
Duncan (SC)	Kline	Roby
Duncan (TN)	Labrador	Roe (TN)
Ellmers	Lamborn	Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner

Sessions
Shinkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)

Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.

Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre

McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shinkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NOT VOTING—9

Bachmann
Baldwin
Dreier
Giffords
Gutierrez
Mack
Nunnelee
Paul
Wasserman
Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1801

Ms. BERKLEY changed her vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 188, not voting 10, as follows:

[Roll No. 869]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cansco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell

NOES—188

Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich

Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmuter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall

NOT VOTING—10

Bachmann
Baldwin
Braley (IA)
Dreier
Giffords
Gutierrez
Mack
Paul
Ross (AR)
Wasserman
Schultz

□ 1808

Ms. JACKSON LEE of Texas and Mr. CARSON of Indiana changed their vote from “aye” to “no.”

Mr. SULLIVAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 184, not voting 10, as follows:

[Roll No. 870]

YEAS—239

Adams Gohmert Nunes
Aderholt Goodlatte Nunnelee
Akin Gosar Olson
Alexander Gowdy Palazzo
Amash Granger Paulsen
Amodei Graves (GA) Pearce
Austria Graves (MO) Pence
Bachus Griffin (AR) Petri
Bartetta Griffith (VA) Pitts
Bartlett Grimm
Barton (TX) Guinta
Bass (NH) Guthrie
Benishkek Hall
Berg Hanna
Biggert Harper
Bilbray Harris
Bilirakis Hartzler
Bishop (UT) Hastings (WA)
Black Hayworth
Blackburn Heck
Bonner Hensarling
Bono Mack Herger
Boren Herrera Beutler
Boustany Huelskamp
Brady (TX) Huizenga (MI)
Brooks Hultgren
Broun (GA) Hunter
Buchanan Hurt
Bucshon Issa
Buerkle Jenkins
Burgess Johnson (IL)
Burton (IN) Johnson (OH)
Calvert Johnson, Sam
Camp Jones
Campbell Jordan
Canseco Kelly
Cantor King (IA)
Capito King (NY)
Carter Kingston
Cassidy Kinzinger (IL)
Chabot Kline
Chaffetz Labrador
Coble Lamborn
Coffman (CO) Lance
Cole Landry
Conaway Lankford
Cravaack Latham
Crawford LaTourette
Crenshaw Latta
Cuellar Lewis (CA)
Culberson LoBiondo
Davis (KY) Long
Denham Lucas
Dent Luetkemeyer
DesJarlais Lummis
Diaz-Balart Lungren, Daniel
Dold E.
Duffy Manzullo
Duncan (SC) Marchant
Duncan (TN) Marino
Ellmers Matheson
Emerson McCarthy (CA)
Farenthold McCaul
Fincher McClintock
Fitzpatrick McCotter
Flake McHenry
Fleischmann McKeon
Fleming McKinley
Flores McMorris
Forbes Rodgers
Fortenberry Meehan
Foxy Mica
Franks (AZ) Miller (FL)
Frelinghuysen Miller (MI)
Gallegly Miller, Gary
Gardner Mulvaney
Garrett Murphy (PA)
Gerlach Myrick
Gibbs Neugebauer
Gibson Noem
Gingrey (GA) Nugent

NAYS—184

Ackerman Bishop (GA)
Altmire Bishop (NY)
Andrews Blumenauer
Baca Boswell
Barrow Brady (PA)
Bass (CA) Braley (IA)
Becerra Brown (FL)
Berkley Butterfield
Berman Capps

Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Ribble
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Finer
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda

Bachmann
Baldwin
Dreier
Giffords

Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter

NOT VOTING—10

Gutierrez
Mack
Paul
Royce

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1815

So the previous question was ordered.
The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 178, not voting 16, as follows:

[Roll No. 871]

AYES—239

Adams Alexander Austria
Aderholt Amash Bachus
Akin Amodei Barletta

Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Walden
Wasserman
Schultz

Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)

Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce

NOES—178

Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver

Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scallise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

DeLauro	Kucinich	Rangel
Deutch	Langevin	Reyes
Dicks	Larsen (WA)	Richardson
Dingell	Larson (CT)	Richmond
Doggett	Lee (CA)	Rothman (NJ)
Donnelly (IN)	Levin	Roybal-Allard
Doyle	Lewis (GA)	Ruppersberger
Edwards	Lipinski	Rush
Engel	Loeb sack	Ryan (OH)
Eshoo	Lofgren, Zoe	Sánchez, Linda
Farr	Lowe y	T.
Fattah	Lujan	Sanchez, Loretta
Filner	Lynch	Sarbanes
Frank (MA)	Maloney	Schakowsky
Fudge	Markey	Schiff
Garamendi	Matsui	Schrader
Gonzalez	McCarthy (NY)	Schwartz
Green, Al	McCollum	Scott (VA)
Green, Gene	McDermott	Scott, David
Grijalva	McGovern	Serrano
Hahn	McIntyre	Sewell
Hanabusa	McNerney	Sherman
Hastings (FL)	Meeks	Sires
Heinrich	Michaud	Slaughter
Higgins	Miller (NC)	Smith (WA)
Himes	Miller, George	Speier
Hinche y	Moran	Stark
Hinojosa	Murphy (CT)	Sutton
Hirono	Nadler	Thompson (CA)
Hochul	Napolitano	Thompson (MS)
Holden	Neal	Tierney
Holt	Oliver	Tonko
Honda	Owens	Towns
Hoyer	Pallone	Tsongas
Inslee	Pascrell	Van Hollen
Israel	Pastor (AZ)	Velázquez
Jackson (IL)	Payne	Visclosky
Jackson Lee	Pelosi	Walz (MN)
(TX)	Perlmutter	Waters
Johnson (GA)	Peters	Watt
Johnson, E. B.	Pingree (ME)	Waxman
Kaptur	Polis	Welch
Keating	Price (NC)	Wilson (FL)
Kildee	Quigley	Woolsey
Kind	Rahall	Yarmuth

NOT VOTING—16

Bachmann	Ellison	Moore
Baldwin	Giffords	Paul
Blackburn	Gutierrez	Peterson
Carter	Labrador	Wasserman
DesJarlais	Mack	Schultz
Dreier	Marchant	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1822

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VAN HOLLEN. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, would have voted "yea" on rollcall votes 863, 864, 865, 866, 867, and 868 and I would have voted "nay" on rollcall votes 869, 870, and 871.

CONGRATULATING THE BENET ACADEMY GIRLS VOLLEYBALL CHAMPIONSHIP TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Benet Academy Girls Volleyball Team from Lisle,

Illinois, on winning the Class 4A State Championship on November 12.

The terrific team, led by Coach Brad Baker, finished the season with a phenomenal record of 39 wins to 3 losses. This accomplishment by the Redwings marks the first state championship for an all-girls team at Benet Academy.

Each of these talented students should be commended for her hard work and discipline, especially Senior Meghan Haggerty, who led the team with 18 kills during the three-game match and 13 straight service points in the final game.

Her sister, Sophomore Maddie Haggerty, followed her lead with 16 kills. And Senior Jenna Jendryk, who previously was named MVP in the Benet Invitational and Wheaton Classic, rounded out the team with 10.

Mr. Speaker, our community is very proud of these accomplished young women, at least seven of whom already have made plans to play volleyball at Division I universities.

Once again, I'd like to congratulate the Benet Academy Redwings on their win and wish them continued success in all of their future endeavors.

COMMEMORATING WORLD AIDS DAY

(Ms. BASS of California asked and was given permission to address the House for 1 minute.)

Ms. BASS of California. Mr. Speaker, every 9 minutes and 30 seconds someone is infected with HIV in the United States. Today, 34 million people worldwide live with HIV, and of those infected, 60 percent do not know they are positive. These staggering facts demand that we strengthen our efforts to prevent the spread of this life-threatening disease.

Tomorrow, December 1, we will recognize World AIDS Day. World AIDS Day is an opportunity to take action and invigorate the global movement to ultimately halt the spread of HIV. Emphasizing the importance of ending this three-decade fight, this year's World AIDS Day theme is "Getting to Zero." Zero new infections, zero discrimination, zero AIDS-related deaths.

In observance, starting at midnight, I will hold a 24-hour "tweet-blast" where every hour I will tweet facts about HIV/AIDS and ways everyone can get involved to help end this disease. I invite all of you to join me in this conversation on Twitter at Rep KAREN BASS.

THE HIGH COST OF THE AMERICAN ENERGY POLICY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as the price of crude oil again moves past \$100 a barrel, it is another reminder of the

high cost of our energy policy that increases our dependence on foreign countries, kills jobs, and raises energy costs. Every time the Federal Government imposes a moratorium or new regulations, as it did on drilling in the gulf and now the Keystone pipeline, it hurts the American people.

Despite 60 years of a spotless safety record, excellent State regulation and monitoring, approval for safety by the EPA and creation of inexpensive energy sources, hydrofracking for oil and natural gas is under attack by the Department of the Interior.

What is the expected outcome?

Look at what the administration has done to coal, offshore drilling and the Keystone pipeline, not to mention the fact that we have not built a nuclear energy plant or a new refinery for decades due to over-regulation.

Hydrofracking of oil and natural gas will inevitably be pushed into red tape, higher cost of production and lower yield, again, hurting America through high energy costs and fewer jobs.

PENN STATE PRIDE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the hardship of all those involved in the recent tragic developments at Penn State University is heavy on our hearts as this community moves forward and these individuals and their families continue to cope with the horrific adversity and pain.

Despite these tragic events, I rise today for a different reason, something my community, the Penn State community, can be most proud of. The Chronicle of Higher Education recently reported that Penn State leads the Nation in outgoing faculty Fulbright grants for the 2011-2012 academic year. Penn State has received a total of 16 grants, 14 of which were awarded at the University Park Campus in State College.

The Fulbright Program, a program of competitive, merit-based grants for students, teachers and other professionals, is the U.S. government's premier international educational exchange program. These individuals will go on to expand our Nation's educational endeavors by strengthening partnerships with other leading institutions around the world.

These success stories also serve as an encouraging example that every individual can achieve their potential through hard work and dedication. These talented individuals have much to be proud of. Congratulations to each recipient on this esteemed award.

THIRD ANNUAL NATIONWIDE DRUG TAKE-BACK DAY

(Mr. FITZPATRICK asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to commend the combined efforts of government at all levels, law enforcement personnel, nonprofit groups, local businesses, and community volunteers as part of the third nationwide Drug Take-Back Day on October 29.

My home of Bucks County has emerged as a regional leader in the prior Take-Back events, so it came as no surprise that despite the unusual fall storm, we led the Commonwealth of Pennsylvania in collecting nearly 2 tons of unwanted prescription drugs. Due to the efforts of all involved, these drugs have been removed from our community and no longer pose a threat to public safety or to the environment.

I applaud the successful cooperation of government and members of the community in keeping these drugs off our streets and out of the hands of those who may seek to abuse them, and encourage continued efforts.

STANDING AGAINST VOTER OPPRESSION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I'm delighted to join my colleague, Congressman CLAY. And before I do that, let me rise as well to express my support for the Gabe Zimmerman legislation that we will address today and pay tribute to his bravery and certainly his loss.

We come to the floor today as partners with many in this Congress against voter intimidation and to speak on behalf of the Congressional Black Caucus, to collaborate with our many friends across the caucuses and across the interests in the Democratic Caucus, and certainly we hope to include our friends on the other side of the aisle.

Since the 2010 election, over 40 States have implemented voter ID, voter suppression laws. Madam Speaker, we are not against knowing who is voting, but we are against turning back the clock of what the Voting Rights Act attempted to do some 40-plus years ago when before that time a poll tax was utilized, or asking those from the African American community how many jelly beans were in a jar.

Just recently, I sent a letter to the U.S. Attorney's Office regarding voter intimidation and voter oppression. We rise today to say that we will stand against such oppression and ask the Justice Department to not clear voter ID laws.

Mr. Speaker, I rise today to speak about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a

right under the Constitution rather than being treated as privilege.

I am joined by my colleagues here today to call on all Americans of good faith to reject and denounce tactics that have absolutely no place in our democracy. We call on African-Americans, Hispanic and Latin Americans, and Asian-American voters to stand strong and learn their voting rights granted by law and the Constitution. We call on these citizens to stand against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb tactics of intimidation and harassment is to vote. Is to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 reports of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote. However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the long hard-fought right to vote continues to be protected.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were deemed "Ballot Security" programs that include the mailing of threatening notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty police officers to intimidate and frighten voters at the polls.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct

such activities and where a purpose or significant effect is to deter qualified voters from voting. These reprehensible practices continue to plague our Nation's minority voters.

VOTING RIGHTS ACT HISTORY

August 6, 2011, marked the 46th anniversary of the Voting Rights Act

Most Americans take the right to vote for granted. We assume that we can register and vote if we are over 18 and are citizens. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most African Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.

Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.

Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

And the Voting Rights Act has made giant strides toward that goal. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.

In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. And Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

We must not forget the importance of protecting this hard earned right.

VOTER ID

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may "infiltrate" our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane Katrina were scattered across 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of nonprofits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another two weeks (and a full day waiting in line) to get the new Social Security card, and finally three–four weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within three months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

□ 1830

GOP FRESHMEN HOUR: THE IMPORTANCE OF SMALL BUSINESS IN AMERICA

The SPEAKER pro tempore (Mr. MARINO). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from North Carolina (Mrs. ELLMERS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. ELLMERS. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days to revise and extend their remarks and insert extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. ELLMERS. Mr. Speaker, I am here tonight with my colleagues to discuss the importance of small business in America.

Small businesses are our job creators in America, and we here in Congress must do everything that we can to help them to be doing exactly that in creating jobs in our country.

We're here to talk about these issues. We're here to talk about the burdens that are on small business that remain intact that we can help with. We must do everything we can because right now our small business hands are tied. They are telling us over and over again that regulations and the threat of taxation uncertainty continue to hold them back from creating jobs, innovating, and investing in their own companies.

With that, I yield to my colleague from Washington.

Ms. HERRERA BEUTLER. I thank the gentlelady for allowing me the time to join her here today to talk about what this government can and should be doing to help the private sector grow jobs. That's what we're about. We want to help small businesses grow jobs.

This is a statistic most of us are familiar with. Close to two-thirds of all new jobs come from small businesses. They are truly the backbone of our economy. So what if this government started by saying, What can we do to help you, not hurt you or impede your success?

And that's what this Congress is going to be doing this week as we consider the Regulatory Flexibility Act, H.R. 527. It's a bill that strengthens existing law. It simply says a Federal rule is killing jobs if a Federal agency is then required to find a rule that's less burdensome. It's pretty cut and dried. It's something we should be doing already, but we actually have to pass a bill to require it.

When the Federal agencies here in Washington, DC, issue one rule after another, small businesses pay the price and our economy loses jobs.

For instance, take Somarakis Vacuum Pumps in my neck of the woods in southwest Washington, a business manufacturer. When I visit this business, I see a thriving facility with people at work. They're assembling products that help our economy grow. But Somarakis Vacuum Pumps doesn't have a huge team of lawyers and business accountants to handle the regulatory details. They actually need regulatory specialists to navigate the maze of Federal rules. They don't have

the money; but, you know, they just might need it.

I actually brought the reason why I think they might need that. Mr. Speaker, this is pretty heavy. This is actually the list of Federal rules and regulations just for half of November. This doesn't even represent the entire month. These books I have right here represent about 2 weeks' worth of Federal regulations and rules that Somarakis Vacuum Pumps has to navigate.

Let me show you, if I may, just the rules from the last 3 days—Monday, Tuesday, and Wednesday—right here.

You know, part of the reason we're here today is to illustrate the need to make it simpler and easier for small businesses to navigate this Federal maze. I mean, this is ridiculous. This is Monday, this is Tuesday, and this is Wednesday. Three days' worth of rules that Somarakis Vacuum Pumps in southwest Washington is going to need help navigating.

It shouldn't be this way, Mr. Speaker, which is why this week we're working very hard, and we're going to pass a bill that says if these rules and burdens—it puts the proof and the burden back on the government. If these rules are too burdensome, the Federal Government needs to find a better way to put forward its regulations.

Another rule that's really important is working its way through the Environmental Protection Agency and the courts. It's called the Forest Roads Rule. It's also very impactful to southwest Washington. It's crippling in that it overturns 35 years of environmental policy and would require a Federal permit on every single forest road. In essence, you have to get the same Federal permit for a road through your privately owned forestland that you would have to get for factories and industrial sites. That's not necessary.

Let's consider the impacts on public land. According to the U.S. Forest Service, it would require that agency alone 10 years to obtain the 400,000 permits necessary for the roads on public lands. What would that do to Rick Dunning, who owns a small tree farm in Clark County, Washington? He's not the U.S. Forest Service. He doesn't have unlimited lawyers and resources. He has to do this on his own.

That's what we're here tonight to do is to make it easier on these small business owners to operate in our regions and grow our economy.

With that, I thank the gentlelady for the time to talk about my support for the Regulatory Flexibility Act and for what we're doing to help grow jobs in small businesses.

Mrs. ELLMERS. I will just echo my colleague's remarks by saying that, according to the NFIB, compliance with environmental regulations costs small businesses four times more than larger firms. Larger firms do have the ability

and employees in place to deal with these issues. Our small businesses simply cannot afford to do business that way.

With that, I yield to my colleague from California.

Mr. DENHAM. Thank you for your leadership on this area.

I rise in support of H.R. 527. We can't afford any more of the overregulation. Regulatory burdens from new rules just this year alone have cost American taxpayers \$93.2 billion. One study found that each \$1 million increase in the Federal regulatory budget costs 420 jobs. Overregulation costs us jobs around the Nation.

Let me just speak from my own perspective.

Twelve years ago, I started Denham Plastics, something that my wife and I borrowed an incredible amount of money to start a vision that we had supporting the agriculture industry with a plastics company. It has been a tough road to hoe as a small business owner. It certainly comes at great risk to our family, but it was a vision that we had, that we believed, that without any government intervention we can succeed in not only creating new customers but new jobs.

But one regulation would have put us out of business—the government-run health care. Just the 1099 provision alone, by having to report all of our customers, by having to report all of our suppliers, would have put our small business under.

From an agriculture perspective—I'm a farmer in the central valley. The EPA came down with new dust control regulations.

Now, we farm. We drive tractors. We till our land, and we're going to have dust. I mean, just by the sheer motion of a tractor driving through a field or plowing through the dirt—it's something that we've done through the history of our Nation—creates dust. But are you going to put us out of business because of it?

We grow almonds. You can't spray the trees full of water before you shake the trees and harvest the almonds. You're going to have dust.

So I've been a coauthor of a bill that gets rid of this burdensome regulation, something that would shut down our agriculture industry, not only in the central valley of California but across the Nation. We're farmers. We are going to have dust.

Some of my fellow farmers and ranchers are also aware that EPA also wanted to expand its regulation of manure as a threat of greenhouse gas. I mean, some of these things are so ludicrous that they just cost us millions of jobs, and the threat alone causes farmers to say, Do we really want to be in this business? Do our kids really want to take over the family farm?

We've got to stop this overregulation because it does cost us jobs. We've got

to stop eliminating jobs before we can actually go out and create more jobs. We have to have certainty in the marketplace. And whether you're a farmer or a small business owner, the regulations affect us in such a way that, as a small business owner, I couldn't go out there and hire a lobbyist to go through the 90,000 pages of new regulations this year alone.

□ 1840

We have to stop the regulations that are killing businesses throughout the Nation. H.R. 527 is one way to do that. We need flexibility. Most of all, we need certainty. We've got to be able to plan our businesses, not for a month, not for 2 months, not for 1 year. When you're in business, when you're out there borrowing capital, when you're putting your home into a second mortgage because you want to have the American Dream and create a business and want to go out and hire new people, you have to have some certainty. I can't go to my wife and say, Let's take a second out on our home, and maybe we might make it next year.

With regulations, we don't know what's going to happen. We need to be able to plan for 5 years, 10 years. We need to be able to plan on putting our kids through college. Before I go out and hire a new employee, I need to make a commitment to that employee that we're going to have ongoing employment, and I need to make a commitment to that employee's entire family, who depends on us for that new job.

So the regulations that are killing our businesses across the Nation have to end. We need flexibility. We need certainty as a business. We need it in order to create jobs in this great Nation.

Mrs. ELLMERS. I thank my colleague from California. Your perspective alone, as a small business owner and as a farmer, really gives us that strong idea of what we're really facing.

Many of us here in Washington now are and have been small business owners, and we understand the burdens that we are having to undertake and that the rest of America is dealing with. In fact, Mr. Speaker, I'm going to just talk a little bit about some statistics and poll data.

According to a recent Gallup Poll, small business owners in the United States say complying with government regulations is the most important problem facing them today, followed by consumer confidence in the economy and a lack of consumer demand. Small business firms bear a regulatory cost of \$10,585 per employee just to deal with the regulations, which is 36 percent higher, there again, than larger businesses. Small business is what drives our economy, yet it is what is continuously targeted, and we must act on it with the bill that we will pass tomorrow, H.R. 527.

I spoke a little bit about the excessive costs of dealing with environmental regulations. According to the Small Business Administration, regulations cost the American economy \$1.7 trillion annually, which is an enormous cost. You can see by our unemployment rate why we continue in this. Until we are able to cut the excessive, overbearing regulations that are facing our businesses, we will not turn this economy around. That is why we must act now. That is why, of the many bills we have passed over to the Senate, we repeatedly ask for a vote so that we can get started. We could do this tomorrow if these bills were voted on.

One last bit of information before I introduce my next colleague.

Of the administration's new regulations—"new" regulations—200 are expected to cost over \$100 million each. Seven of those new regulations will cost the economy more than \$1 billion each. We cannot continue on this path.

With that, I yield to my colleague from Illinois.

Mr. SCHILLING. I thank the gentlewoman from North Carolina for inviting me to participate today.

The best thing about having the opportunity to represent the residents of Illinois' 17th District is the ability to just listen to their concerns and then taking those concerns back here to Washington, D.C.

As I travel throughout the area, I listen, and I am also asked what worries me. I worry about unemployment and about the uncertainty facing our families in our district. I am worried that more is not being done to create an environment of certainty that promotes long-term growth in our jobs sector.

Government does not create jobs. We need to be clear about that. Government creates an environment for job creation by the private sector. Folks simply will not be put back to work if government continues villainizing our job creators and enacting policies that keep workers on the unemployment lines and drive us deeper into debt. As a small business owner myself, I understand how this hinders the ability to create jobs.

Back in August, I invited local business owners throughout our area to participate in a business roundtable where we discussed what government can do to empower the private sector, spur job creation, and grow our economy. These business owners are the people we are asking to lead us into economic recovery and to put Americans back to work.

I was pleased to see folks from all sorts of industries present eager and great ideas and thoughts on issues that basically are causing them to struggle in this economy. They shared with me that the high energy costs, rising taxes, mixed messages from Washington, D.C., and the uncertainty from

the Illinois State government are stifling the creation of an environment of economic success.

Now, there are more than 27 million small businesses throughout the United States of America. They are the lifeblood of our Nation's economy. America's small businesses create 7 out of every 10 new jobs, and they employ over half the country's private-sector workforce. We ought to be making it easier for these folks to grow and hire new workers, not villainizing them or burdening them with a broken Tax Code, unnecessary mandates, high energy costs, and uncertainty. We need to tear down the roadblocks, get government out of the way and lay the groundwork for real private-sector job creation.

Phil Nelson, president of the Illinois Farm Bureau, recently testified before the Small Business Committee.

He said, "What really keeps me lying awake at night is the potential for more regulatory creep. It's as if we go to bed one night with one set of regulations and wake up the next morning facing a new set. Every moment that we spend fighting and then working to comply with needless, duplicative regulations takes us away from what we do best—producing food."

My colleagues and I in the House have been focused on jobs since day one—passing more than 20 jobs bills to give small businesses the certainty they need to grow, increasing the domestic production of oil and getting Americans back to work. Unfortunately, these bills remain stuck in the Senate, but we cannot do it alone. The President and the Senate Democrats must join us.

This week, we will be voting on H.R. 527, the Regulatory Flexibility Improvements Act. This is yet another pro-jobs bill, one that helps address the problem of burdensome, reckless regulations that burden businesses and stunt job growth. The Regulatory Flexibility Improvements Act provides urgently needed help to small businesses facing an onslaught of Federal regulations. When considering regulations, agencies frequently fail to consider alternative ways to achieve the regulatory goals without imposing unnecessary burdens on America's job creators. This bill increases the ability of small businesses to provide input to Federal agencies as they consider government regulations, and it gives the Small Business Administration new authority to ensure agencies comply with a law that requires flexibility in taking regulatory action against small business.

It takes President Obama's regulatory review Executive order one step further, giving the Small Business Administration the ability to ensure new regulations are in compliance with the law while verifying that small businesses will be able to comply without hurting their ability to create jobs.

Business owners need the certainty that government will get out of the way so that they can do what they do best, which is to grow their businesses and create jobs, and the American people need real bipartisan solutions to our jobs crisis.

Let's put politics and partisanship aside and help the private sector create the jobs that Americans throughout the country so desperately need. The time has come to empower small businesses and to reduce government barriers by helping our small businesses, by fixing the Tax Code to help our job creators, by boosting competitiveness for American manufacturers, by encouraging entrepreneurship and growth, by maximizing American energy production, by paying down America's unsustainable debt burden, and by starting to live within our means.

Mrs. ELLMERS. I thank my colleague from Illinois for that very important information.

Again, as a small business owner, this information is vital to the solutions that we're coming up with here in Washington. We're not just Members of Congress who don't have the experience out there, and we aren't just listening to the usual Washington bureaucrats.

□ 1850

We are actually small business owners who deal with these real-life experiences and understand what works and what doesn't, and this simply is not working.

Mr. Speaker, in my district, where the unemployment rate hovers at about 10.3 percent, I am hearing numerous stories highlighting how small businesses are "hanging on by a thread," and I say that in quotes. "Hanging on by a thread" is what I hear. "Over-regulation is killing us," is another quote I hear over and over and over again.

They feel that they are being punished by Washington. They, years ago, felt that their competitors were the ones that they were working against and trying to compete with for a better product. Now they feel that they are working against the Federal Government and the Federal Government is working against them. The Federal Government has become their enemy.

One of the local small businesses in my district is Kivett's Incorporated in Clinton, North Carolina, owned and operated by Mr. Jerol and Telia Kivett. They are wonderful people, and I met them when I was actually running for office. Why? Because I needed to go in. They called for a meeting with me because they were so concerned with where our country was going and what was happening to their business.

They were not people who had been politically active, they were not people who had ever sat down with a Member of Congress or a want-to-be Member of Congress, but they felt trapped and

continue to feel trapped by the government regulations and all of the uncertainty, including the President's health care bill, which they know will harm them greatly.

Kivett's Incorporated, is the largest family-owned and operated church pew manufacturer and pew refinisher in the United States. In addition, they build and refurbish other church furniture and fixtures, such as steeples and stained glass windows and provide a full range of services from delivery to installation.

This is a jewel in my district. So many are sending these jobs over to China, and yet the Kivetts have maintained their business. Their business was started by Jerol's father, I believe, back in the fifties. They have spent their lives and dedicated their lives to their business, and they are feeling that it is being pulled out from underneath them.

Mr. Kivett's company had 160 employees in 2005, and they are now down to 52—from 160 to 52. Their volume of business is down 60 percent. Their business has not made a profit in the last 3 years. That is significant. They have not increased the prices on their products either since 2005.

This has been due to the fear of losing more business, even though their costs, their costs for products, have escalated; but they have tried to maintain their business by keeping their prices at the same level. At one point they were averaging one church, church furniture for one church every day, and are now down to approximately two per week.

Mr. Speaker, how are they going to be able to keep their doors open and keep those 52 remaining employees working? Churches depend on charitable giving, and they are having a hard time finding a way to meet their operating budget, which leaves any kind of future planning completely out of the realm of possibility.

I spoke a moment ago about the health care law, the uncertainty it's creating for small businesses. Owners make it harder for us to determine—and this is coming straight from Mr. Kivett—it is making it harder for us to determine what our costs are at a time when we are struggling to meet the most basic cost of running our business.

As Mr. Kivett puts it, we are just trying to maintain and praying for the government to stop attempting to regulate small businesses and "get out of the way." That is another quote I hear over and over and over again: "Get out of the way."

That's some of the gloom and doom that my business owners in my district are faced with. As you heard tonight from some of my colleagues, there is a light at the end of the tunnel. Mr. SCHILLING from Illinois showed you the card, the number of bills, again, that

we have passed in the House with bipartisan support to create jobs.

We keep hearing how America wants jobs. We keep hearing about the 99. The 99 percent is sitting on the floor of the majority leader in the Senate, because if those bills were passed and sent to the President to be signed into law, we could have jobs created in this country. We need to decrease the unemployment rate.

We can talk about cutting spending all day long, and we are all about that, but until we get people back to work, we're not going to turn this economy around. Again, there is a light at the end of the tunnel, and you have heard us speak tonight about H.R. 527, which we will be voting on tomorrow.

We simply cannot continue the one-size-fits-all regulations produced by this administration which hinder our small businesses. This bill will help alleviate needless burdens. Economic recovery begins with our small businesses, but this will not happen unless we rein in the mass of regulations coming from right here in Washington.

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act, requires Federal agencies to assess the economic impact of their regulations on small business. Imagine that, imagine having to run an economic impact study to find out how much damage they will be doing to small businesses if these regulations are put in place.

If the impact is significant, they must consider alternatives that are less burdensome. However, the agencies have used loopholes to get around this statute, and that is why it is so important that we pass H.R. 527, the Regulatory Flexibility Improvements Act of 2011, which would remove the loopholes and strengthen the flexibility act by increasing the power of the office of the chief counsel for advocacy to enforce the RFA, ensuring complete analysis of potential impacts on small business and forcing agencies to perform better periodic review of rules.

Regulations often impose unnecessary burdens on small business. You've heard that over and over and over again tonight, that impede their ability to create jobs. Agencies frequently fail to consider appropriate alternatives that allow agencies to achieve their regulatory objectives without imposing burdens on America's job creators, our small business owners.

The Regulatory Flexibility Improvements Act, H.R. 527, provides urgently needed help to small businesses facing an onslaught of Federal regulations. It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. During that time, we have seen that there are weaknesses in the regulatory process that Federal agencies have exploited to the detriment of small businesses and job creators.

This bill ensures Federal agencies can no longer ignore the RFA. Job cre-

ators are the key to economic recovery and the small businesses are America's job creators. Over-regulation requires the diversion of scarce capital from job creation to regulatory compliance.

I said earlier, Mr. Speaker, North Carolina's unemployment rate is now 10.4 percent. This is not a statistic; this is a catastrophe.

Mr. Speaker, thank you so much for this opportunity tonight.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. ELLMERS. I yield to my colleague from Iowa.

□ 1900

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding, and I especially thank her for leading in this Special Order hour here tonight to discuss the burden of regulation on business in this country, primarily the burden on small businesses in America.

From my standpoint and my background, I started a business in 1975. I remember the fears I had at the time. I knew I could do the work and I knew I could line up the customers. I believed I could turn a cash flow, but I didn't know that I could comply with all government regulations. And little did I know how much I was actually stepping into.

When you begin to enter into a business, you are stepping into the unknown. That unknown turned out to be that I would find out about a government agent after a government agent, one after another. They would show up. They'd send me a little mailer. They would talk to someone else in my business. They would say: Did you meet this one? Did you meet that regulation? Do you have your MSD requirements there? What about the EPA side of this? Do you know you have to post a sign that says that you're an equal opportunity employer. And by the way, that has to be in multiple languages. And in case someone shows up that doesn't speak that language, you may have another regulation to provide that interpreter that's there.

On and on and on it went. More and more of my time went away from producing goods and services that had a marketable value, and instead it was invested in complying with primarily Federal but also State regulations.

So as the years went by, I got better at it. I found out more and more to comply with, and I got greater and greater frustration within me because of this burden of filing reports, meeting deadlines, and making sure that the government bureaucrats had all of their regulations and all of the paperwork that they wanted, all the while, "To what purpose?" was my question, because much of that paperwork that I was filling out was going off in some storage dungeon somewhere never to be seen again unless there was some type

of litigation or regulation enforcement against me, in which case then I was confident that they would go dig it up out of the dungeon and pull up that paperwork to see if I dotted the i's and crossed the t's. But what good did it do? What good did most of that regulation do if it simply was going to go off somewhere to go into storage so if, God forbid we had an accident on the job site and OSHA would come in, they would want to make sure that I had all of my regulations in place? But that wouldn't make us more safe, the paperwork would not.

I made a comment here in the Judiciary Committee a month or so ago that of all of these regulations that we have to comply with, if you look across America, there are some really good companies in this country. Of all of them, thousands and thousands of companies in America, hundreds of thousands—actually, millions of companies in America altogether. They advertise everything under the sun that you can imagine. They have banners on their Web site. They will tell you that they are the best or first at—you name anything it is you want. Put it in the Google search. You'll find an American company that will provide it for you, and they'll advertise their quality. They'll advertise their personnel. They'll advertise the efficiency and the cost. It will go on and on and on. But there isn't a single company in America, not one, Mr. Speaker, that has a little banner on their Web site that says, "We are in compliance with all Federal regulations." Not one single company takes that position, and I'll tell you why: because they know if they ever advertise that they are in compliance, there would be a Federal bureaucrat that represented an agency, or two or more, or up to 682, according to the Constitution Daily Web site, Federal agencies—and those are sub-departments and divisions, regulatory entities, 682 of them, and this count is about 5 years old, by the way—that can levy sanction actions against American businesses.

And so the number one fear I had was: Can I comply with all of these regulations? Can I identify them? Can I comply with them? And what do I do about the conflicting regulations where, if you meet one regulation, the other regulation contradicts it? You're bound to be in violation.

So today there isn't a single company in America that advertises that they are in compliance with all Federal regulations. And if they did, I think we should give them the Doo Dah of the Year Award for that because they would be surrounded by bureaucrats, Federal regulators that are in there to inspect, to make sure that they are completely in compliance.

And, by the way, they have to justify their job. So I would predict that any company that would announce that

they are in compliance with all Federal regulations probably wouldn't survive beyond about 18 months before they went into bankruptcy because they would be tied up in knots and tied down and they couldn't produce those goods and services that have a marketable value.

Now, there is a tradeoff on this always, and it doesn't mean that we should not have wise regulations. Yes, we should. But they need to keep in mind the regulatory burden of those rules and what it does to slow down production.

Now, I've said goods and services that have a marketable valuable both domestically and abroad. That means, if you run a company, you want to go to work every day, and you look around, what do we do? We produce a product. We manufacture and market a widget. And you want to do that as efficiently as possible. So if you put 100 people out there on the factory floor to manufacture widgets, and it doesn't take but one person to run payroll and answer mail, you're in pretty good shape. You've got one of those 100 people that's tied up doing administrative duties, that's pretty good efficiency. That's 99 percent producing that product, that number one, grade A widget that you're manufacturing and perhaps invented.

But as soon as a bureaucrat comes along and says, Wait a minute. You have to have somebody here that's documenting—let's say the water that's coming in, the electricity that's coming in, the sewage that's going out. You have to have safety inspectors and you have to have safety meetings, so that once a week you line everybody up and spend 15 to 30 minutes telling them what they need to do, which is safe. Not a bad idea, but when the government calls for that, they put more on your overhead and they've shut down the production of that entire plant for that period of time that they prescribe.

And the other regulations that come along in our construction businesses, the Federal Government saying, let's see, you have to pay the Federal Government scale for your equipment operators on construction projects, Davis-Bacon wage scale. That really means union-imposed scale on those projects. And it might change the wages. In the past, I've seen them double or be cut in half, depending which direction you're going. Just going across the highway, you go into a different division and it's a whole different wage scale. The guy running the shovel gets a different wage than the guy that's running the grease gun, different from the guy that's running the machine that's being greased or having the track scooped out on it. And I have to keep track of all of that and do what the government tells me, which means not just is it costly to keep track of it all, but it consumes the efficiency on the

project. It makes it difficult, if not impossible.

Mrs. ELLMERS. I thank the gentleman from Iowa.

Mr. Speaker, I just want to take the opportunity to say in closing that, as a small business owner with my husband back in Dunn, North Carolina, with our surgical practice, that we have faced exactly what my colleague is talking about, these excessive regulations that have continued through the years.

We are at a point now where we are seeing our fellow colleagues back home with medical practices closing their doors, being bought out by hospitals because they just cannot and know they will not be able to adhere to the mandates coming forward with the health care bill and all of the uncertainty with the doc fix, SGR, all of those wonderful things.

Mr. Speaker, we must act now. We can turn this economy around by acting on these regulations, by passing these regulatory decreases for our businesses so that, there again, our job creators can do what they do best, reinvesting in this country and being the job creators that they are.

With that, I yield back the balance of my time.

AMERICAN EXCEPTIONALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate that recognition, and I appreciate the input that has come from the gentlelady from North Carolina. I came down here to change the subject, but I wanted to speak about regulation, and I'll just wrap up those thoughts that I had before the clock ticked down and take it over to this.

As I emerged into the construction business that I identified, I found myself doing seminars with other people of the same profession around the five-State area in the upper Midwest with our trade association, the Land Improvement Contractors of America. In that five-State area as I traveled around and held those seminars, I began to ask the questions of self-employed people. Most of them had started the business themselves, and they were employers doing this in the kind of way that we need to encourage more Americans to do rather than discourage them with regulation.

I began to ask them, How many agencies regulate your trade? As I asked that question, there might be 60 to 70 contractors in a room, and we would begin to write down the names of those agencies. And, yes, some of them were divisions within the agencies. You can start with the IRS and the EPA and you go on and on and on. OSHA, the mine regulators. It continues on. But

we came to this number of our little narrow trade group, 43 different agencies that regulate us. And we needed to know the regulations from 43 different agencies. We needed to be able to anticipate how they would interpret those regulations and how they would enforce them, and then you also had to calculate, when they contradicted one another, what the likelihood would be of one entity showing up, one agency to regulate you versus another.

□ 1910

If they had conflicting regulations, then you ran your operation to try to comply with the one that's most likely to show up to regulate in contradiction with the other. That goes on in America every single day. There are floors and floors of lawyers and administrative experts whose job it is to try to keep those companies from avoiding the conflict that comes from Federal regulations and, of course, our State regulations that are part of that as well.

It is a great frustration to enter into a business wanting just to provide that good or that service and do it with in a marketable, competitive way; to have a margin of profit and control your destiny and raise your family and do those things that are acting out the American Dream, and find out that a lot of your life is really just tied up in meeting with government regulations and serving this Congress and dealing with so many people that can control the destiny of some 300 million Americans, who have never signed the front of a paycheck, who have no idea what it's like to not maybe have any capital and go out and build a little bit with some sweat equity and take that little bit of capital and roll it and invest it, and after a while find enough margin out there and enough customers that you're compelled to hire a person to help you.

Now there's two people working there instead of one. And then you multiply that again and you take some more sweat and your little bit of equity and now you get to double up the equity and now you get to have another employee and another. While that's going on, you're building a capital base that bridges you through the hard times.

And the attitude, especially over on this side of the aisle, is an attitude that employers somehow are victimizers of the proletariats. Ladies and gentlemen, Mr. Speaker, I would say to you that those folks here in this Congress—and most of them are over on the liberal side of this aisle—believe that employers are victimizers and that employees have a certain virtue to them. I'll just say that we have good and evil in all of us. But the people who risk their capital and many times put everything they have on the line and help stand to lose it all if it doesn't

work, they're not taking advantage of the employees. They're giving the employees a job.

Republicans over on this side, we say: jobs, jobs, jobs. Well, yes, we want those jobs. I don't believe that government creates the jobs. I think we should stop saying we need to create jobs. We don't. We need to get government out of the way so that investors can see an opportunity for profit. And if they see that opportunity for profit, they won't just invest their capital or their sweat; they will produce the kind of jobs out there that will sustain people in a market economy.

That's what needs to happen because, first, there have to come profits. You can't pay payroll very long if you don't have profits, which means that you're not going to have jobs unless people make money. So what do we do in this Congress? You people over here, you want to punish those people that are making money. On this side of the aisle, we don't want to call those people that are punishing the people that are seeking a profit because we're saying we want jobs.

We should all say we want to see profit in these companies so that that profit gets reinvested and more people have an opportunity to go to work and receive a paycheck and perhaps a raise and a better benefits package. And maybe, if that profit gets so great in those companies, they'll spin off of there and the people that learn the business going to work for the boss end up in competition against the boss. That's another thing that is the American way.

These kinds of things need to happen organically over and over again in America millions of times. And if they don't happen, then this country devolves itself down into a European-style social democracy. It's hard for me to even say those words and think of America in that fashion. We've moved in that fashion dramatically.

Mr. Speaker, the President of the United States doesn't believe in these things that I have described that I think are good. He's advocated this Keynesian economy on steroids. He's advocated for spending trillions of dollars, borrowing it. About half of that money, by the way, is borrowed from the investors in America, who believe that U.S. Treasury bills are the safest place to put their money.

And actually it may be if you're going to talk about global currency, the other currency has gotten unstable, too. The euro is in a very unstable, unbalanced condition right now. They have spent money in the European Union—money that they didn't have. They have built a government bureaucracy much heavier than needed to be.

I've twice been to Greece this year, and they have their head in the sand, in my opinion. They believe that they are the first of a multiple dominos in

the EU and that they're only 2 percent of the GDP of the European Union, and if they're not bailed out by the EU—and that means, yes, loan guarantees, but it gets down to debt forgiveness at a certain point—if they're not bailed out at a certain point, if they default, then they will move away from the euro, the currency, and pick up the drachma again and print their money back in Greece a second time, or again.

If that happens, they think the euro becomes less stable if the Greeks aren't involved in it. They argue that they're a domino. So if they're not held up, propped up by the rest of Europe, then they'll fall as a domino. And if that happens, the euro will start to tumble. By the way, their domino will clip Italy, Portugal, Spain, Ireland, Belgium, name your country over there.

Well, it may or may not be true. It's hard to look at Greece and argue that they are a domino, and if they fall, that they'll necessarily hit one of those other unstable countries that will also fall into one and the other and the other. And it will start this cascading effect through the dominos of those unstable countries in Europe might not be true. It might be true that Greece could have a firewall built around it; and if they default, they default. And they'd have to rebuild their country from bottom up, inside out, back to production again.

I hope that this doesn't happen in Greece. I hope that there's a stable economic environment that grows out of Europe. We're tied to them financially with hundreds of billions of dollars invested over into the European banks. If they should fail, then it hurts us badly.

We're also highly leveraged in this country. The comparison of us to Greece is one that is considerably disturbing. There is a good side to a potential Greek default, and that would be that it would give this Congress a lesson for what America needs to do to avoid a similar calamity. I would like to see us steer our way out of this, but we're here having a debate in this Congress about minutiae in proportion to the scope of the problem that we are in.

We came into this new Congress with a new Speaker, JOHN BOEHNER. We have an opportunity with 87 new freshman Republicans that came here. Most of them pledged not to raise the debt ceiling. Most of them pledged to bring us back to fiscal responsibility and fiscal accountability. They all believe that to this day. I don't think they've lost their beliefs. But along the way there were a lot of big decisions that needed to be made without time to analyze. And so what happened?

I said the first thing we needed to do was repeal ObamaCare, repeal ObamaCare, repeal ObamaCare. I can't say it enough. We need to repeal ObamaCare if we're going to have a country that will function and operate

economically again. It drives us so deeply into debt that just removing a couple of those components of ObamaCare, according to DENNY REHBERG, the chairman of the HHH Appropriations Committee—Health and Human Services Appropriations Committee—it would cut our spending over the next decade by \$1.379 trillion. It would solve the whole problem of the supercommittee, that \$1.379 trillion cut that comes just from ending the expansion into Medicaid. By the way, the CLASS Act was going to go anyway. The administration admitted that they couldn't sustain that component.

One other component in ObamaCare was the individual premium subsidy for those who were compelled to buy insurance under ObamaCare. Those components totaled \$1.379 trillion. So we strike those out, shut off any funding to that, and we've saved that \$1.379 trillion. That would more than handle the \$1.2 trillion that we're directed in the debt ceiling deal.

But, Mr. Speaker, this went this way. We had a chance coming into this new Congress, this 112th Congress, to draw bright lines and to ensure fiscal responsibility and actually fix the real scope of this problem. Step number one was repeal ObamaCare.

□ 1920

We passed that out of this House, H.R. 2, sent it over to HARRY REID in the Senate, Mr. Speaker, where he set it up for failure and they shot it down.

So every Republican in the House and every Republican in the Senate has voted to repeal ObamaCare. Congratulations, thank you all for doing that. We didn't get it done, but we got it voted on. And it's on the conscience of the people that voted "no" that that monstrosity of a regulation churns its way through, consuming \$105.5 billion in automatic appropriations that were written deceptively into ObamaCare in an unprecedented fashion. Oh, yes, the tactic had been used before, but the scope had never been used like that before.

And so that \$105.5 billion is in there. And it's around \$26 billion in the first 2 years of ObamaCare, this year, next year, \$26 billion being churned away. And if we had reached an impasse on our negotiations with the continuing resolution, the CR that hit at midnight on March 4, if that had resulted in a showdown that would have been the President causing a shutdown, that might have seen the lights go off in Federal offices all across the land, Mr. Speaker. But you could have driven around the Federal buildings here in this city and around the Federal buildings across America, and where the lights were on in that eventuality, they would be on because the money that funds ObamaCare goes on anyway; it's automatic, they call it mandatory spending. And we tried to shut that off

as well. And we did send the amendment language out of this House of Representatives that shut off all of the funding to ObamaCare. And it went over to the Senate, but it was attached to the bill that went with the CR as an appendage so that they could separate it out and vote it down in the Senate—and that's what HARRY REID did in the Senate also, Mr. Speaker.

And so here we are with a Congress that began kind of on the right foot with an opportunity to force a showdown with the President of the United States and make him defend ObamaCare. We could have legitimately funded all of the functions of government—or we could have responsibly funded all of the legitimate functions of government would be a better way to phrase that, Mr. Speaker—and shut off all funding to ObamaCare. The President of the United States then was predicted to veto a bill like that. Had he done that, he would have had to explain to the American people that his signature piece of legislation, ObamaCare, means more to him than all of the legitimate functions of government combined. That would have been the showdown. It should have been the showdown. I believe that we would have prevailed on that showdown. And I think the President would have had to accept the funds that we put on his desk in a CR appropriations bill, minus any funding that goes into ObamaCare, cutting off all the automatic funding that goes to ObamaCare—could have, would have, should have done that, Mr. Speaker.

We moved past that point. The CR was going to be \$100 billion in cuts; it didn't become that. That number went down low enough that I'll not utter it into this CONGRESSIONAL RECORD. It's just not something that people go back and revisit that even voted for it. And then we were going to do yeoman's work and cut trillions of spending with the budget bill that came to the floor of the House, known as the Republican budget resolution, that was championed by PAUL RYAN of Wisconsin, who has done great work here on fiscal responsibility. That budget didn't balance for 26 years, Mr. Speaker. That was all we could get out of this Congress. It's hard to craft a budget that comes that close. He did a lot of hard work on it and laid out some good parameters that we need to pick up and deal with.

But the budget resolution here on the floor of the House was a promise from ourselves to ourselves that we were going to hold this spending down. And this spending allocation was agreed to by this Congress—by the majority of the House of Representatives, excuse me. The Senate hasn't passed a budget in so long I don't remember when. And so Mr. Speaker, that budget was passed, balancing in 26 years, spending too much money, leaving us with \$23

trillion in national debt 10 years down the road. And it was a great step in the right direction—not as strong as I wanted it to be, not as strong as the RSC budget, which I voted for, but the one that could pass that could constrain our spending. I voted for them both. The RSC budget that balanced in about 9 years and the Ryan budget that balanced in 26 years left us with \$23 trillion in national debt 10 years down the road. That doesn't sound very appetizing to the American public, those facts, Mr. Speaker, but those facts didn't hold.

The promise from ourselves to ourselves went kind of out the window when the debt ceiling agreement was presented to the floor of this Congress and ultimately passed. And in that was a supercommittee, in that was a promise to vote on a balanced budget amendment, and in that was the threat that if the supercommittee didn't produce a product that could pass the Congress and be signed by the President, then there would be the sequestration—which I don't know where the language of that came from, but the sequestration is the automatic cuts that we're looking at now.

I knew when the debt ceiling deal was finally put on paper that we had to go through a number of things. One of them was we had to have a debate about how we were going to define a balanced budget amendment. Well, we had that debate. And I think I won the debate and lost the decision, but nonetheless, the clean version of the balanced budget amendment was brought to the floor. I didn't call it a clean version. I think we needed to have the balanced budget amendment that passed the Judiciary Committee. We should have let the committee work its will. The Judiciary Committee marked up a balanced budget amendment that had a cap at 18 percent of GDP on spending and it had a supermajority in order to raise taxes. It was the right thing to do. It had exemptions there for a declared war or a case of a serious national emergency and other provisions. It was a good constitutional amendment that we could live with that would strengthen this country over the long term. We didn't have a vote on that. We had the one that said that thou shall have a balanced budget and allows for a tax increase to balance that budget. And of course you get to a certain point with tax increases and then you see a decline economically. And I think we are past that tipping point today, Mr. Speaker. That was another one of our struggles.

So now we're faced with a sequestration. I'm thankful that the supercommittee didn't send us a package that couldn't pass the Congress, the House and/or the Senate. I never believed that they could. They concluded they couldn't reach an agreement. There was completely an impasse. Repub-

licans said we're not going to raise taxes and Democrats said we aren't going to do it if you don't raise taxes. They want to punish the people that are producing. They would increase the taxes—you guys over there, you would increase the taxes on the people that are paying the most taxes. You would increase the taxes on the people that are paying the highest percentage. You would argue that it's progressive.

And, you know, you're never going to be satisfied. I know you won't be satisfied. If I can tell you today—and tomorrow is the first day of December—that I have a magic wand, and I promise you all that we're going to give you what you want, and you've got all of the month of December to put your wish list together. And when the ball drops in Times Square in New York on New Year's Eve at midnight and the new year, 2012, begins, here would be the deal—here's the magic wand: Give me a list of all the things that you want to do to take away the liberty and freedom of the American people, take away the wealth and the capital that has been so justly earned by people in this country and redistribute the wealth in the ideal of Karl Marx or any of the other leftists that you worship, grant all of the wishes that you have, reorder society according to all your dreams, and let you have 30 days to put the list together. And at midnight, when the ball drops at Times Square, stroke the magic wand, give you all your entire wish list.

If I had that power and if this happened in this fashion, I will tell you, you guys would work hard. Your lights are on at night; you're well funded and you're smart people—you're wrong on your philosophy, but you would put together a list, and it would be a long list. And it wouldn't be without some internal fights—and BARNEY FRANK will still be there after all, so there would still be some of those internal fights going on. And in the end, if I granted you your wish at midnight at the new year, but the deal would be that you had to then stop complaining the rest of your life, you would have to live under the rules that you had written that you spent 30 days—all your career wishing and dreaming and working and leveraging for in this Congress, we'd give you everything you asked for on the new year, but you'd have to be quiet then and live under those rules. And I can tell you what would happen. You would stay up all night long on New Year's night thinking, what did we forget? How did he cheat us? We really forgot to leave this in, we need to change the rules. And we're going to want more and more and more. Because, first of all, you don't want to admit to the American people what you really want to do. You're anti-capitalists, you're anti-American liberty, you're anti-free enterprise. There are a number of the pillars of American

exceptionalism that you just plain oppose. And here we are, hardworking American people, why do we have all this capital? It never was a zero sum game. It never was. If you look back, where was it when the, let's say the caveman first went out there and brought a pelt back and turned it into a blanket.

□ 1930

There was a little bit of wealth that was created out of the labor that's there. When they were scavengers and foragers, they still made tools. And along the way, somebody else could make a tool a little better, a little more efficient, and someone else could raise a little garden and trade some vegetables for some arrowheads, whatever it might be. Someone else could tan a hide better than the person that hunted for the pelt, and so they traded labor.

And in the middle of all of that, they acquired things. They said, I'll tell you what. Let's do two pelts. You keep one, I'll keep the other. Fine. Now there's two blankets where there had only been one before. And on and on they went, building and building and building capital because we had free enterprise capitalism. We let people invest their sweat, and they turned it into equity.

And eventually they invented the wheel, and along came the industrial revolution, where we built things and we put them on ships, and we traded around the world. And we found that there were resources that were developed in other countries more efficiently than we could here.

Adam Smith wrote in "Wealth of Nations" about how they had the wool industry going on up in England and Scotland and in Ireland, and so they should be the ones there that were shearing sheep and turning that into clothing, and put the wool products that they did so well on ships and sail them down to Portugal, where they were a lot better at raising grapes and turning that into wine. And bring back a load of wine and a ship full of wool, and that was the division of labor that he described. And both countries were better off.

Mr. Speaker, whenever there are two people that trade a dollar, and it's a business transaction, or it's two or more, maybe it's three, four, five or six people in this exchange, these business deals are set up because each party benefits. There doesn't need to be a loser in an economic transaction.

And when I hire somebody to go to work for me and I pay them a wage, they get something in return. They want the money; they want the benefits. They might want the challenge. I hope they do. And they want to contribute, and we reach this agreement. It is a contractual agreement between two consenting adults. And so capital

is built; wealth is built. It's not a zero sum game.

Gold got mined out by the Incas and the Aztecs, and Adam Smith wrote about that. And he said the Spanish galleons went back across the ocean with having cut out the cost of labor—he didn't say by stealing the gold from the Incas and the Aztecs. He said they cut out the cost of labor. And once they removed a significant cost of the labor of producing the gold from them, they dumped it into the markets in Europe, and the price of gold went down.

Well, supply and demand, the cost of the capital and cost of the labor goes together to produce any product that we have there. And over the centuries we built ships and we built buildings and we built highways, we built bridges, and we created cash and currency to trade our labor back and forth with a commodity that would be willing to exchange. That's money.

And then the capital that's built in this world now is trillions and trillions. And, yes, class envy sets in and people think they get a case of the "poor me's" if government doesn't go hand them a job.

And I hear some of you that say, well, the people that want to work should have a job. I would argue that the people that are able to, that the people that are able to work need to sustain themselves, and they need to contribute to the gross domestic product in this country. It is the patriotic thing to do.

America has created now this culture within us that somehow the Federal Government is going to guarantee a middle class standard of living to everybody that lives in this country, legal and illegal.

Mr. Speaker, I know you're going to be astonished at this, but there are 72 different means-tested Federal welfare programs functioning in the United States today; 72 of them. There isn't a single American that can name them from memory. If they can't name them from memory, neither can they describe them.

And if they can't describe them, neither can they understand how they function individually, let alone understand how 72 different welfare programs can interact with each other and function to provide an incentive for people to do the right thing, which is produce for themselves, maybe get an education, develop some job skills, go get a job.

William Bennett told us, when I came to this Congress, that he said he could solve 75 percent of the Nation's pathologies. Get married, stay married, get a job, keep a job. That's 75 percent. You know, if he's right on that, I'd say the other percent is substance abuse.

I'll bet we could get to about 99 percent if people would get married, stay married, get a job, keep a job and not

abuse alcohol and reject illegal drugs. You'd solve a lot of the domestic squabbles that go on and this society would go on. We need to be a moral society.

But we are a Nation of doers and achievers, and our culture is being eroded by those who want to expand the dependency class in America.

And that's you folks over on that side of the aisle. You're in the business of expanding the dependency class in America. It goes on over and over and over again. And you do that because some of you believe, maybe even all of you believe, that it is somehow a humane thing to do to take from the sweat of one person's brow and hand it over to someone who won't sweat for their own. But you do it because it expands your political base, and then you pander to and cater to the people that you're promising somebody else's labor to.

And you think that America's going to be stronger? No, we're getting weaker. We've reached the point now where these 300 million Americans that we have, when you add up—we talk about how many on unemployment do we have. Oh, it was 15 million; now it's 14 million.

You look at the weekly numbers of the new sign-ups and that number ranges down there under 400,000 or so. And we think, oh, it was a good week. We had less than 400,000 new sign-ups to unemployment. And people run off the other end and they expire and they're no longer eligible, and so that number went from around 15 million unemployed down to around 14 million unemployed or a little more.

That's not the number that we should be most concerned about. It is a number. We should add the 14 million that meet the definition for unemployment to the number of Americans that are of working age that are simply not in the work force, Mr. Speaker.

The Department of Labor has that on their Web site. Anyone can go there. I think it's dol.gov, something like that. And on that Web site you'll see different age groups of those working age. It starts at age 16, 16 to 19. There are around 9 million Americans of that working age that are simply not in the workforce. Yes, they may be in school. A lot of us worked our way through school. And I started before that age of 16.

And then you go from 20 on up to 25 or so, there's another chunk. Work your way on up.

Americans of working age not in the workforce, when I came to this Congress not that long ago were 69 million. Then it became 80 million. And about 2½ months ago the number, for the first time in the history of this country, the number of Americans of working age not in the workforce now has exceeded 100 million Americans—100 million. Think what you could do with the labor of 100 million Americans.

And while that's going on, now we have, what is our number, 11, 12 or more million illegals in America? I actually think it's 20 million or more, but they keep tamping that number down. They keep coming across the border, and the number got lower instead of greater by some analysis.

But in any case, we know this: about seven out of every 12 illegals here in this country work. That's marginally a little greater than the number of Americans that are working. And that seven out of 12 that are there are part of around 8 million, 7 million to 8 million documented, I'll say study-analyzed consensus numbers, 7 to 8 million illegals in America that were working. Now, if they all woke up tomorrow in their home country, that conceivably creates 8 million new jobs.

Well, you know, if they weren't coming into this country illegally, you wouldn't need so many people to go guard the border either, and they could do something productive rather than something that's not contributing economically to this country in the fashion that produces goods and services.

So there's 8 million jobs there. But there are many other jobs out there for the people that will go out there and start a business, go ask for a job, compete in this marketplace. And every one of the 100 million Americans who are not working that puts in 1 hour's work even a week contributes to the gross domestic product of the United States of America.

People who are not working, not producing, are not contributing, unless of course they've got investments that are returning, and then I'll give them some credit for that.

But 100 million. Think if you were on a boat or a ship, and let's say you had 300 people on that boat or ship, and you had to have some trimming the sails, some pulling the oars, some swabbing the decks, some down in the galley, some cooking, cleaning, housekeeping and somebody up there taking care of the captain.

And what if you had 100 out of those 300 people that said, I'm going to sit here in steerage. Bring me my food, clean up my mess. That's the scope of what America is faced with today.

I'd put the people on the oars. I'd put them up there trimming the sails and swabbing the decks, and we will sail a lot smoother, we'll be a lot stronger country, and we'll feel better about ourselves. This dignity of work is there for every man and woman that takes that job on.

And I challenge us all: let's step up, take the freedom we have left. Let's grasp for more of that liberty. Let's grasp more of that freedom, and let's put some of these 100 million people to work so they can contribute to their gross domestic product.

The rest of the world will respect us more. We'll be stronger economically.

We'll have more prudent people that are contributing to the ideas in this Congress, and we will get to a balanced budget, and we will start to pay down this national debt, and we will enforce and respect the rule of law.

Mr. Speaker, I would go on for another half hour articulating some of the other pillars of American exceptionalism, but I recognize there is a limit to not your patience, but my time.

I appreciate your attention, and I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DREIER (at the request of Mr. CANTOR) for November 29 and November 30 on account of official travel.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 1, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4036. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending September 30, 2011; to the Committee on Armed Services.

4037. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4038. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4039. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4040. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Investing in Innovation Fund [Docket ID: ED-2011-OI-0001] received November 4, 2011; to the Committee on Education and the Workforce.

4041. A letter from the Assistant General Counsel for Regulatory Services, Depart-

ment of Education, transmitting the Department's final rule — Promise Neighborhoods Program [CFDA: 84.215P] (RIN: 1855-ZA07) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules [EPA-R08-OAR-2009-0556; FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4043. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program [EPA-R03-OAR-2011-0773; FRL-9487-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4044. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2011-0426; FRL-9485-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4045. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District [EPA-R09-OAR-2011-0356; FRL-9479-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro Air Quality Management District [EPA-R09-OAR-2011-0382; FRL-9477-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4047. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0601; FRL-9481-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4048. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0463; FRL-9481-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4049. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4050. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4051. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on Oversight Information Pertaining to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Affairs.

4052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 21- August 20, 2011 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4053. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2011 Annual Report, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A) (94 Stat. 2711); to the Committee on Oversight and Government Reform.

4054. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-234, "Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4055. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-228, "Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

4056. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-235, "Real Property Tax Appeals Commission Establishment Clarification Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4057. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-236, "Criminal Penalty for Unregistered Motorist Repeat Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4058. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-237, "The Washington Ballet Equitable Real Property Tax Relief Act of 2011"; to the Committee on Oversight and Government Reform.

4059. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-238, "Vault Tax Clarification Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4060. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-239, "Arthur Capper/Carrollsbury Public Improvements Revenue Bonds Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4061. A letter from the Secretary, Department of Transportation, transmitting the annual report under the Federal Managers'

Financial Integrity Act for FY 2011; to the Committee on Oversight and Government Reform.

4062. A letter from the Director, Department of the Interior, transmitting the 2010 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4063. A letter from the Deputy Director, Department of the Interior, transmitting the 2009 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

4064. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek further review of the decision of the United States Court of Appeals for the Ninth Circuit in the case United States v. Luis Mario Barajas-Alvarado, No. 10-50134 (9th Cir.); to the Committee on the Judiciary.

4065. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2008"; jointly to the Committees on Energy and Commerce and Ways and Means.

4066. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2011 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RYAN of Wisconsin (for himself and Mr. VAN HOLLEN):

H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. KEATING, Ms. DELAURO, and Mr. NEAL):

H.R. 3522. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. RUPPERSBERGER, Mr. KING of New York, Mr. UPTON, Mrs. MYRICK, Mr. LANGEVIN, Mr. CONAWAY, Mr. MILLER of Florida, Mr. BOREN, Mr. LOBIONDO, Mr. CHANDLER, Mr. NUNES, Mr. GUTIERREZ, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. ROONEY, Mr. HECK, Mr. DICKS, Mr. MCCAUL, Mr. WALDEN, Mr. CALVERT, Mr. SHIMKUS, Mr. TERRY, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. THOMPSON of California, Mr. KINZINGER of Illinois, Mr. AMODEI, and Mr. POMPEO):

H.R. 3523. A bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BRALEY of Iowa:

H.R. 3524. A bill to amend title 38, United States Code, to provide certain rights for persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, and Mr. BLUMENAUER):

H.R. 3525. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mrs. CAPPAS:

H.R. 3526. A bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HULTGREN (for himself, Mr. BOREN, Mrs. BIGGERT, Mr. DOLD, Mr. JOHNSON of Illinois, Mr. LANCE, Mr. KINZINGER of Illinois, Mr. MANZULLO, and Mr. SCHOCK):

H.R. 3527. A bill to amend the Commodity Exchange Act to clarify the definition of swap dealer; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. COHEN, and Ms. MOORE):

H.R. 3528. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3529. A bill to provide for the reinstatement of certain NAFTA Customs fees exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER (for himself and Mr. SCHWEIKERT):

H.R. 3530. A bill to require the exercise of clean-up call options under securities issued by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and to prohibit any new mortgage-backed securities issued by such enterprises to contain provisions for a clean-up call option; to the Committee on Financial Services.

By Mr. PERLMUTTER:

H.R. 3531. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. BOREN):

H.R. 3532. A bill to empower federally recognized Indian tribes to accept restricted fee tribal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. MICA:

H.J. Res. 91. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RYAN of Wisconsin:

H.R. 3521.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. LEWIS of Georgia:

H.R. 3522.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. ROGERS of Michigan:

H.R. 3523.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. BRALEY of Iowa:

H.R. 3524.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 3525.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mrs. CAPPS:

H.R. 3526.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HULTGREN:

H.R. 3527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3528.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. OWENS:

H.R. 3529.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article I, Section 8, Clause 3.

By Mr. PERLMUTTER:

H.R. 3530.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article VI of the United States Constitution

By Mr. PERLMUTTER:

H.R. 3531.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 2; The Foreign Commerce Clause.

By Mr. YOUNG of Alaska:

H.R. 3532.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MICA:

H.J. Res. 91.

Congress has the power to enact this legislation pursuant to the following:

Article I section 8 "To regulate Commerce"

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. FALEOMAVAEGA.

H.R. 100: Mr. GRAVES of Georgia, Mrs. EMERSON, Mr. MCCAUL, and Mr. ROE of Tennessee.

H.R. 132: Ms. SCHAKOWSKY.

H.R. 265: Mr. COHEN and Mr. CLAY.

H.R. 266: Mr. COHEN and Mr. CLAY.

H.R. 267: Mr. COHEN and Mr. CLAY.

H.R. 374: Mrs. BLACK.

H.R. 399: Mr. CARNEY.

H.R. 427: Mr. AMODEI.

H.R. 459: Ms. SPEIER.

H.R. 668: Mrs. HARTZLER.

H.R. 721: Ms. SLAUGHTER.

H.R. 733: Ms. MATSUI.

H.R. 735: Mr. LATTI and Mr. QUAYLE.

H.R. 831: Mr. DEFAZIO.

H.R. 835: Mr. GRIJALVA.

H.R. 876: Mr. ROTHMAN of New Jersey and Mr. MCGOVERN.

H.R. 1012: Ms. JENKINS.

H.R. 1048: Mr. BISHOP of New York, Ms. HAHN, and Ms. LEE of California.

H.R. 1148: Mr. LATTI, Mr. AMODEI, Mr. ROONEY, Mr. FARR, Mr. FLORES, Mr. DEUTCH, Mr. CRITZ, Ms. SUTTON, Mr. YARMUTH, Mr. BILBRAY, Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. LEVIN, and Mr. CONNOLLY of Virginia.

H.R. 1164: Mr. WITTMAN.

H.R. 1193: Mr. POSEY.

H.R. 1294: Mr. COHEN.

H.R. 1300: Mr. FARR.

H.R. 1307: Mr. STEARNS.

H.R. 1370: Mr. TIPTON, Mr. SAM JOHNSON of Texas, and Mr. WITTMAN.

H.R. 1385: Mr. SHUSTER.

H.R. 1409: Mr. SOUTHERLAND.

H.R. 1426: Mr. GARY G. MILLER of California and Mr. COHEN.

H.R. 1433: Mr. POE of Texas.

H.R. 1474: Mr. KINZINGER of Illinois.

H.R. 1477: Ms. WILSON of Florida.

H.R. 1533: Mr. SCHOCK.

H.R. 1587: Ms. WILSON of Florida.

H.R. 1629: Mr. SARBANES.

H.R. 1633: Mr. AUSTRIA, Mr. SOUTHERLAND, and Mr. HARPER.

H.R. 1639: Mr. WHITFIELD.

H.R. 1672: Mr. CUMMINGS and Mr. TOWNS.

H.R. 1681: Ms. VELÁZQUEZ.

H.R. 1697: Ms. CHU, Mr. HULTGREN, Mr. TIPTON, Mr. KLINE, and Mr. BOSWELL.

H.R. 1700: Mr. GIBSON.

H.R. 1815: Mr. REHBERG.

H.R. 1840: Mr. GIBSON.

H.R. 1848: Mr. WALBERG.

H.R. 1946: Mr. POSEY.

H.R. 1956: Mr. HARRIS.

H.R. 1966: Mr. CARNAHAN.

H.R. 1968: Mr. MCKINLEY.

H.R. 1981: Mr. ROSS of Florida and Mr. PENCE.

H.R. 1983: Ms. PINGREE of Maine.

H.R. 1988: Mr. NEAL.

H.R. 1995: Mr. MICHAUD.

H.R. 2016: Ms. MOORE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. SEWELL, Mr. CLARKE of Michigan, Ms. NORTON, Mr. KISSELL, Mr. HOLT, Mr. HINOJOSA, Mr. YARMUTH, Mr. REYES, Mr. BACA, Ms. CHU, Mr. ENGEL, Mr. SERRANO, Mr. HONDA, Mr. LANGEVIN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. RANGEL, Mr. SMITH of Washington, Mr. BRADY of Pennsylvania, Mr. QUIGLEY, Mr. COHEN, Mr. FARR, and Mr. BLUMENAUER.

H.R. 2040: Mr. SMITH of Nebraska.

H.R. 2051: Mr. SOUTHERLAND and Mr. MCCOTTER.

H.R. 2059: Mr. YODER.

H.R. 2069: Ms. CLARKE of New York.

H.R. 2070: Mr. STEARNS.

H.R. 2104: Mr. LYNCH, Mr. THORNBERRY, and Mr. DEFAZIO.

H.R. 2137: Mr. DENT.

H.R. 2182: Mr. BROOKS.

H.R. 2268: Mr. HOLT.

H.R. 2299: Mr. UPTON.

H.R. 2306: Ms. PINGREE of Maine.

H.R. 2335: Mr. MARINO.

H.R. 2359: Mr. CLARKE of Michigan.

H.R. 2364: Ms. HAHN.

H.R. 2393: Mr. GARAMENDI.

H.R. 2394: Ms. LEE of California.

H.R. 2397: Mr. MATHESON and Mr. WITTMAN.

H.R. 2464: Mr. DAVIS of Illinois.

H.R. 2492: Mr. COSTELLO, Mr. SHERMAN, Mrs. DAVIS of California, Mr. KEATING, Mr. GRIJALVA, Mr. WALBERG, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2499: Mr. WALZ of Minnesota.

H.R. 2500: Mr. ALTMIRE.

H.R. 2505: Mr. REYES.

H.R. 2528: Mr. ROSS of Florida.

H.R. 2586: Mr. DOLD.

H.R. 2595: Mr. HIGGINS.

H.R. 2620: Mr. CLAY.

H.R. 2624: Ms. LEE of California.

H.R. 2629: Mr. MURPHY of Connecticut.

H.R. 2655: Mr. SCHOCK.

H.R. 2682: Mr. DOLD.

H.R. 2697: Mr. WALBERG and Mr. MILLER of Florida.

H.R. 2728: Mr. COHEN.

H.R. 2779: Mr. DOLD.

H.R. 2780: Mr. SCHOCK.

H.R. 2834: Mr. NUGENT.

H.R. 2857: Mr. FILNER, Ms. WATERS, and Ms. CLARKE of New York.

H.R. 2870: Mr. STIVERS.

H.R. 2874: Mr. MCCOTTER, Mr. LUETKEMEYER, and Mr. FORTENBERRY.

H.R. 2885: Mr. ALTMIRE.

H.R. 2962: Mr. WESTMORELAND and Mr. WITTMAN.

H.R. 2966: Ms. HAYWORTH and Mr. ROSKAM.

H.R. 2977: Mr. LOEBSACK and Mr. BOSWELL.

H.R. 2981: Ms. MOORE, Mr. CAPUANO, Mr. PAYNE, Mr. NADLER, and Mr. POLIS.

H.R. 2982: Mr. LUETKEMEYER, Mr. MARCHANT, Mr. GRIJALVA, and Mr. COHEN.

H.R. 3039: Mr. LUETKEMEYER.

H.R. 3040: Mr. HASTINGS of Florida.

H.R. 3042: Mr. OWENS, Mr. SHUSTER, and Mr. BARTLETT.

H.R. 3043: Mr. COLE.

H.R. 3100: Mr. DOGGETT.

H.R. 3118: Mr. POSEY.

H.R. 3122: Mr. JOHNSON of Illinois, Mr. CARNAHAN, Ms. NORTON, and Mrs. NAPOLITANO.

- H.R. 3123: Mr. CARSON of Indiana and Ms. SLAUGHTER.
H.R. 3162: Mr. SOUTHERLAND and Ms. FOXX.
H.R. 3192: Mr. LANGEVIN.
H.R. 3193: Mr. FLORES, Mr. ROKITA, and Mr. HARRIS.
H.R. 3199: Mr. MCINTYRE.
H.R. 3208: Mr. CULBERSON and Mr. WALDEN.
H.R. 3209: Mr. CULBERSON and Mr. WALDEN.
H.R. 3235: Ms. NORTON.
H.R. 3236: Mr. HEINRICH.
H.R. 3243: Mr. ALEXANDER.
H.R. 3261: Ms. CHU, Mr. HOLDEN, and Mr. LARSON of Connecticut.
H.R. 3262: Mr. POSEY.
H.R. 3271: Mr. STARK and Ms. DeLAURO.
H.R. 3300: Mr. CLAY.
H.R. 3308: Mr. GOWDY.
H.R. 3310: Mr. STEARNS.
H.R. 3316: Mr. STARK and Mr. HOLT.
H.R. 3317: Mr. STARK and Mr. HOLT.
H.R. 3323: Mr. CAMPBELL.
H.R. 3331: Mr. KLINE.
H.R. 3340: Mr. JONES.
H.R. 3366: Mr. PAULSEN.
H.R. 3379: Mr. SMITH of Nebraska, Mr. PEARCE, and Mr. MCCLINTOCK.
H.R. 3393: Ms. WILSON of Florida.
H.R. 3410: Mr. GIBSON, Mr. KLINE, and Mr. BURTON of Indiana.
H.R. 3415: Mr. RYAN of Ohio.
H.R. 3418: Mrs. MALONEY.
H.R. 3425: Mr. COHEN.
H.R. 3453: Mr. DUFFY.
H.R. 3455: Mr. JONES.
H.R. 3506: Mr. CARNEY and Mr. PASCRELL.
H.R. 3510: Mr. CRITZ, Ms. HAYWORTH, Mr. AUSTIN SCOTT of Georgia, Mr. GERLACH, and Mr. MICHAUD.
H.J. Res. 85: Mr. COLE, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. GOHMERT, Ms. GRANGER, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. FORBES, Mrs. BLACKBURN, Mr. PITTS, Mr. YODER, Mr. HARRIS, and Mr. LANDRY.
H. Res. 20: Mr. BACA.
H. Res. 111: Mr. GRAVES of Missouri.
H. Res. 134: Mr. JACKSON of Illinois.
H. Res. 137: Mr. LEWIS of Georgia.
H. Res. 180: Mr. McCOTTER.
H. Res. 220: Mr. FRANK of Massachusetts.
H. Res. 304: Ms. HAHN.
H. Res. 306: Ms. HAHN.
H. Res. 333: Mr. BERMAN and Mr. FARR.
H. Res. 376: Ms. ROS-LEHTINEN.
H. Res. 407: Mr. FITZPATRICK.
H. Res. 450: Mr. GRIJALVA.
H. Res. 474: Mr. FARR.
H. Res. 475: Mr. HUIZENGA of Michigan, Mr. BROOKS, Mrs. LUMMIS, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. WILSON of South Carolina, Mr. POSEY, Mr. FORBES, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. LANKFORD, Mrs. SCHMIDT, Mr. HUELSKAMP, Mr. GARRETT, Mr. COLE, Mr. HULTGREN, Mr. NEUGEBAUER, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. DESJARLAIS, Mr. FLEISCHMANN, and Mr. FINCHER.

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 3521, THE "EXPEDITED LINE-ITEM VETO AND RESCISSIONS ACT OF 2011"

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. VAN HOLLEN. Mr. Speaker, today I join my friend House Budget Committee Chairman RYAN to introduce the "Expedited Line-Item Veto and Rescissions Act of 2011." Taxpayers deserve a system that is accountable, and this bipartisan legislation will provide another tool to ensure that we are good stewards of their money. The process created by this bill would enable the President to effectively propose the elimination of unnecessary spending from legislation that arrives on his desk for signature, and send those items back to Congress for expedited votes on whether or not to rescind that funding.

We must do everything we can to make sure tax dollars are spent wisely and responsibly. Budget process reform cannot be a substitute for judgment, and it cannot replace the urgent need to put Americans back to work and to put our nation on a path toward long-term fiscal sustainability. But I hope this bipartisan step toward strengthening our budget process will be the first on the road of greater cooperation to meet our fiscal challenges.

I want to thank Mr. RYAN and his staff for their important and thoughtful cooperation in developing this proposal. I ask all members on both sides of the aisle to cosponsor this measure and join us in the hard work ahead.

EXPEDITED LINE-ITEM VETO AND RESCISSIONS ACT OF 2011

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to introduce the "Expedited Line-Item Veto and Rescissions Act of 2011" along with my friend and colleague House Budget Committee Ranking Member CHRIS VAN HOLLEN of Maryland.

The fiscal and economic challenges facing our nation are immense. In addition to the alarming budget deficit and painful jobs deficit, Washington's failure to tackle these challenges fuels a growing credibility deficit. For years, policymakers—in both political parties—have failed to serve as responsible stewards of American families' hard-earned tax dollars. Too many politicians continue to make empty promises to those they serve, spending money we don't have on government programs that don't work.

The stakes are too great to continue to kick the can down the road. I believe that leaders

can—and must—work together to meet these challenges by advancing structural reforms to the drivers of the debt and pro-growth solutions to create a more conducive environment for job creation.

This bipartisan legislation takes a modest step in the right direction. The Expedited Line-Item Veto and Rescissions Act gives the President an important tool to target unjustified spending, while also protecting Congress's constitutional authority to make spending decisions.

This new authority would allow the President to specify spending provisions within an appropriations bill, requiring stand-alone consideration of the spending proposal by Congress. Legislation implementing the proposed spending cancellations would receive expedited floor considerations and an automatic up-or-down vote in both chambers of Congress. Should Congress determine the spending cannot be justified: Every dollar of savings would be devoted to deficit reduction.

This bipartisan proposal builds upon past efforts to target wasteful spending, including Legislative Line-Item Veto proposals I've advanced over the years and the new House Majority's ban on earmarks. I remain grateful to Ranking Member VAN HOLLEN at the House Budget Committee for his partnership in this effort. I look forward to working with my colleagues to help advance this common-sense deficit-reduction tool—a step in the right direction as we work to address the structural drivers of the debt and continued impediments to economic growth.

REMEMBERING HAL BRUNO

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. HOYER. Mr. Speaker, a number of us have come to the floor today to remember a great American who passed away earlier this month. Hal Bruno made a real difference in people's lives, both by keeping them informed about our world and by serving as an advocate for firefighters and their families.

Hal was ABC News Political Director through the 1980's and 1990's, covering major national events and keeping Americans engaged with their government. He skillfully moderated the vice-presidential debate in 1992 after having covered presidential campaigns since Kennedy ran against Nixon. He had the respect and admiration of leaders from both parties.

As a journalist, Hal made a reputation for himself as a truth-teller, even when the truth was difficult. That began in Chicago, when as a young reporter he uncovered how poor safety standards in the building code had contributed to a fire that claimed 95 lives. He be-

came a respected voice for fire safety, and that experience led him to become a volunteer firefighter himself, which he continued to do for decades.

After retiring from ABC News in 1999, Hal dedicated himself to serving our communities' firefighters and their families. He chaired the National Fallen Firefighters Foundation at a time when we lost so many brave first responders in the September 11 attacks. Hal was a champion for the families of firefighters who lost their lives in service to their communities, and he fought for and won the passage of legislation to provide them survivor benefits.

I know that Hal will be both dearly missed and dearly remembered by many in government, those who turned to him for their news for so many years, and by the families of firefighters on whose behalf he worked so tirelessly.

I join in remembering Hal and celebrating his life. I offer my condolences to his wife Meg and their children and grandchildren.

HONORING SPENCER ROSENAK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Spencer Rosenak. Spencer is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

Spencer has been very active with his troop, participating in many scout activities. Over the many years Spencer has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Spencer has earned the rank of Brave in the Tribe of Mic-O-Say, participated in the 2010 National Jamboree and has held several leadership positions within his troop, including Assistant Patrol Leader and as the Chaplain's Aide. Spencer has also contributed to his community through his Eagle Scout project. Spencer documented the directory of those buried at B'nai Yaakov Cemetery in St. Joseph, Missouri, and created a map of the plots in the cemetery. Spencer then published his work on the internet, providing an online directory for anyone interested in those buried at the cemetery.

Mr. Speaker, I proudly ask you to join me in commending Spencer Rosenak for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING ETHAN DOYLE OF
OAKTON, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Ethan Doyle, a 2011 Critical Language Scholarship Program Recipient. Ethan has been identified by his educators for his academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Vladimir, Russia.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Vladimir, Russia, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Russian language, one of the thirteen "critical needs" foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Ethan is a student at Johns Hopkins University. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Ethan Doyle and wishing his continued success in his further pursuits.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 862, due to family health issues, I was unable to make the vote. Had I been present, I would have voted "yea."

HONORING PATRICIA NICKLOW

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Mrs. Patricia Nicklow, a resident of Essex, Maryland, on the occasion of her retirement from the U.S. Navy's Program Executive Office for Aircraft Carriers after more than 37 years of dedicated service to the federal government.

Patricia Nicklow was born in Baltimore and attended Our Lady of Mount Carmel and Kenwood Senior High Schools in Essex. She is Level III certified in Acquisition Logistics with Level II certifications in both Program Management and Business Financial Management from the Defense Acquisition University.

Over the course of her 37-year career with the federal government, Mrs. Nicklow has developed an extensive background in acquisi-

tions and logistics. She spent 13 years with the General Service Administration throughout the Washington, DC, metropolitan area. She then served 23 years at the Naval Sea Systems Command, including her final nine years at PEO Carriers. During this time, she became the In-Service Logistician for Mine Sweepers and Hunters before finally coming to Aircraft Carriers to work in new construction, mid-life Refueling and Complex Overhauls, and supporting the Navy's in-service Aircraft Carriers.

Mrs. Nicklow's current duties include ensuring that in-service Aircraft Carriers are logistically supported so that sailors are trained properly to perform and maintain their equipment.

Her well-deserved plans post retirement include more traveling, spending time with family, partaking in health classes, and bowling. Mrs. Nicklow currently lives with her husband and mother.

Mr. Speaker, I ask that you join with me today to honor Mrs. Nicklow. Her long and dedicated service to the United States of America is an inspiration to all of us. It is with great pride that I congratulate Mrs. Nicklow on her retirement and wish her the best of luck in the future.

HONORING BRADLEY DONAGHY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Bradley Donaghy. Bradley is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Bradley has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Bradley Donaghy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE 2011 FERNANDO AWARD RECIPIENT GARY THOMAS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GALLEGLY. Mr. Speaker, I rise to honor Gary Thomas—businessman, civic activist and a very good friend to my wife, Janice, and me—as he is recognized this Friday as the 53rd recipient of the annual Fernando Award.

The Fernando Award is the highest award in California's San Fernando Valley that recognizes exceptional volunteer efforts. It often has

been called the Academy Award of Volunteerism in the San Fernando Valley and is one of the top awards for civic accomplishments in the United States.

Gary is well-deserving of this honor.

Gary's community service and volunteerism has spanned more than 37 years and has involved Chambers of Commerce, organizations that have political impact in the San Fernando Valley, anti-gang programs, youth development organizations, leadership and business programs, and nonprofit organizations.

Gary is responsible for creating many innovative fundraising programs for Valley nonprofits and has helped raise more than \$5 million for the nearly 30 nonprofit organizations for which he has served in leadership positions.

He has served on the Boys & Girls Club of the West for the past 13 years and is currently Chairman of the Board for the fifth year. Gary has served in leadership positions with the Economic Alliance of the San Fernando Valley, United Chambers of the San Fernando Valley; the Valley Business Corps, and the Wellness Community for the Valley and Ventura.

Gary also has been active with the San Fernando Valley Business Advisory Commission and the San Fernando Valley Charitable Foundation.

Although Gary is being recognized for his activities in the San Fernando Valley, I know firsthand that he has also been active in many nonprofit and business activities in Ventura County as well.

A successful businessman, Gary is Senior Vice President and Creative Director for Aaron, Thomas & Associates in Chatsworth, a company that specializes in creative consulting, graphic design, printing, and direct mail services to the political sector and the general corporate market throughout the United States.

Mr. Speaker, I know my colleagues join Janice and me in congratulating Gary Thomas for the honor of being the 2011 Fernando Award Recipient and in thanking him for making his community a better place for all to live, work, and thrive.

RECOGNIZING LIEUTENANT GENERAL WILLIAM E. INGRAM, JR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize the accomplishments of a truly great soldier and North Carolinian, Lieutenant General William E. Ingram, Jr. In a recent Senate Armed Services Committee hearing on November 10th, 2011, Lieutenant General Ingram was confirmed as Director of the Army National Guard and on Monday, November 28th, 2011 he officially assumed the duties of the position. Also on November 28th, 2011, Lieutenant General Ingram received his new star from Army General Ray Odierno, chief of staff of the Army, and Air Force General Craig McKinley, chief of the National Guard Bureau.

For nearly four decades Lieutenant General Ingram has served our nation as an officer in

the Army National Guard. He has commanded at all levels from platoon to battalion, overseas, and was especially effective as the Adjutant General of North Carolina for over nine years. I have no doubt in his ability to accomplish the wide-ranging requirements placed on the shoulders of the Director of the Army National Guard. He will perform his duties well, with honor and enthusiasm.

Lieutenant General Ingram was born and raised in Elizabeth City, North Carolina, and was a longtime resident of Williamston, North Carolina. I am proud to say both are located in the First Congressional District, which I have the honor of representing. His wife, Lil, has also been a tremendous asset to National Guard families and the citizens of North Carolina. She has worked tirelessly as an advocate for North Carolina National Guard families to help them cope with the deployment of family members through several children's programs, the Family Readiness Program, and even as a co-author of a book for children of Wounded Warriors.

Lieutenant General Ingram is a source of great pride for eastern North Carolina. I have witnessed the progression of his career over the years and I am very proud to see his dedication, sacrifices, and contributions recognized with this appointment and promotion. I offer my sincere appreciation for his service to the United States of America and the great state of North Carolina. I ask that my colleagues join me in congratulating Lieutenant General William E. Ingram, Jr. on receiving his recent promotion to the rank of lieutenant general and his appointment as Director of the Army National Guard.

HONORING JENNIE STULTZ

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mrs. MYRICK. Mr. Speaker, Jennie Stultz, mayor of Gastonia, NC, has a motto—"city pride." I couldn't have described her any better myself.

Jennie is retiring in a few weeks, after 12 years as mayor of Gastonia. Her impact on the city will be long-lasting and her leadership greatly missed.

Jennie did that which is most important as a mayor and a native of Gastonia—she put the good of her city first. Partisan politics always took a backseat to making sure that everyone had a seat at the table when making the decisions that moved Gastonia forward.

And move forward it did. Jennie was committed to economic and residential development, and made decisions that brought businesses and residents to Gastonia. She credits the redevelopment of downtown Gastonia as one of her greatest accomplishments—an accomplishment of which she should be very proud.

Under Jennie's tenure, Gastonia was twice named an All-America City, an award that commends the innovation and civic engagement of the city.

Even after all of this, Jennie's best quality is being able to laugh at herself. She takes her

job seriously—no doubt about it—but she doesn't take herself seriously. As an elected official at any level, and especially in our current political climate, that's definitely an asset.

Anyone who has ever worked with Jennie will tell you that she's a joy to be around. I have greatly enjoyed both the professional and personal relationship that we've shared throughout the years, and know that our friendship is a lasting one.

Gastonia has never had a bigger cheerleader than Mayor Jennie Stultz. There is no doubt that she loves the people and the place, and they love her back. She will be missed, but even though she won't be mayor, we all look forward to the continued contributions that Jennie will make to Gastonia, NC.

HONORING SAMUEL PATRICK STOWERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Samuel Patrick Stowers. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Samuel has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Samuel Patrick Stowers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING SAMANTHA GRAY OF SPRINGFIELD, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Samantha Gray, a 2011 Critical Language Scholarship Program Recipient. Samantha has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Kyoto, Japan.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Kyoto, Japan, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Japanese language, one of the thirteen "critical needs" foreign languages determined by the Depart-

ment of State for summer 2012. At the end of the program, participants receive a certificate of completion.

Samantha is a student at the University of Georgia. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Samantha Gray and wishing her continued success in her further pursuits.

PAYING TRIBUTE TO THE LIFE OF RODNEY CARROLL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. RANGEL. Mr. Speaker, it is with great sadness that I rise to honor the life of Rodney Carroll, a community activist from my district. Rodney was a very active member of his community, a loving husband and father.

Rodney's work with the Department of Youth and Community Development will live on forever in the city of New York. As Vice-Chair of the Community Action Board he had a sincere enthusiasm for this position. He was a very determined person and would do everything he could to achieve his goal of making sure the youth and their families would have community organizations that were effective to their needs. His work with Social Service Employee Union Local 371, DC 37 as a staff representative and organizer also will never be forgotten. He continuously fought for workers rights in the community. Rodney was the definition of a true Harlemite. The future of New York City's youth has vastly improved because of the work this man has accomplished.

Rodney believed in our youngsters and their work. They are most fortunate to have had someone like him stand up for what's right and get them the resources that they deserve.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to the life of this very honorable man. Let's encourage others to continue helping communities the way Rodney Carroll did. Our body must continue to recognize community leaders like him because they are the one's who have a direct impact on the lives of the children in our communities. The youth in this country are better off because of people like Rodney.

IN RECOGNITION OF MR. RONALD J. DEL MAURO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Ronald J. Del Mauro, Chief Executive Officer of Barnabas Health, for his forty-five years of service. His continued efforts to revitalize and further develop the organization and its services will be recognized at his retirement ceremony on December 8,

2011. Mr. Del Mauro's tremendous efforts to assist the constituents of New Jersey is worthy of this body's recognition.

Ronald Del Mauro began his career with Saint Barnabas Medical Center in 1967 and served as Vice President for Human Resources and Director of Personnel for fourteen years. In 1985, he was elected President and Chief Executive Officer of Saint Barnabas Medical Center, the position he currently maintains to this day. In 1983, Mr. Del Mauro was named Senior Vice President for Human Resources for the Saint Barnabas Corporation. His appointment also included General Manager and Chief Operating Officer of Livingston Services Corporation, the for-profit affiliate of Barnabas Health. In 1986, he was named President and Chief Executive Officer of the Corporation. Mr. Del Mauro was later elected Chairman of the Board of Trustees for the Medical Center in 1993. Concurrently, he served a three year term as Chairman of the Board of Trustees for Clara Maass Medical Center, a Barnabas Health System affiliate. Under Mr. Del Mauro's direction, Barnabas Health remains the largest health care system in New Jersey and employs 18,200 nurses, physicians and residents. Mr. Del Mauro is responsible for Barnabas Health services and facilities retaining their nationally recognized status. Barnabas Health continues to provide treatment and services for more than two million patients each year under Mr. Del Mauro's direction.

Mr. Del Mauro has also been actively involved in many professional organizations and health associations which include the New Jersey Hospital Association, for which he is the former Chairman, and the New Jersey Chamber of Commerce. He also serves as member of the New Jersey Essential Health Services Commission, Chairman of the Infrastructure Advisory Committee of the New Jersey Domestic Security Preparedness Task Force and Management Trustee of Local 68 International Union of Operating Engineers' Pension Fund. Mr. Del Mauro is a graduate of Seton Hall University and has also served as an Adjunct Professor at the Graduate School of Public Administration from 1983 to 1985.

Mr. Speaker, once again, please join me in thanking Mr. Ronald Del Mauro for his forty-five years of dedication to the Barnabas Health community. His outstanding efforts have assisted countless individuals throughout the Barnabas Health and New Jersey communities.

HONORING ALEX MITCHELL
GOFORTH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alex Mitchell Goforth. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alex has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alex Mitchell Goforth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF PHILIP SAMUEL
HELLER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Ms. MATSUI. Mr. Speaker, it is with sadness that I rise to honor the life of my friend Philip Samuel Heller, who passed away on November 19 at the age of 81. Phil was not only a good friend of mine and my late husband's, but a friend to many families in Sacramento.

Phil was born on November 16, 1930, in Brooklyn, New York, the son of Sidney and Aida Heller. For the better part of four decades, Phil managed Sirlin Photographers in Sacramento and photographed many Sacramento area families. Phil's career in photography began when he worked at Bethlehem Steel in Redding, Pennsylvania, where he was an engineer and photographer. He obtained his degree in engineering at Lehigh University in Bethlehem and his early career took him to Randolph Air Force Base in San Antonio, Texas, where he was a flight engineer instructor. Besides photography, one of Phil's passions was radio controlled model airplanes, which he enjoyed building, flying, and showing off.

Phil is survived by his wife, Cathie, his children Jeff, Mark, and Rana, along with his many grandchildren and great grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying honor to Philip Heller. He leaves behind the lasting legacy of a loving father and a photographer whose work hangs in the homes and offices of countless people. I hope that his wife Cathie and his family will find comfort in the fact that Phil provided so much love and kindness to those of us who had the honor to share in his life.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 861, due to family health issues, I was unable to make the vote.

Had I been present, I would have voted "yea."

HONORING LANCE CORPORAL
JOSHUA CORRAL

HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. MCNERNEY. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the life of Lance Corporal Joshua Corral. Josh was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, California.

He was only 19 years old when he was killed in combat on November 18 while defending our Nation in Afghanistan.

Josh attended San Ramon Valley High. He enjoyed playing baseball and soccer, and he was known by everyone as "Chachi." Through letters, flags, a candlelight vigil, and many other actions, Danville has come together as a community to offer comfort to his family and show gratitude for his service and ultimate sacrifice. This great outpouring of support is a testament to Josh's character and heroism. Josh may not be here, but he will not be forgotten.

Josh is survived by his parents, Arnie and Denise, as well as his brothers Zachary, Jordan and Christian.

Josh is a hero who put aside all else out of devotion to his country. I ask my colleagues to join me in honoring the memory of Josh Corral and in sending our thoughts and prayers to his beloved family and friends.

HONORING JAMES CHANDLER
ADAMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize James Chandler Adams. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, James has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending James Chandler Adams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING PATRICK ROSTOCK
OF MANASSAS, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Patrick Rostock, a 2011 Critical Language Scholarship Program Recipient. Patrick has been identified by his educators for his academic excellence, leadership potential, and exemplary citizenship to participate in the Critical Language Scholarship Program in Shanghai, China.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Shanghai, China, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Chinese language, one of the thirteen "critical needs" foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Patrick is a student at James Madison University. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Patrick Rostock and wishing his continued success in his further pursuits.

CONGRATULATING THE IDAHO
NATIONAL LABORATORY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. SIMPSON. Mr. Speaker, when someone thinks of Idaho, they usually think of the things the state is most well known for, like potatoes, Boise State football, world-class hunting and fishing, or any other of the numerous outdoor attractions popular in the State. One thing Idaho is not yet well known for is its contributions to deep space exploration, yet that is the reason I come to the floor today.

I rise today to pay tribute to the dedicated men and women of the Idaho National Laboratory, INL, who have made significant contributions to NASA's Mars Science Laboratory mission. This mission has sent a large mobile laboratory—a planetary rover named Curiosity—into space, and is now headed to the surface of Mars. One of the greatest challenges for deep space exploration has always been providing a reliable source of electricity to power scientific instruments and provide heat to keep them from freezing in the harsh conditions of space. NASA used solar power for its earlier voyages to Mars, but because of its limitations, NASA decided to utilize nuclear powered batteries to provide the needed heat and power for the mission. The best place to assemble and test these batteries was Idaho.

Why Idaho? Well, Idaho has a long history of leadership and innovation in the nuclear

power arena. After World War II, Idaho was chosen as the new home of the Nuclear Reactor Testing Station, where for the first time it was demonstrated that nuclear power could be used to generate usable forms of electricity. In the 60 years since, over 50 nuclear reactors have been designed and tested in Idaho, leading to the development of extensive capabilities and expertise. This expertise handling nuclear materials made Idaho an ideal location when NASA needed to develop the next space battery that would power its new planetary rover.

The Mars Science Laboratory mission has the potential to be the most productive Mars surface mission in history. That is due, in part to its nuclear heat and power source. The rover Curiosity, which is the size of a small car, is carrying the most advanced payload of scientific gear ever used on Mars' surface. The nuclear powered rover can go farther, travel to more places and power and heat a larger and more capable scientific payload than a solar powered vehicle would in the same environment. Curiosity will travel to locations on Mars that have been off-limits before and collect samples and perform analysis on a far larger scale than previously imagined. This is all possible because of Curiosity's unique nuclear-powered batteries.

A dedicated team of INL scientists and engineers began assembling and testing these batteries in the summer of 2008. After extensive testing to ensure the batteries would perform as expected during the launch and subsequent travel through space, and then again when the rover began its mission on Mars, the team of INL employees felt confident the batteries would do what they needed to do. Many of these people sacrificed significant time away from families to ensure every aspect of the batteries would work as planned, a service that this country should be grateful for. But in the end, I'm sure the individuals who put thousands of hours into this project have considered it a privilege and an honor to be involved.

Last Saturday, when Curiosity lifted off from its launch pad at the Kennedy Space Center to begin its nearly nine month voyage to Mars, it may have seemed odd to see a large group of people in Idaho celebrating while they watched the event unfold on a big screen. But for this dedicated team of INL employees, it was a moment they had been anxiously awaiting for years. They can be proud of the fact that whatever new discoveries are made as a result of this new state-of-the-art rover would not be possible without their contributions. And for that, I extend heart-felt congratulations.

IN HONOR OF MR. HAL BRUNO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor and remember Mr. Hal Bruno and his longtime dedication to political journalism and fire fighters across the nation. As a former Political Director and analyst for ABC News, Mr. Bruno's legacy is one that deserves to be recognized to the fullest degree.

Mr. Bruno's journalism career spanned five decades, and he was greatly involved in many high-profile cases including the Cuban Revolution, Watergate, Chappaquiddick, and 9/11. His breadth of knowledge and myriad of resources will remain as testaments to his tenacity as a political analyst.

Equally important in his life was the service he provided as a volunteer firefighter, and later as a Chairman Emeritus for the National Fallen Firefighters Foundation. In recognition of his service, the Congressional Fire Services Institute selected him as its "Fire Service Person of the Year" in 1995. His passion for fire fighting began in the 1940s, Mr. Bruno's dedication to fighting fires continued until his passing, as he always had an emergency scanner and a bunker gear, helmet, and boots in his car ready to assist in an emergency.

Commended not only for his analysis and service to his community, but also his moderation of the 1992 Vice Presidential debate, Mr. Bruno made certain to maintain a fair environment despite a highly political atmosphere. The debate only reiterated Mr. Bruno's determination to provide the people with fair and balanced information to decide for themselves.

Mr. Speaker, Hal Bruno's incessant dedication to provide assistance to members of the fire fighting community and their families in addition to informing the American public about events of import in Washington, DC is more than commendable. I take this time to remember the services this great man provided our nation. Hal Bruno will be greatly missed. He has left a legacy that will positively impact the fire service for generations in our country.

HONORING TERRANCE WAYNE
CARVER, III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Terrance Wayne Carver, III. Terrance is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Terrance has been very active with his troop, participating in many scout activities. Over the many years Terrance has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Terrance has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Terrance Wayne Carver, III, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE SERVICE OF GLENDALE HEIGHTS VILLAGE ADMINISTRATOR DONNA BECERRA

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to honor a dedicated public servant from my Congressional District, Donna Becerra of the Village of Glendale Heights. After an extraordinary career of 34 years of service, Donna is stepping down from her position as Village Administrator.

Over the years, Donna has proven herself as a vital asset to the Village of Glendale Heights. Since her first position as a secretary in the Community Development Department, she has tirelessly served from within the Department in a number of leadership positions. Her steadfast commitment, diverse experience, and vibrant interest in the history and welfare of the Glendale Heights community have caused her to excel in every capacity.

In addition to Village Administrator, Donna has also served as Records Supervisor, Assistant Building Commissioner, Staff Planner, and Director of Community Development. She has pursued significant additional training and education, and is an active member in a number of Village committees.

In 2005, as a member of the Glendale Heights Historic Committee, Donna was recognized with the Studs Terkel Humanities Service Award for her extensive research and documentation for a History of the Village of Glendale Heights brochure.

Donna leaves a powerful legacy in her passionate and conscientious approach to serving the community of Glendale Heights and her robust preservation of its history. She is truly a public servant and a model citizen.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing this special occasion as we celebrate Donna Becerra's faithful service to the Village of Glendale Heights and wish her the best in her future endeavors.

HONORING PEGGY BAGGETT ON HER RETIREMENT AS EXECUTIVE DIRECTOR OF THE VIRGINIA COMMISSION FOR THE ARTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. MORAN. Mr. Speaker, I rise today to honor Peggy J. Baggett, who will retire as the Executive Director of the Virginia Commission for the Arts (VCA) on November 30, 2011. During her more than 30 years of service with the Commission for the Arts, Ms. Baggett directed the organization in an honest and innovative fashion, ensuring that all needs were met with the utmost attention.

After receiving her Master's degree in Arts Administration, Ms. Baggett joined the Virginia Commission for the Arts in 1976 as their Regional Coordinator. Her long list of responsibilities

included: publicizing the programs and services of the Commission; providing assistance to arts organizations in applying for funds; evaluating activities funding by the Commission; coordinating the statewide Artists-in-Schools program; and consulting with non-profit arts organizations on a wide range of management problems.

In 1980, after only four years at the organization, Ms. Baggett was appointed as the Executive Director by Governor John Dalton. Her capacity to handle complex and long-term projects has been exceptionally impressive. Ms. Baggett's accountability oversaw the investment of state and federal resources in the arts and built a multi-tiered review system that is regarded as effective, fair, and consistent by leaders in the arts across the state. She has effectively worked with key legislators on both sides of the aisle on issues of importance to arts and culture while working in the administrations of three Republican Governors and five Democratic Governors. Ms. Baggett is nationally hailed as an expert on state resources, keeping the administrative costs of the agency low while focusing on providing the best possible service to the people of Virginia.

Peggy Baggett's long list of accomplishments includes numerous recognitions and awards. On January 8, 2011, she was awarded the Leadership in the Arts Award by the Virginia Center for the Creative Arts (VCCA) "for her dedication and inspiring leadership in the arts of Virginia for over three decades and eight governors." Additionally, she garnered the Anne Brownson Award for Service to the Museum Profession from the Virginia Association of Museums in 2002, Award of Distinction from the Folk Art Society of Virginia in 2001, the Gary Young Award for Leadership in the State Arts Agency field from the National Assembly of State Arts Agencies in 1999 and, in 1992, was named an Outstanding Woman of Virginia by the James Madison University Woman Faculty.

Along with her work at the Virginia Commission for the Arts, Peggy's clear dedication to the arts extends far beyond her regular working hours. From 1981 to 2009, she was on the Board of Directors of the Mid Atlantic Arts Foundation, which provides arts programs from Virginia to New York. During that time, she sat on the Board of Directors for the Richmond-First Club, serving as their President from 1995 to 1996, and was also on the Board of the National Assembly of State Arts Agencies from 1989 to 1995. From 1983 to 1985, she served on the Board for the Virginia Women's Cultural History Project. She has been also been a member of the Board and Chair of the Advisory Board for the Center for Arts Administration at the University of Wisconsin several times.

Ms. Baggett has continually and generously lent her skill and expertise to others by volunteering as an Advisory Panelist for numerous National Endowment for the Arts (NEA) programs during her career. Additionally, she has worked as an Advisory Panelist and expert for other arts institutions across the country. Her recent accomplishments are a reflection of her work at the VCA. Ms. Baggett's planning, oversight, and coordination surrounding the 2008 Governor's Awards for the Arts, the first Virginia Heritage Awards in 2009, and for

MINDS WIDE OPEN: Virginia Celebrates Women in the Arts, the Commonwealth's largest collaboration in history in the arts and cultural community, were exemplary. Her industrious oversight and coordination of the distribution of the American Recovery and Reinvestment Act funds for the arts in Virginia was well-executed and effective. Throughout her career at the VCA, Ms. Baggett has continued to promote the growth of the arts and cultural districts in localities across the state through conferences and training.

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Peggy J. Baggett upon her retirement from the Virginia Commission for the Arts as their Executive Director. She has brought joy to countless individuals through her support and development of the arts in Virginia. I sincerely thank her for her service, and wish her the very best in all of her future endeavors.

RECOGNIZING RITA GELDERT ON THE OCCASION OF HER RETIREMENT FROM THE CITY OF VISTA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Rita Geldert as she retires from City Manager of the City of Vista, California.

Mrs. Geldert was appointed as Vista's City Manager in 1997, after serving three years as Assistant City Manager. Under her tenure, Mrs. Geldert has helped spur economic expansion within the City and has helped to promote businesses and job growth within the community. Her tireless work to improve and strengthen infrastructure has not gone unnoticed. Mrs. Geldert has overseen countless projects that have had a great impact on the City and the surrounding area, ranging from the development of Vista Village to the new Civic Center.

Over the past 36 years, Mrs. Geldert has worked tirelessly in the field of public service. She has been active in the city management profession, serving on the Board of Trustees of the California City Management Foundation Board of Trustees while also being a member of multiple organizations relating to her position. Prior to her time spent as City Manager and Assistant City Manager of Vista, she was the Director of Finance and Administration for the City of Dana Point, Management Services Officer for the City of Merced, and Personal Officer for the City of Vacaville. These positions exemplify Mrs. Geldert's dedication to not only the community she currently serves, but to the State of California and its citizens.

It is an honor to recognize Mrs. Geldert on the occasion of her retirement from over three decades of contributions to California communities.

Mr. Speaker, I ask you to please join me in recognizing Mrs. Rita Geldert's dedicated service to the City of Vista and the state of California.

HONORING ASHER B. DURAND,
GEORGE INNESS, AND THE HUDSON
RIVER SCHOOL OF PAINTERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PAYNE. Mr. Speaker, I rise today to commend the decision by the Architect of the Capitol to publicly display two important paintings in the Capitol Visitors Center. "The Discovery of the Hudson River" and "Entrance into Monterey," both by Albert Bierstadt, will welcome so many to the Capitol complex as they learn about the history and processes of our country. These works are part of the Hudson River School of Painters, and celebrate the beauty and diversity of the United States.

Coincidentally, two painters in the School have ties to my district in New Jersey. Asher Brown Durand was born, and later died, on a farm in my district. Although he began his career in engraving, Durand's legacy is in landscape painting, as one of the first artists of the Hudson River School of Painters. Durand's influence can be seen in another painter in the School, George Inness. Inness lived in Newark, a town I call home. Inness' distinct style combines the Hudson River School traditions with techniques he learned during travels in Western Europe.

Inness and Durand, like many of their fellow painters, traveled extensively abroad. Upon Durand's return to the United States, he took regular trips to paint the scenery of the Hudson River, the Adirondacks, and the White Mountains.

Durand's style was highly detailed, a hallmark of the School. One of Durand's most famous pieces, "Kindred Spirits," is often cited as one of the epitome of the School's values. This work cemented Durand's place at the forefront of the movement caused by the School.

Durand, as part of the first generation in the Hudson River School, is important because of his influence on later painters in the school, and on art in general. Durand helped form what is today known as the National Academy Museum and School, and served as president of the Academy for several years.

As the School's reputation increased, many of the School's painters traveled extensively to study, thus introducing these men to the culture of the grand capitals of Europe. This motivated many of the artists and other business leaders to found the Metropolitan Museum of Art in New York City in 1870. Some of these Hudson River School painters later served as trustees of the Metropolitan Museum of Art and were members of the executive committee.

On this very floor many years ago, Congress was moved to create several national parks, like Yellowstone and Yosemite, after viewing the School's magnificent landscape paintings. Eventually, these same paintings were used to encourage Congress to form the National Park Service in 1916.

Mr. Speaker, I am sure my colleagues, and the American people, can agree with me when I acknowledge and appreciate the achieve-

ments of Asher Durand, George Inness, and the Hudson River School of Painters.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,054,163,621,371.29. We've added \$10,252,758,446,077.01 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. MILLER of Florida. Mr. Speaker, yesterday I attended the funeral of a fallen soldier from my district and missed the following rollcall Votes: Nos. 860, 861, and 862 on November 29, 2011.

If present, I would have voted:

Rollcall Vote No. 860—H.R. 3012, Fairness for High-Skilled Immigrants Act, "nay;"

Rollcall Vote No. 861—H.R. 2192, National Guard and Reservist Debt Relief Extension Act, "aye;" and

Rollcall Vote No. 862—H.R. 1801, Risk-Based Security Screening for Members of the Armed Forces Act, "aye."

A TRIBUTE TO MR. ANDREA BOCELLI

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join many around the world in celebrating the accomplishments, talents, and music of Andrea Bocelli. Our Nation's Capital will play host to the Italian tenor on Friday, December 2nd when he takes the stage at the Verizon Center.

Born on September 22, 1958 in Pisa, Toscana, Italy, it wasn't until Mr. Bocelli was 34 when he was discovered for his incredible talents. In short time, with the support of legend Luciano Pavarotti, Mr. Bocelli won many competitions, festivals, and a record deal. His many talents include musician, songwriter, record producer, and multi-instrumentalist playing keyboards, flute, saxophone, trumpet, trombone, harp, harmonica, guitar, drums, and melodic.

The best selling solo artist in the history of classical music, Mr. Bocelli has recorded thir-

teen solo albums and eight operas, selling over 70 million copies across the globe. He has sung for presidents, popes, queens and millions of fans.

Throughout his career, Mr. Bocelli has served as a cultural ambassador for the Italian people. He continues to represent and promote the talents of Italy. Among his many accolades, he was honored with the status of "Grand Officer of the Order of Merit of the Italian Republic" from past President Carlo Azeglio Ciampi. Here in the United States his honors include a star on Hollywood's Walk of Fame.

Mr. Speaker, I encourage my colleagues to join me in appreciation of Mr. Andrea Bocelli, and thank him for his contribution to music, the arts, and popular culture.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. SCHILLING. Mr. Speaker, on Tuesday, November 29, 2011, due to inclement weather in Chicago, Illinois that prevented my travel, I was unable to cast my votes for rollcall Nos. 860, 861, and 862. I was originally booked on United Flight 5327 from Moline at 9:24 a.m. (CST), connecting to United Flight 610 leaving O'Hare at 11:04 a.m. (CST) and arriving in DCA at 1:53 p.m. (EST). However, I could not make these flights due to my original flight from Moline not getting into ORD until 2:43 p.m., and subsequently having 3 connecting flights being cancelled, forcing me to get on the 6:30 p.m. (CST) United 509, arriving in DCA at 10:20 p.m. (EST).

Had I been present, my votes would have been as follows:

For rollcall No. 860, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, I would have voted "yea." This legislation would not increase the total yearly admission numbers, but it would increase the United States' competitiveness and contribute to growing our economy.

For rollcall No. 861, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, I would have voted "yea." The brave men and women of our reserve components and National Guard, and their families, make incredible sacrifices so that we can be free. Many are called to duty unexpectedly which can hinder financial planning and place a burden on their families. This exemption should be extended to allow our citizen-warriors time to readjust when they return home.

For rollcall No. 862, which directs the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA])

to develop and implement a plan for expedited security screening services for uniformed Armed Forces members, and their families, traveling on official orders while in uniform through an airport, I would have voted "yea." Again, we owe the brave men and women of our armed forces a tremendous debt of gratitude. Finding a faster way for them to complete the security screening process while they are in uniform and traveling on official orders is common sense.

It is an honor to serve the people of the 17th Congressional District of Illinois.

ON THE BIRTH OF ANGELO
ZOLTAN SCHWARTZ

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Lawrence Schwartz and his wife Allison on the birth of their new baby boy, Angelo Zoltan Schwartz, who was born on Monday, November 28, 2011, in Falls Church, Virginia.

I am so excited for this new blessing to the Schwartz family and wish them all the best. I want to also congratulate Angelo's grandparents Debra and Barry Shulman of Fayetteville, New York, and Joanne and Lawrence Schwartz, III of Anaheim Hills, California, on this wonderful new addition to their family.

TRIBUTE TO HAROLD "HAL"
BRUNO, JR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PASCRELL. Mr. Speaker, I rise to commemorate the life of a truly outstanding individual, Mr. Harold "Hal" Bruno, Jr., who passed away on November 8th, 2011 at the age of 83. A native of Chicago, Hal Bruno began his long career there as a reporter during the 1950s. From 1960 to 1978, Mr. Bruno worked for Newsweek magazine, and in 1978, he moved to ABC news where he remained until 1999. As Political Director and Director of Election Coverage at ABC News, Hal Bruno was widely known for his political savvy and his journalistic integrity. His career as a journalist spanned five decades and earned him many accolades. He was dedicated to politics and a pioneer in political journalism, so it is fitting that he passed away on an election night.

However, Hal Bruno had another passion in addition to journalism: to the brave men and women of our country's fire service. He was called to serve his neighbors as a volunteer firefighter for much of his career, and through that work as a firefighter, Mr. Bruno gained a keen interest in fire safety policies. He became a leading expert in the politics and policy of fire safety and for years contributed a column on the subject to Firehouse magazine. He also composed numerous articles on the subject in other publications and on the inter-

net, and helped bring attention to these important issues to Americans across the country.

Hal's passion and tenaciousness made him a highly effective advocate for firefighters and fire safety. A charter member of the National Fallen Firefighter's Foundation, he served as the organization's Chairman from 1999 until his retirement in 2008. In this position, he helped to develop fire safety programs and to create a safer environment for firefighters. He was also the Director of the Chevy Chase Fire Department in Maryland. It was truly an honor for me to work closely with Hal as we sought ways that the federal government could assist our local fire departments even before the tragic events of September 11th, 2001. Together, we developed the Assistance To Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs to help these local departments buy the equipment and hire the personnel they needed to keep their communities safe and secure. Thanks in large part to Hal's insightful input and tireless advocacy, these programs have been wildly successful, and are crucial to ensuring that our communities have the resources they need.

Homeland security starts at home, so no matter what our budget environment is like, we must continue to support firefighters and other first responders, who sacrifice so much to keep us safe. This will undoubtedly be one of Hal's great legacies, and I will continue to fight to preserve it in the future.

With Hal Bruno's passing, our nation has lost a great hero. Mr. Bruno is survived by his wife Meg, his sister Barbara, his sons Harold and Dan, and his four grandchildren. The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with passionate individuals like Hal Bruno. Mr. Speaker, I ask that you join our colleagues, Hal's family and friends, our first responders, and me in commemorating and celebrating the life of Mr. Hal Bruno.

RECOGNIZING HARLEEN JASSAL
OF CLIFTON, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Harleen Jassal, a 2011 Critical Language Scholarship Program Recipient. Harleen has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Chandigarh, India.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Chandigarh, India, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus on the Punjabi language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Harleen is a student at the George Mason University. It is inspiring to see young people

who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Harleen Jassal and wishing her continued success in her further pursuits.

CONSOLIDATED AND FURTHER
CONTINUING APPROPRIATIONS
ACT 2012, H.R. 2112

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of the Consolidated and Further Continuing Appropriations Act 2012 (H.R. 2112). This legislation combines three fiscal year 2012 appropriations measures: Agriculture; Commerce-Justice-Science; and Transportation, Housing and Urban Development. H.R. 2112 also includes a short-term continuing resolution that will fund the remainder of the federal government through December 16.

H.R. 2112 represents the final House-Senate conference agreement on three of this year's twelve appropriations bills. While I strongly oppose many of the cuts to critical priorities included in H.R. 2112, the final package is—on the whole—far better than the proposals from Tea Party Republicans in the House.

Fiscal year 2012 appropriations for the Agriculture, Rural Development and Food and Drug Administration are significantly improved from the House-passed bill. The Women, Infants and Children program receives \$6.6 billion, an increase of \$570 million over the House bill and \$36 million above the Senate. As a result, 700,000 low-income children and pregnant women in America will not lose the basic nutrition they desperately need and deserve. The conference agreement provides \$1 billion for food safety inspections, which will protect America's food supply by preventing the elimination of USDA meat inspectors. Food safety in our country is further strengthened by the \$2.5 billion included for the Food and Drug Administration. This \$334 million increase over the House level will allow the FDA to continue implementation of the Food Safety Modernization Act. Funding was also restored for international food aid programs that fulfill America's moral obligation to assist millions of men, women and children around the world who are struggling with famine.

However, I am deeply disappointed that a handful of special interest groups succeeded in blocking important improvements to school nutrition standards that were recommended by the USDA. As a result, it will be harder for school districts to increase the use of whole grains, reduce the sodium content of school lunches and end the ridiculous practice of categorizing pizza as a vegetable. Every student in every American school knows pizza is not a vegetable. With this bill, Congress is failing our students and parents by allowing corporate interests to trump common sense. With this bill, we are missing an opportunity to substantially improve the health of America's children. This is a wrong that must be made right.

My Republican colleagues also won a victory for Wall Street criminals by demanding cuts to the entity responsible for enforcing financial laws. H.R. 2112 includes \$100 million less for the Commodity Futures Trading Commission (CFTC) than requested by President Obama to carry out the financial reforms passed by Congress. Reckless behavior in America's financial sector has destroyed millions of jobs and trillions of dollars in education and retirement savings. It is unconscionable that House Republicans would undermine the ability of federal regulators to protect American families from a repeat of the 2008 crisis that nearly triggered a second Great Depression. Unfortunately, Congressional Republicans refused to yield. The result is a bill that leaves our country exposed to a repeat of this crisis.

Fiscal year 2012 Appropriations for Commerce-Science-Justice will enhance U.S. global competitiveness by making critical investments in science and technology. Overall, H.R. 2112 includes \$490 million more for these priorities than the bill proposed by the House Republicans. As a result, the National Science Foundation, National Institute of Standards and Technology, and the Oceanic and Atmospheric Administration receive funding to conduct research that spurs innovation and drives future economic growth. In addition, the legislation provides \$128 million for the Manufacturing Extension and Partnership Program, which helps American companies maintain good paying American jobs and compete with manufacturers in China, India, and other leading economies. And H.R. 2112 reverses the House Republican's massive cuts to firefighters, state and local law enforcement agencies, and the Federal Bureau of Investigation. For example, the Commerce-Justice-Science bill passed by House Republicans eliminated funding for the Community Oriented Policing Services (COPS) program that helps Minnesota keep police officers on our streets. This bill provides \$198.5 million for COPS.

Fiscal year 2012 appropriations for Transportation, Housing and Urban Development fall short of what is needed to strengthen America's economy and stabilize our communities. Yet, the conference agreement does succeed in maintaining current levels of investment in most areas. For example, H.R. 2112 includes \$39.8 billion for the federal-aid highway program, \$12.1 billion more than the House draft bill and a level consistent with the annual funding assumed in the surface transportation extension act. The agreement also includes \$10.5 billion for transit programs, \$2.5 billion more than the House draft bill. This translates into \$93.1 million for construction of the Central Corridor Light Rail line. While replacing the massive cuts to transit proposed by House Republicans is an achievement, the final agreement falls \$5 million short of the federal commitment to the Central Corridor project. This shortfall is a major concern and something that must be addressed in the upcoming fiscal year 2013 process. Another concern is the complete elimination of funding for high-speed rail. Ideological opposition to rail investments from House Republicans will slow work on the planned Chicago-to-Twin Cities high-speed-rail route that will depart from St. Paul's Union

Depot. However, the conference agreement did include \$1.4 billion for Amtrak capital and operating grants and removed onerous House language that would have eliminated Amtrak service on 26 short-distance routes, affecting 15 states and more than 9 million passengers.

Regarding federal housing programs, House Republicans proposed devastating cuts that would have done serious harm to low-income families in Minnesota. Fortunately, this conference agreement rejected the most damaging Republican cuts. Section 8 tenant-based vouchers receive \$18.9 billion, above the original level included in either the House or Senate bills. H.R. 2112 also maintains funding for homeless veterans, the McKinney-Vento homeless assistance grant program and housing counseling services. Still, the legislation fails to meet the growing needs for safe, affordable shelter in our communities. For example, cuts to the Community Development Block Grant program will undermine the efforts of Minnesota cities to respond to the effects of high unemployment and the collapse in the real estate market.

H.R. 2112 is the result of extended negotiations and represents a genuine compromise between competing priorities. I believe that many of the provisions in this legislation should be revisited and many of funding levels should be restored in the next appropriations cycle. Still, I plan to support this legislation today with my vote to ensure the critical resources in H.R. 2112 reach Minnesota communities without further delay.

HONORING MICHELLE MOORE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Dallas County public defender Michelle Moore, who has worked on and off the clock to free the innocent from prison and helped them to adjust to life on the outside once they're released. I wish to congratulate Ms. Moore for her service to my community as she is leaving her position to open the first public defender's office in Burnet County.

Ms. Moore has helped free 11 men from prison, appeared on a television documentary called Dallas DNA and helped change state laws to compensate exonerees and prevent wrongful convictions. As an attorney, she requests DNA testing and has worked with the district attorney's office to investigate cases. She has also represented inmates whose guilt was confirmed by DNA testing.

Moore works with the Innocence Project of Texas, the Wesleyan Innocence Project and the University of Texas at Arlington Innocence Network and the Center for Actual Innocence. Michelle Moore has practiced law for 17 years and is licensed to practice in Texas and Arkansas. She has served as an assistant Dallas County public defender for the past 13 years, where she currently works as the DNA attorney for the office. Moore taught for six years in the Criminal Clinic at Southern Methodist University Dedman School of Law.

Dr. Martin Luther King, Jr. once said, "Yes if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for righteousness. And all of the other shallow things will not matter. I won't have the fine and luxurious things of life to leave behind. But I just want to leave a committed life behind." Mr. Speaker, I would like to recognize Michelle Moore for her determination and hard work to these causes. Our country is a better one because of Michelle Moore.

PROCLAIMING THE STATE OF NEVADA RECOGNIZE HELEN J. STEWART AS THE "FIRST LADY OF LAS VEGAS", AND HONOR HER STATUE WHICH WILL BE RAISED AT THE OLD LAS VEGAS MORMON FORT STATE HISTORIC PARK ON DECEMBER 3, 2011 IN LAS VEGAS, NEVADA

HON. MARK E. AMODEI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. AMODEI. Mr. Speaker, I rise today to recognize Helen J. Stewart as "First Lady of Las Vegas", and honor her statue which will be raised at the Old Las Vegas Mormon Fort State Historic Park on December 3, 2011 in Las Vegas, Nevada.

Helen, with her husband Archibald, three children and one on the way, arrived in the Las Vegas Valley in 1882 and resided on the land located around the abandoned Mormon Fort situated near what today is the intersection of Las Vegas Boulevard North and Washington Avenue. Later left with four children and another on the way after the death of her husband in 1884, she became a rancher and business woman and presided over the operations of the ranch. She began buying land and became the largest landowner in Lincoln County. She later sold her land to the railroad in 1902 and hence forth the city of Las Vegas developed.

As the new town expanded, Helen became active in the community serving in many leadership roles such as one of the founders of Christ Episcopal Church, charter member of the Mesquite Club, president of the Las Vegas branch of the Nevada Historical Society, supporter of women's suffrage, first woman elected to the school board on the Republican ticket, and as a friend to the Paiute Indians who worked on her ranch, sold ten acres of land to the federal government to be used as an Indian school and semi-reservation which remains tribal land today.

On July 26, 2010 the Historical Commission of the Las Vegas Centennial awarded the "Friends of the Fort" \$99,000 for the Helen J. Stewart statue to be sculpted by Benjamin Victor of Aberdeen, South Dakota.

Both the State of Nevada and I recognize the statue of Helen J. Stewart to be a fitting recognition of the many "firsts" that this exceptional Nevadan lady forever known as the "First Lady of Las Vegas" accomplished in her lifetime.

URGING FDA TO ACT PROMPTLY
TO APPROVE ARTIFICIAL PAN-
CREAS TECHNOLOGIES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. BURTON of Indiana. Mr. Speaker, diabetes is a common, and growing, disease in Indiana. According to 2009 CDC data, approximately 451,000 Hoosiers—9% of the state's population—had diagnosed diabetes. Adults who are overweight and not physically active are at risk for developing diabetes. Among adults with diabetes in Indiana, 88.1% are overweight and 42.5% reported physical inactivity.

In addition to the human toll diabetes places on people in Indiana, the financial burden diabetes places on the health system in Indiana is staggering—in 2007, the direct and indirect cost of diabetes in Indiana was approximately \$3.09 billion.

Americans with diabetes, particularly young children with diabetes, desperately need better tools to manage their disease and thereby prevent many of its life-threatening and costly complications. Some of these breakthrough tools and technologies are already available.

For example, Low-Glucose Suspend systems—devices that automatically suspend insulin delivery when blood sugar levels are dangerously low—have been approved in more than 40 countries around the world. But not here in the United States.

In fact, the FDA only this year—almost four years after these devices were approved for use in Europe, issued draft guidance on what studies manufacturers would need to conduct in order to win approval for Low-Glucose Suspend systems in the United States.

To make matters worse, according to the Nation's leading clinical organizations specializing in diabetes care, the guidance proposed by FDA in June 2011 for Low-Glucose Suspend systems created many unnecessary obstacles to the evaluation of those systems.

Thankfully, the FDA recently took an overdue step to clarify that ill-conceived guidance. However, there is significant concern within the diabetes community that forthcoming guidance—which the FDA has committed publicly to publishing by December 1st—on even more revolutionary technology—the artificial pancreas—will either be delayed or suffered from many of the same problems which plagued the FDA's Low-Glucose Suspend system guidance.

The development of the artificial pancreas is critically important to many of my constituents, which is why I signed a broad, bipartisan letter in support of prompt and appropriate guidance on the artificial pancreas earlier this year. Any delay will slow an innovation that has the potential to dramatically improve the lives of those with diabetes.

Mr. Speaker, on behalf of the thousands of Hoosiers, and millions of other Americans with diabetes, I urge the FDA to issue this draft guidance no later than December 1, if not sooner, so that artificial pancreas technologies can be tested in an outpatient setting and be made available to those who need it in the

near future. This is literally a matter of life and death.

I also would like to insert a copy of my letter to FDA Commissioner Hamburg in this subject in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,

Washington, DC, November 29, 2011.

Hon. MARGARET HAMBURG, M.D.,
Commissioner, U.S. Food and Drug Administration,
Silver Springs, MD.

DEAR COMMISSIONER HAMBURG: I am writing to urge the Food and Drug Administration (FDA) to expedite the development of the artificial pancreas for the treatment of type 1 diabetes. Specifically, I urge FDA to immediately issue clear and unambiguous guidance so that outpatient artificial pancreas studies can proceed as soon as possible.

Nearly 26 million Americans have diabetes, and one in three American children born today will develop the disease. Diabetes is the leading cause of kidney failure and adult-onset blindness. Moreover, diabetes increases the risk of heart attack deaths by two to four times, and causes more than 80,000 amputations each year. People with diabetes are also at risk for seizures, comas and sudden death. Americans with diabetes, particularly young children with diabetes, desperately need better tools to manage their disease and thereby prevent many of its life-threatening and costly complications.

Some of these breakthrough tools and technologies are already available in other parts of the world. Low-Glucose Suspend systems—devices that automatically suspend insulin delivery when blood sugar levels are dangerously low—have been approved in more than 40 countries around the world but not here in the United States. In fact, the FDA only this year—almost four years after these devices were approved for use in Europe, issued draft guidance on what studies manufacturers would need to conduct in order to win approval for Low-Glucose Suspend systems in the United States. To make matters worse, according to the Nation's leading clinical organizations specializing in diabetes care, the guidance proposed by FDA in June 2011 for Low-Glucose Suspend systems created many unnecessary obstacles to the evaluation of those systems. For example, I understand that this guidance requires multiple clinical trials (inpatient and outpatient) involving a large number of subjects to show statistically significant differences in preventing hypoglycemia. This is an excessive hurdle when all that is required is data showing safety and effectiveness (in other words equivalent glycemic control) not that the Low-Glucose Suspend system is BETTER than other techniques.

Nighttime is a particularly dangerous time for individuals with diabetes because their blood sugar level can drop while they are sleeping, potentially leading to seizures, coma or death. I have heard heart wrenching stories from parents forced to wake their diabetic children in the middle of the night to check their blood sugar levels and, if necessary, administer insulin. Access to Low-Glucose Suspend systems, and ultimately to artificial pancreas technology, is desperately needed to help manage this disease and effectiveness, would be unconscionable.

We are at a critical point in the development of the artificial pancreas. Timely approval of this technology will help improve health outcomes for the millions of Americans afflicted with type I diabetes; and potentially save hundreds billions of dollars annually in health care costs. I urge your

timely consideration of this matter and respectfully request a prompt response.

Sincerely,

DAN BURTON,
Member of Congress.

RECOGNIZING LEA GOLD OF
BURKE, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Lea Gold, a 2011 Critical Language Scholarship Program Recipient. Lea has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program Jeonju, South Korea.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Jeonju, South Korea, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus in the Korean language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Lea is a student at the University of North Carolina—Chapel Hill. It is inspiring to see young people who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Lea Gold and wishing her continued success in her further pursuits.

TRIBUTE TO THE HONORABLE
JOHN H. WATSON, JR. ON HIS
RETIREMENT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to pay tribute to Judge John H. Watson, Jr. as he retires from his position as Municipal Court Judge for the City of East Orange. It is my distinct pleasure to add my congratulations to that of his family, friends and associates as they celebrate in honor of a man who has been involved in every aspect of law for over 30 years. For all the leadership he has shown and the contributions he has made over the years, Judge Watson is a worthy recipient of the accolades he will receive on November 18, 2011.

I consider it a privilege to have been involved with Judge Watson's early foray into public service. In addition to serving on the bench, Judge Watson has maintained a successful private practice where he has used his legal expertise to guide numerous clients through a variety of legal matters. He has been a mentor to new attorneys and has provided internship opportunities to youngsters interested in pursuing law degrees. Fortunately,

for the community at large, Judge Watson has always been a fair and thoughtful individual. He is a Vietnam War veteran who obviously has a strong sense of loyalty to his country.

A graduate of Rutgers University Law School, Judge Watson held a number of positions before branching out on his own. He is a member of several Bar Associations and has been an active participant in the Rutgers-Newark Law School Alumni Association. A doting husband and father, Judge Watson is also a loving grandfather, a loyal friend and a trusted confidant.

Mr. Speaker, I know my fellow members of the House of Representatives agree that Judge Watson has been an integral part of the East Orange Court system. His retirement is the culmination of a stellar career and we wish him well in this new and exciting phase of his life.

RECOGNIZING THE SIGNIFICANCE
OF NATIONAL NATIVE AMERICAN
HERITAGE MONTH

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. INSLEE. Mr. Speaker, I rise today to recognize National Native American Heritage Month and to celebrate the rich heritage of Native Americans in Washington state, which is home to 29 federally recognized tribes. These tribes have emphasized the importance of further empowering tribal governments to be able to serve their members in a variety of areas, including: housing, social programs, courts, natural resource management, education, and health care. Over the years I have worked hard to address these issues by supporting tribal governments and the positive work they do for their communities, and I will continue to do so in my capacity as the Vice-Chair of the Native American Caucus.

Northwest Coast tribes have a rich history and continue to share that with their surrounding community. Earlier this fall, a carver from the Lummi Indian Reservation traveled across the country with his 20 foot cedar healing pole bound for the National Library of Medicine in Bethesda, Maryland. This summer I stopped by the Tulalip Tribe's new Hibulb Museum. The museum—one of ten tribal museums throughout Washington state—teaches visitors about the traditions and history of the Tulalip tribe through art that is emblematic of the region's tribal history and coastal environment, such as cedar totem poles and ceremonial masks.

In Washington state, education offered by the tribes and other related institutions plays an integral role in maintaining traditions, fighting unemployment, and raising awareness about tribal issues. Educational programs include ten tribal primary and secondary schools, a number of Northwest Indian Colleges and other tribal colleges, as well as American Indian Studies and native language programs offered at the Evergreen State College, Washington State University, and the University of Washington's Department of American Indian Studies.

Despite achievements in education and other fields, Native American communities still suffer from greater health disparities, including high rates of diabetes, tuberculosis, and alcoholism. To improve the quality of the health care system for tribes, I supported the Indian Health Care Improvement Act that was passed into law as a part of the Affordable Care Act, and I will continue to work to protect that law. With 23 tribal clinics in Washington state alone, there is already an existing health care infrastructure in Native American communities, and as we work to improve the quality of our own health care system we should continue advocating for better, and self-governed, health care for tribes.

As we look to improve health care, education, and the economy in Indian Country, I will strongly support self-governance as a way to achieve these goals. To that end, I have co-sponsored H.R. 2444, the Department of the Interior Tribal Self-Governance Act, as well as related legislation to restore the integrity of government-to-government relationships and promote opportunities for tribal self-determination. I believe that we should support tribal governments to find ways to best serve their communities and protect their heritage.

CONGRATULATING FRENCH ROAD
ELEMENTARY SCHOOL

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate French Road Elementary School in Brighton, New York for recently earning its designation as a 2011 National Blue Ribbon School. The United States Department of Education grants this prestigious award to schools demonstrating a high level of academic excellence or where the achievement gap is shrinking. Secretary Arne Duncan describes National Blue Ribbon Schools as those, "committed to accelerating student achievement and preparing students for success in college and careers."

As one of only 315 schools across the nation to earn this honor, French Road Elementary School embodies the standard of excellence this award celebrates and is an example for others to emulate.

While nothing should diminish the hard work and talents of French Road Elementary School's individual teachers and students, Superintendent Dr. Kevin McGowan accurately stated that this honor reflects, "the support of an incredible school community."

Community is a central component of French Road Elementary School. Its students are not only encouraged to succeed academically but to be constructive members of their communities. In an era where school bullying is far too prevalent, French Road students start their day by reciting the school's Purple Hand Pledge. It reads, "I will not use my hands or my words for hurting myself or others." It is a simple message that should be emphasized more throughout school communities around the country.

Articulating the school's underlying values, this pledge has helped to foster the strong

sense of community found among these third, fourth and fifth graders.

For instance, when entering French Road's courtyard you will find students working side by side in the school's community garden to grow healthy, pesticide-free vegetables for each other's enjoyment and to supplement the cafeteria menu.

However, their sense of community extends beyond their school yard, classmates and immediate neighbors. Over the past 30 years, French Road students have raised \$1,265,000 through the American Heart Association's Jump Rope for Heart Event, to benefit children across the country with cardiac abnormalities. During the 2010 to 2011 school year, these young philanthropists raised \$75,489.29; \$20,000 more than any other school nationwide. They have been the event's number one fundraiser for the past 12 years.

The administrators, teachers, parents and students of French Road Elementary School form a truly remarkable community deserving of this Blue Ribbon recognition. Its students move on with the necessary foundation to accomplish many great things, as well as the desire to leave their communities better than they found them.

Mr. Speaker, I could not be more proud to recognize this school in the United States House of Representatives and hope to help others follow in its footsteps.

REMEMBERING HAL BRUNO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. KING of New York. Mr. Speaker, today I rise to recognize and honor Hal Bruno, who recently passed on November 8th. Hal Bruno will be remembered as a man of service to his country. Having served as an Army intelligence officer, a volunteer firefighter and the director of the National Fallen Firefighters Foundation (NFFF), he put service to others first and foremost. For over 60 years Hal was an active member of the fire service community, whether it was on the ground as a first responder, in the halls of Congress working to improve resources for families of fallen firefighters, or on the public stage advocating for ways to improve fire safety to reduce line of duty deaths and injuries.

Appointed as chairman of the NFFF in 1999, he received numerous awards and recognition for his dedication and commitment. This fall, he was awarded the National Fire & Emergency Services Hall of Legends, Legacies and Leaders Award. In 2008, the Congressional Fire Services Institute selected him as the recipient of the CFSI / Motorola Mason Lankford Fire Service Leadership Award and in 1999 he received the "President's Award" from the International Association of Fire Chiefs. He was also named "Fire Service Person of the Year" by the Congressional Fire Services Institute in 1995.

Hal also had a prestigious career as the longtime ABC News Political Director. Known for his journalistic integrity and pioneering spirit, he represented the reason the news media

is sometimes referred to as the 'fourth branch of government.'

As a Co-Chairman of the Congressional Fire Services Caucus, I know Hal Bruno will be greatly missed by the fire service community and by the many others he touched.

EDEN PRAIRIE EAGLES WIN 7TH STATE FOOTBALL CHAMPIONSHIP

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PAULSEN. Mr. Speaker, in my hometown of Eden Prairie, we take high school football seriously, which is why I am so honored to congratulate the Eden Prairie Boys Football Team on winning their seventh Minnesota State Championship title on Friday evening.

The Eden Prairie Eagles faced their conference rivals, the Wayzata Trojans, at the Metrodome in Minneapolis. It was a game that was dominated not by either side's offensive line, but by both team's disciplined defense as both sides found it difficult to rack up points throughout a majority of the game.

Late in the fourth quarter, with Eden Prairie up 6-3, the Eagles scored the game's only touchdown. At fourth and fourteen, the Eagles used a reverse flea flicker to make a 25 yard gain, bringing them within five yards of a touchdown. With three minutes left in the game, running back Andrew Larson fought his way into the end zone.

To all the student athletes on the Eden Prairie football team, and to Coach Grant and his coaching staff, I want to say "job well done."

2011 EMISSARIES OF MEMPHIS MUSIC

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mrs. BLACKBURN. Mr. Speaker, Tennessee is the home to country music and the blues. Music is in the very fiber of our being, and we are proud to continually showcase the thousands of singers, songwriters, performers, producers, and music industry professionals that call Tennessee "home." I rise today to honor eight such professionals whose talents have made Memphis' musical heritage the soundtrack of America.

Barbara Blue, Dani, Lil Rounds, Dawn Hopkins, Valerie June, Amy LaVere, Sheri Jones Moffett, and JoJo Jefferies were named recently as the 2011 Emissaries of Memphis Music. Honored for their contributions to the culture of music that is uniquely Tennessean and uniquely American, these eight women are deserving of praise. I ask my colleagues to join with me in honoring the Emissaries of Memphis Music and thank all of those who add their distinct notes to the musical history of Tennessee.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 860, due to family health issues, I was unable to make the vote. Had I been present, I would have voted "yea."

A TRIBUTE TO BERNARD "C.B." KIMMINS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor a true hero, Bernard "C.B." Kimmins. For over 44 years, Mr. Kimmins has been a committed volunteer, leader, and teacher throughout Philadelphia. He is a man of great courage and a true friend of mine.

Born in Atlantic City, New Jersey on February 13, 1944, Mr. Kimmins lived most of his life in Philadelphia wherein he graduated from Cardinal Dougherty H.S., St. Joseph's University and Temple University, Graduate School.

Under the leadership of Zachary Clayton, Mr. Kimmins began his volunteer commitment in 1967 as a gang control worker in Philadelphia. Following that he served at the House of Umojah under Sister Falaka Fattah, mother of U.S. Congressman CHAKA FATTAH. Mr. Kimmins has been addressing youth groups with a message of respect for law enforcement, parents, clergy, teachers, adults, and fellow young people. Under the direction of Dr. Herman Wrice and Dr. Constance Clayton, Superintendent of Philadelphia Schools, Mr. Kimmins taught for over 30 years on the subjects of antidrugs, antioverage, antiguns, antibullying, and tolerance.

Mr. Kimmins became a skilled anticrime activist and community organizer. He also studied under Dr. Russell Ackoff of the University of Pennsylvania's Wharton School. Currently, Mr. Kimmins is a full-time volunteer, and Executive Director, for Mantua Against Drugs.

Mr. Kimmins is the proud recipient of numerous awards including honors from Time Magazine, the MLK Center, and the University of Pennsylvania. In addition to these accolades, Mr. Kimmins' greatest accomplishment has been the many lives he has positively impacted.

Mr. Kimmins' long and impressive career showcases his commitment and service to his community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Bernard Kimmins for his work and congratulate him on a job well done.

HONORING THE HONORABLE FRANK C. DAMRELL, JR.

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Ms. MATSUI. Mr. Speaker, I rise today in honor of Judge Frank C. Damrell, Jr., as he retires from the United States District Court, Eastern District of California. A federal judge since 1997, Judge Damrell has served on the bench with distinction and integrity. As his family, colleagues, and community leaders all gather to honor his remarkable career, I ask my colleagues to join me in tribute to Judge Damrell's service to the federal judiciary and his unwavering commitment to increasing civic involvement amongst our nation's youth.

A native of California's Central Valley and graduate of the University of California, Berkeley, and Yale Law School, Judge Damrell enjoyed an exceptional law career in both the private and public sectors prior to his 1997 appointment to the federal bench by President William Jefferson Clinton. He has been an active member of the federal judiciary and served on the 9th Circuit Education Committee, the Federal Judicial Branch Committee of the United States Judicial Conference, the Judicial Panel on Multidistrict Litigation, and a number of other important committees and commissions.

Since being appointed to the United States District Court of the Eastern District of California, Judge Damrell has remained steadfast in his advocacy for civic education. In May of 2002, he led a national summit in our nation's capital that brought together all major civic education organizations, to restore civic engagement in public schools. These organizations led a nation-wide effort to encourage public schools to educate students about each of our civic duties, responsibilities, and privileges. To help advance this crucial mission, Judge Damrell founded Operation Protect and Defend, a program that has connected high school students to the Constitution and helped them explore the responsibilities of citizenship.

Beyond encouraging students to learn about their civic responsibilities, Judge Damrell has been a strong proponent of higher education and served on the boards of various universities. He was a member of the Board of Regents of Santa Clara University, Board of Overseers for University of San Francisco, and the Board of Trustees for University of California, Merced. Judge Damrell has spoken in front of a wide variety of organizations to promote civic education and given insightful commencement addresses at the Santa Clara University School of Law and McGeorge School of Law.

Mr. Speaker, as Judge Damrell, his wife Ludy, their children Frank, Lia, Anne, and James, their grandchildren, friends, and colleagues celebrate his retirement, I ask that my colleagues join me in thanking and recognizing him for his many years of service. Judge Damrell has contributed immensely to the federal bench and our community.

RECOGNIZING SIMRUN BAL OF
SPRINGFIELD, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Simrun Bal, a 2011 Critical Language Scholarship Program Recipient. Simrun has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Chandigarh, India.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Chandigarh, India, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus on the Punjabi language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Simrun is a student at the University of Richmond. It is inspiring to see young people who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Simrun Bal and wishing her continued success in her further pursuits.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 1, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 2

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine combating anti-Semitism in the Organization for Security and Cooperation in Europe region, focusing on taking stock of the situation today, including initiatives designed to target violent and other manifestations on anti-Semitism in the fifty-six North American and European countries that comprise the Organization for Security and Cooperation in Europe (OSCE).
2203, Rayburn Building

DECEMBER 6

10 a.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine whistleblower protections for government contractors.
SD-342
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine access to the court, focusing on televising the Supreme Court.
SD-226
Banking, Housing, and Urban Affairs
To hold hearings to examine continued oversight of the implementation of the "Wall Street Reform Act".
SD-538

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine contaminated drywall, focusing on examining the current health, housing and product safety issues facing homeowners.
SR-253

Finance
To hold a joint hearing with the House Committee on Ways and Means to examine tax reform and the tax treatment of financial products.
HVC-210

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the Express Scripts/Medco merger.
SD-226

DECEMBER 7

9:30 a.m.
Homeland Security and Governmental Affairs
To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focus-

ing on the threat to military communities inside the United States.

HVC-210

10 a.m.
Finance
To hold hearings to examine drug shortages, focusing on why they happen and what they mean.
SD-215

Judiciary
To hold hearings to examine reauthorizing the EB-5 Regional Center Program, focusing on promoting job creation and economic development in American communities.
SD-226

2 p.m.
Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Protection Subcommittee
To hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions.
SD-538

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine turning the investigation on the science of forensics.
SR-253

Judiciary
To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.
SD-226

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
Disaster Recovery and Intergovernmental Affairs Subcommittee
To hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster.
SD-342

DECEMBER 8

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.
SD-366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

DECEMBER 13

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine MF Global bankruptcy.
SH-216

HOUSE OF REPRESENTATIVES—Thursday, December 1, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEST).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 1, 2011.

I hereby appoint the Honorable ALLEN B. WEST to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

BUDGET GRIDLOCK

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCNERNEY) for 5 minutes.

Mr. MCNERNEY. Mr. Speaker, I rise to address the budget gridlock that's ripping Washington apart. Like every American who cares about the future of our great country, I'm upset by the rampant partisan fighting. But I also know that the responsibility is not equally shared. For proof, look no further than the collapse of the deficit supercommittee.

Washington Republicans' refusal to ask the wealthiest people and the biggest corporations to contribute their fair share caused the supercommittee's failure and is putting our country at risk. Middle class families are struggling, but the world's biggest corporations make huge profits and exploit tax loopholes to send jobs overseas. And the rich keep getting richer but are contributing less.

This inequality is unacceptable, and it hurts America's economy. For instance, the after-tax income of the top 1 percent rose 281 percent from 1979 to 2007, but their total average Federal

tax rate fell by nearly 8 points. Unfortunately, Washington Republicans have made clear that they will not fix the injustices in our Tax Code.

In fact, 238 Members of the House and 41 Senators, almost all of them Republicans, have signed the infamous Americans for Tax Reform pledge. This pledge commits its signers to oppose any plan, no matter how responsible, that would ask the wealthiest people to contribute their fair share. Whether motivated by extremist ideology or commitments to greedy special interests, the facts are clear: Republicans who signed this pledge cannot take the steps our country needs to get our budget in order.

Republicans came to power on a mission to rein in the budget deficit, a goal that we all support. But instead of supporting balanced policies, Washington Republicans forced the Congress to pass a dangerous budget agreement. And thanks to them, our hands are tied. If Washington Republicans keep refusing to compromise, massive cuts will kick in that will harm the middle class.

Washington Republicans won't negotiate and won't come up with a fair budget plan. Instead of helping the middle class, Republicans are standing up for the megarich.

According to the Center on Budget and Policy Priorities, the plan put forward by Republicans on the deficit supercommittee shifts even more of the tax burden from the rich to the middle class. Their plan would change the tax tables in a way that benefits the wealthiest households more than the rest of us, which is what the chart next to me shows. As your income grows, so do your benefits. The wealthiest households will get more and more benefit, and their proposal dramatically weakens a variety of tax policies that help the middle class. I can't support a plan like that, and the American people can't either.

Democrats and Republicans should be working together on fair solutions, but the Republicans' unwillingness to compromise is making this goal impossible. We can find solutions that will reduce the debt and keep taxes low for small businesses and middle class families, but only if the Republicans stop protecting tax breaks for the superrich.

When I took my oath of office, I pledged to protect and defend the Constitution, and I am committed to helping the middle class getting our economy back on track.

Democrats have demonstrated a willingness to talk about difficult subjects

like entitlement reform, but Republicans refuse to negotiate. So I ask my Republican colleagues, especially those who have signed the ATR pledge, a simple question: Where do your loyalties lie? With the superrich and the special interests or with the hard-working Americans?

LARRY MUNSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BROUN) for 5 minutes.

Mr. BROUN of Georgia. He turned Georgia football games into larger-than-life experiences. He awakened excitement and pinpointed fear in the depths of Dawg fans' souls and shouted out those emotions on radios statewide. His voice will go down in history as the soundtrack of some of the most famous play calls, highlight reels, and moments for UGA that will simply never be forgotten.

Whether it was his describing the "sugar" falling out of the sky, or begging the Dawgs to hunker down one more last time, Larry Munson had an unmatched ability to find words for feelings that just could not be spoken. To call him an iconic play-by-play announcer for the University of Georgia football team would be a vast understatement. He was a classic city treasure, an Athens legend. And for 42 years, Larry Munson breathed life into the Sanford Stadium and made the Dawgs dance.

He was different from all other sportscasters. Larry Munson was very authentic. He always told it like it was, even when he had given up on a red and black win. He didn't care about political correctness, and he wasn't afraid to scream about stepping on Tennessee's face with a hobnailed boot or breaking his chair—his metal, steel chair with a five-inch cushion—when Georgia beat Florida in 1980 and then went on to win the national championship. He loved Georgia football, and Georgia football loved Larry Munson just right back.

His memory will live on forever in the body of the Bulldog Nation, in the hearts of all Dawg fans, and will live on between the hedges every game day.

On behalf of the United States Congress, here's to you, Larry, one of the best Dawgs that Georgia has ever known. And we'll never forget. We'll miss you greatly, Larry.

Go Dawgs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

UNEMPLOYMENT INSURANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, before we adjourn for the year, there are a number of important items that we must address. The most pressing is the expiration of unemployment benefits at the end of December.

Should Congress fail to act, millions of Americans who rely on emergency unemployment compensation will begin to see their payments disappear starting in January. 2.1 million of our fellow Americans will have lost their benefits by the middle of February, and over 6 million by the end of 2012. However, we have the power to prevent that from happening by extending those benefits.

These emergency benefits were put in place at the start of the recession in December of '07; and with so many Americans still out of work, now is certainly not the time to let them come to an end.

□ 1010

The number one challenge we must address in the Congress remains job creation. Americans out of work have been doing their part to find jobs. Congress must do its part as well. Some Republicans have unfairly and incorrectly blamed those who have been laid off for their continued difficulty in finding jobs. However, there are over four people looking for every one job that is available. At the same time, there are nearly 7 million fewer jobs today than there were in 2007.

Instead of blaming the victims, we ought to work together, Democrats and Republicans, to find solutions. Congress has never allowed emergency unemployment benefits to lapse with our jobless rate anywhere close to where it is today. If it did, over 17,000 people in my State of Maryland would see their lifeline cut off by February. In Ohio, Speaker BOEHNER's State, 80,000 people are at risk.

Among African Americans, Latinos and other minorities, a disproportionate number have been affected by long-term unemployment and are especially vulnerable if these benefits were to end. Every State would see more Americans who are out of work slip into poverty. Local communities would be affected, too, with residual job losses. The Economic Policy Institute has estimated that allowing these benefits to expire would cost us another 500,000 jobs—a half a million.

I sincerely hope that Republicans will work with us to prevent so many Americans from being left out in the

cold as they continue to seek jobs but can't find them. It's long past the time that they start working with us to pass a real jobs plan to get Americans back to work and grow our economy.

The President put a jobs bill on our desk in September. It is now December. We've yet to see that bill or any other jobs bill put on this House floor by the Republican leadership. Democrats have multiple jobs plans on the table—the President's American Jobs Act and the House Democrats' Make It in America plan. Both will help create jobs right away and invest in long-term economic competitiveness.

If Republicans continue to be unwilling to work with us on a plan to create jobs, I hope they will at least work with us to pass a measure that will prevent further losses as a result of expiring unemployment benefits. I strongly urge my Republican friends to help us stop the looming and entirely preventable disaster of millions having no support. It is the responsibility we have to our constituents and to those looking to us for leadership during this challenging time.

Let us not go home. Let us not celebrate Christmas or other holidays without ensuring the extension of unemployment benefits for those Americans who cannot find jobs, notwithstanding the fact they are looking for jobs. They're counting on us. Let's be sure that their reliance was well placed.

YUCCA MOUNTAIN: HIGH-LEVEL NUCLEAR WASTE STORAGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. It's always great to follow the highly respected minority whip, and he is highly respected.

I would say that there are a lot of pressing problems in this country. There is one I'll speak about today, and that's the high-level nuclear waste storage throughout this country. I would also say to my friend that part of the jobs bill has been passed. We passed the free trade agreement; we passed the veterans benefit portion; we passed the 3 percent withholding. So there has been movement in a bipartisan manner on some provisions in the bill.

So now, Mr. Speaker, let me segue to an issue for which I've come to the floor now six times, that of going throughout the country and highlighting where high-level nuclear waste is stored throughout this country.

Today, we'll travel to the State of Massachusetts, right on Cape Cod Bay where the Pilgrim Nuclear Power Plant sits. Again, it's right on Cape Cod Bay. At Pilgrim, there are over 2,918 spent-fuel assemblies on site. Yucca Mountain, which is the defined storage location, by law, in the 1982 Nuclear Waste

Policy Act, currently has no nuclear waste on site. I like to keep highlighting the real distinct differences based upon the years of talking about this issue and highlighting some of the arguments against Yucca, comparing it to where we have nuclear waste today.

So let's, again, continue to look at the Pilgrim Nuclear Power Plant. The waste is stored aboveground in pools, very similar to Fukushima-Diachi in Japan. At Yucca the waste will be stored 1,000 feet underground—above the ground in pools, 1,000 feet underground. I think Yucca is a better location. At Pilgrim the waste is 20 feet from the water table. At Yucca it would be 1,000 feet above the water table. I think that's a better, safer and more secure location. You can see the Pilgrim plant is right on Cape Cod Bay, right next to the water. Yucca Mountain is situated 100 miles from, really, the nearest body of water, which would be the Colorado River.

Now, for those who have been following my time in coming to the floor, this is my sixth time. I started at Hanford, a DOE facility in Washington State, and compared it to Yucca Mountain. I then went to Zion. I've got my friend from Chicago right here. Zion is right on Lake Michigan, which is a decommissioned nuclear power plant that still has waste stored on site; but Wisconsin has two nuclear power plants right on Lake Michigan.

Then I went to Savannah, Georgia, to talk about the nuclear waste there. Of course, it has the Savannah River; so it's right next to the Savannah River. Then I went out to California to look at San Onofre, the nuclear power plant that's right on the Pacific Ocean. Then I went to Idaho and looked at the Idaho National Labs and the nuclear waste stored there. Today, we go to Massachusetts.

The point being, there is high-level nuclear waste stored all over this country, and a single repository at Yucca Mountain makes sense for all of the right reasons: it's over 100 miles from the largest city; it's in the desert; it would be underneath a mountain. There is no more safe, secure location.

Why are we not moving forward? Because this administration has decided not to spend the money needed to finish the final environmental study through the Nuclear Regulatory Commission.

So where are our Senators on this position? I've been bringing this down to the floor through all these States. We need 60 votes in the Senate to secure America's nuclear waste. Right now, through the States, based upon the States we've identified, there are 20 "yeses." We've got about seven who are relatively new. We don't know their positions. Of course, we have established five who are "noes." There are some in the New England States that I mentioned:

SUSAN COLLINS voted for Yucca Mountain in 2002. OLYMPIA SNOWE voted for it in 2002. Senator KERRY voted against it. Now, Pilgrim is in the State of Massachusetts. Based upon his statement, I guess Senator KERRY feels that Pilgrim is a more safe and secure location than Yucca Mountain. SCOTT BROWN has no position yet. Senator AYOTTE has no position. Senator SHAHEEN has no position. Of course, the Independent from Vermont has voted "no."

UNEMPLOYMENT INSURANCE EXTENSION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE) for 5 minutes.

Ms. MOORE. Recently and even today, we've heard a lot from both sides of the aisle about the extension of unemployment insurance; but I think the voices that we need to be listening to are the voices of the American people. So, if you would indulge me, Mr. Speaker, I would like to read a letter from one of my constituents:

"Ms. Moore, I am writing you today to request that you pass the extension for unemployment insurance benefits. I am a single mom and experienced a layoff at my job this past summer. My benefits are about to run out, and I am still looking for a job. Last week alone, I applied to over 20 jobs online, and received only one call-back for an interview. I have \$600 left to claim on unemployment. After that, I do not know what I am going to do. I pray every day that this extension will go through before the holidays. That is all I want for Christmas.

□ 1020

"Being unemployed has left me with a sense of low self-worth. And I find that I cry all the time. I hope that my interview next week is successful. Nonetheless, I am trying to be proactive on the job hunt. I have a webinar scheduled today for successful interviewing skills. And I am hoping to apply those skills in my interview next week. I just want some peace of mind that I will continue to receive the extension before the holiday."

Sadly, this young woman is just one of 58,000 Wisconsinites who will lose benefits if we don't extend the unemployment insurance. And, of course, there are millions of stories like this across the country, hardworking Americans, Mr. Speaker, who just want the opportunity to have an opportunity.

And as the holidays approach, the harsh realities of our failed economy become more and more prevalent. I, along with all of my Democratic colleagues, have been calling for the passage of an extension of UI benefits for what seems like an eternity. Yet some would turn their backs on their fellow Americans during the holidays and in these most trying of economic times.

Like the Grinch who stole Christmas, the Republican majority with devilish grins are tipping through Whoville or, in this case, across the country attempting to steal the holiday cheer from hardworking Americans with these tortured rationales as to why they oppose these much and desperately needed benefits, while continuing simultaneously to work to ensure that the rich get richer through maintaining tax cuts.

The Unemployment Insurance Program serves as a lifeline for millions of unemployed Americans and their families, their children, who are now at the mercy of the worst job market since the Great Depression. Millions of hardworking Americans, nearly 2 million in just January alone and over 6 million in 2012, will be cut off from the emergency lifeline that is unemployment insurance unless Congress acts.

Mr. Speaker, these are Americans who have been laid off and are desperately searching for work. But the jobs just are not there. That is why we must pass the Doggett-Levin Emergency Unemployment Compensation Extension Act. The Emergency Unemployment Compensation Extension Act is just common sense, and it will continue the current Federal unemployment programs through next year. The extension of these benefits will not only strengthen the safety net for the unemployed, but it will, most importantly, promote economic recovery by preventing the loss of a half-million jobs.

Additionally, relieving insolvent States from interest payments on Federal loans for 1 year will help the States, including Wisconsin, which were forced to borrow funds from the Federal Government in order to pay for unemployment benefits for the thousands of unemployed or laid off.

Never, never before now has this been a partisan issue where Congress, controlled by either party, has denied this life-sustaining unemployment benefit. Right now we need a holiday miracle. We need a miracle to help these grinchies grow hearts and vote immediately to extend the Unemployment Insurance Program.

I call on my colleagues, Mr. Speaker, to come together this season and bring some holiday cheer back to the American people.

HONORING TOM MELLON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor one of the Bucks County Bar Association's most ardent supporters, my dear friend, Tom Mellon. Tom is known by many around the country for his passion and commitment to the law, but is equally known

in the Bucks County area as a dedicated civil servant who has spent his entire life giving back to the community.

I've known Tom for many years, and although we come from different party backgrounds, it has never gotten in the way of our friendship. Our shared values have always trumped politics. First and foremost, Tom is a family man. He's a loyal husband to Sara and a dedicated father to four sons, Thomas, Christopher, Ryan and Henry. Tom is also one of the friendliest people you will ever meet. He has a genuine personality and a warm welcoming demeanor, which have served him well throughout his career.

Tom always seems to carry with him an inner Irish spirit. From day one he has championed the underdog and the downtrodden, which is truly an admirable quality. Throughout the course of his legal career, Tom has been the David to many a corporation's Goliath, taking on Big Tobacco, multiple pharmaceutical companies, and even global terrorists. He never waivers in his dedication to his clients or to his cause. His cases are taken not necessarily because he knows he can win, but because morally they are the right thing to do. Tom is truly an inspiration to many young, aspiring attorneys who want to change the world. He has been to me.

As Tom sees it, his life duty is to help those who are in need. He launched his legal career representing the interests of victims of crime in the United States Attorney's Office, and he has never looked back.

Today he continues his representation of the less fortunate, proudly serving as a trial attorney in Doylestown, Pennsylvania.

After 9/11 Tom served as a lead counsel among a national consortium of attorneys who were retained by the families of the victims of the terrorist attacks in order to pursue an investigation into the involvement of Iran and al Qaeda. In 1999 Tom arranged for the first group of American lawyers to visit Havana, Cuba, in order to better understand the culture of the land and the inner struggles of the Cuban people.

Currently Tom also serves on the board of directors of the Bucks Mont Katrina Relief Project and has raised millions of dollars for the victims of Hurricane Katrina in Hancock County, Mississippi. As part of this mission, Tom has led over 100 attorneys and their family members on multiple trips to Hancock County to clean up the devastation, rebuild homes, and assist in the construction of new community buildings like a food pantry and an animal shelter.

Tom's morals and decorum permeate every aspect of his life. His loyalty is unwavering and unparalleled, whether it be to family, friends, employees, or clients. His dedication to the community speaks volumes about who Tom is

as a person. He is a kind, giving, unique individual, and I'm truly blessed to have called him a friend for so many years and to honor him today as he will be honored tonight at the Bucks County Bar Association.

WALL STREET VERSUS MAIN STREET

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, it's no secret that Wall Street is rampant with cases of outright fraud, backroom deals and very, very special political access. Meanwhile, Main Street is pushing back hard against this tide by investing in our communities and struggling to create jobs so our economy can grow.

A steady series of probing news stories have begun to expose the depth of corruption that precipitated the Wall Street meltdown and why it is so hard for Main Street to recover.

Bloomberg just released a story detailing how the former Secretary of the Treasury, Hank Paulson, provided special insider information to well connected Wall Street executives in July of 2008, just before the meltdown. According to Bloomberg, on the very same day the former Secretary told The New York Times that he expected the examinations of the Federal Reserve and the Office of the Comptroller of the Currency into Fannie Mae and Freddie Mac would "give a signal of confidence to the markets," he informed a select group of his friends on Wall Street later in the day that in reality, there was a plan for placing "Fannie and Freddie into conservatorship," which amounts to a government seizure. Those firms got insider information, and one can ask, did they then place bets to protect their interests? I bet they did.

One of the fund managers in that meeting said "he was shocked that Paulson would furnish such specific information, leaving little doubt that the Treasury Department would carry out that plan." In the words of William Black, law expert at the University of Missouri, "There was no legitimate reason for these disclosures."

The Secretary of Treasury is supposed to be a public steward of our Nation's financial well-being. But when he told the public one story and then shared the inside track with his friends and colleagues from Goldman Sachs and other large firms, he broke that trust.

□ 1030

To be blunt, this is self-serving crony capitalism at its worst.

This is hardly the only case of special treatment of Wall Street insiders by Washington, insiders like Paulson, who was the former head of Goldman Sachs.

Earlier this week, we saw a U.S. District Court throw out a settlement between the Securities & Exchange Commission and Citigroup. In 2008, Citigroup reportedly created, marketed, and sold a fund to investors. What Citigroup did not disclose is that the bank itself was actually betting against their own fund. This fraudulent deal made Citigroup \$160 million while costing the fund's investors \$700 million in losses, and counting.

The SEC's response to this fraud was a \$285 million settlement, slightly more than a third of the reported losses incurred by the victims of this fraud. Citigroup was not even required to admit any wrongdoing. The federal judge was absolutely correct to throw this case out. The SEC's policy of allowing large Wall Street firms to walk away from fraud cases without so much as admitting any wrongdoing is completely inappropriate and invites more corruption.

Growing reports of fraud are staggering, and they underlie the Wall Street dealing that has so harmed our Nation. Throughout November, we saw headline after headline of how MF Global took money from its own private customer accounts as it tried to stay afloat in the days before it filed one of the largest bankruptcies in American history. There may be as much as \$1.2 billion unaccounted for. We used to call that stealing.

The fact is our Justice Department has only a handful of FBI agents to properly investigate the volume of corruption infecting our markets. After reviewing the FBI's own testimonies, I introduced H.R. 1350, the Financial Crisis Criminal Investigation Act, to authorize an additional 1,000 FBI agents and forensic experts to prosecute white collar crime, especially Wall Street. Back in the 1990s when we had the S&L crisis, we had a thousand agents. When this crisis started, there were but a handful because they had all been switched to terrorism investigations.

When you look at these cases, what is astounding is just how well connected so many of these institutions on Wall Street are to the corridors of power in Washington. It now appears even former Speaker Newt Gingrich was paid millions of dollars by Freddie Mac before it went bankrupt.

At a minimum, our Nation needs an independent commission to investigate what actions led to the eventual collapse of Fannie Mae and Freddie Mac by which Wall Street turned over all of its toxic mortgage paper to the taxpayers of the United States for the next three generations.

I have a bill to do just that, H.R. 2093. I ask other Members of the House to sponsor the Fannie Mae and Freddie Mac Criminal Investigative Commission Act.

So while real justice for Wall Street languishes in places from Cleveland to

Toledo, Main Street America is trying to create jobs. It's over time for Washington to get its House in order to restore accountability to Wall Street so that full confidence can be restored to our economy. Exacting justice for Wall Street wrongdoing is long overdue. That task remains fundamental to economic recovery and job growth.

[From the Bloomberg Markets Magazine, Nov. 29, 2011]

HOW PAULSON GAVE HEDGE FUNDS ADVANCE WORD OF FANNIE MAE RESCUE

(By Richard Teitelbaum)

Treasury Secretary Henry Paulson stepped off the elevator into the Third Avenue offices of hedge fund Eton Park Capital Management LP in Manhattan. It was July 21, 2008, and market fears were mounting. Four months earlier, Bear Stearns Cos. had sold itself for just \$10 a share to JPMorgan Chase & Co. (JPM).

Now, amid tumbling home prices and near-record foreclosures, attention was focused on a new source of contagion: Fannie Mae (FNMA) and Freddie Mac, which together had more than \$5 trillion in mortgage-backed securities and other debt outstanding. Bloomberg Markets reports in its January issue.

Paulson had been pushing a plan in Congress to open lines of credit to the two struggling firms and to grant authority for the Treasury Department to buy equity in them. Yet he had told reporters on July 13 that the firms must remain shareholder owned and had testified at a Senate hearing two days later that giving the government new power to intervene made actual intervention improbable.

"If you have a bazooka, and people know you have it, you're not likely to take it out," he said.

On the morning of July 21, before the Eton Park meeting, Paulson had spoken to New York Times reporters and editors, according to his Treasury Department schedule. A Times article the next day said the Federal Reserve and the Office of the Comptroller of the Currency were inspecting Fannie and Freddie's books and cited Paulson as saying he expected their examination would give a signal of confidence to the markets.

A DIFFERENT MESSAGE

At the Eton Park meeting, he sent a different message, according to a fund manager who attended. Over sandwiches and pasta salad, he delivered that information to a group of men capable of profiting from any disclosure.

Around the conference room table were a dozen or so hedge-fund managers and other Wall Street executives—at least five of them alumni of Goldman Sachs Group Inc. (GS), of which Paulson was chief executive officer and chairman from 1999 to 2006. In addition to Eton Park founder Eric Mindich they included such boldface names as Lone Pine Capital LLC founder Stephen Mandel, Dinakar Singh of TPG-Axon Capital Management LP and Daniel Och of Och-Ziff Capital Management Group LLC.

After a perfunctory discussion of the market turmoil, the fund manager says, the discussion turned to Fannie Mae and Freddie Mac. Paulson said he had erred by not punishing Bear Stearns shareholders more severely. The secretary, then 62, went on to describe a possible scenario for placing Fannie and Freddie into "conservatorship"—a government seizure designed to allow the firms to continue operations despite heavy losses in the mortgage markets. . . .

SHARES RALLY

At the time Paulson privately addressed the fund managers at Eton Park, he had given the market some positive signals—and the GSEs' shares were rallying, with Fannie Mae's nearly doubling in four days. William Black, associate professor of economics and law at the University of Missouri-Kansas City, can't understand why Paulson felt impelled to share the Treasury Department's plan with the fund managers.

"You just never ever do that as a government regulator—transmit nonpublic market information to market participants," says Black, who's a former general counsel at the Federal Home Loan Bank of San Francisco. "There were no legitimate reasons for those disclosures."

Janet Tavakoli, founder of Chicago-based financial consulting firm Tavakoli Structured Finance Inc., says the meeting fits a pattern.

"What is this but crony capitalism?" she asks. "Most people have had their fill of it."

A LAWYER'S ADVICE

The fund manager who described the meeting left after coffee and called his lawyer. The attorney's quick conclusion: Paulson's talk was material nonpublic information, and his client should immediately stop trading the shares of Washington-based Fannie and McLean, Virginia-based Freddie. . . .

GOLDMAN ALUMS

One other Goldman Sachs alumnus was at the meeting: Frank Brosens, founder and principal of Taconic Capital Advisors LP, who worked at Goldman as an arbitrageur and who was a protege of Robert Rubin, who went on to become Treasury secretary.

Non-Goldman Sachs alumni who attended included short seller James Chanos of Kynikos Associates Ltd., who helped uncover the Enron Corp. accounting fraud; GS. Capital Partners LP co-founder Bennett Goodman, who sold his firm to Blackstone Group LP (BX) in early 2008; Roger Altman, chairman and founder of New York investment bank Evercore Partners Inc. (EVR); and Steven Rattner, a co-founder of private-equity firm Quadrangle Group LLC, who went on to serve as head of the U.S. government's Automotive Task Force. . . .

[From the New York Times, Nov. 28, 2011]

JUDGE BLOCKS CITIGROUP SETTLEMENT WITH S.E.C.

(By Edward Wyatt)

WASHINGTON.—Taking a broad swipe at the Securities and Exchange Commission's practice of allowing companies to settle cases without admitting that they had done anything wrong, a federal judge on Monday rejected a \$285 million settlement between Citigroup and the agency.

The judge, Jed S. Rakoff of United States District Court in Manhattan, said that he could not determine whether the agency's settlement with Citigroup was "fair, reasonable, adequate and in the public interest," as required by law, because the agency had claimed, but had not proved, that Citigroup committed fraud.

As it has in recent cases involving Bank of America, JPMorgan Chase, UBS and others, the agency proposed to settle the case by levying a fine on Citigroup and allowing it to neither admit nor deny the agency's findings. Such settlements require approval by a federal judge.

While other judges are not obligated to follow Judge Rakoff's opinion, the 15-page ruling could severely undermine the agency's

enforcement efforts if it eventually blocks the agency from settling cases in which the defendant does not admit the charges.

The agency contends that it must settle most of the cases it brings because it does not have the money or the staff to battle deep-pocketed Wall Street firms in court. Wall Street firms will rarely admit wrongdoing, the agency says, because that can be used against them in investor lawsuits.

The agency in particular, Judge Rakoff argued, "has a duty, inherent in its statutory mission, to see that the truth emerges." But it is difficult to tell what the agency is getting from this settlement "other than a quick headline." Even a \$285 million settlement, he said, "is pocket change to any entity as large as Citigroup," and often viewed by Wall Street firms "as a cost of doing business."

According to the Securities and Exchange Commission, Citigroup stuffed a \$1 billion mortgage fund that it sold to investors in 2007 with securities that it believed would fail so that it could bet against its customers and profit when values declined. The fraud, the agency said, was in Citigroup's falsely telling investors that an independent party was choosing the portfolio's investments. Citigroup made \$160 million from the deal and investors lost \$700 million.

Judge Rakoff said the agency settlement policy—"hallowed by history, but not by reason"—creates substantial potential for abuse because "it asks the court to employ its power and assert its authority when it does not know the facts." That undermines the constitutional separation of powers, he said, by asking the judiciary to rubber-stamp the executive branch's interpretation of the law.

The agency said that it disagreed with the judge's ruling but did not say whether it would appeal, or try to refashion the settlement or prepare to begin a trial, as the judge directed, on July 16.

Robert Khuzami, the agency's director of enforcement, said in a statement that the Citigroup settlement "reasonably reflects the scope of relief that would be obtained after a successful trial," and that the decision "ignores decades of established practice throughout federal agencies and decisions of the federal courts."

Citigroup said it also disagreed with Judge Rakoff's decision, adding that it would fight the charges if the case indeed went to trial.

"We believe the proposed settlement is a fair and reasonable resolution to the S.E.C.'s allegation of negligence, which relates to a five-year-old transaction," Edward Skyler, a Citigroup spokesman, said in a statement. "We also believe the settlement fully complies with long-established legal standards. In the event the case is tried, we would present substantial factual and legal defenses to the charges."

In his decision, Judge Rakoff called Citigroup "a recidivist" or repeat offender, for having previously settled other fraud cases with the agency where it neither admitted nor denied the allegations but agreed never to violate the law in the future.

Citigroup and other repeat offenders can agree to those terms, the judge said, because they know that the commission has not monitored compliance, failing to bring contempt charges for repeat violations in at least 10 years.

A recent analysis by The New York Times of the agency's fraud settlements with Wall Street firms found 51 instances, involving 19 companies, in which the agency claimed that a company had broken fraud laws that they previously had agreed never to breach. Securities

law experts said that the ruling presents the agency with a tough dilemma. In future cases, it will have to consider the risk that another judge may be reluctant to approve a settlement given the Rakoff ruling.

"This is clearly a case of great significance," said Harvey Pitt, a former chairman of the agency who is now chief executive at Kalorama Partners in Washington. "It's also a case for which there is no direct precedent. Courts have been approving settlements by government agencies without any admissions of wrongdoing for years."

On the other hand, Mr. Pitt noted, "there is no suggestion here that this decision would apply in every single case," because Citigroup has reached such settlements before, a situation that sets this case apart from many Securities and Exchange Commission settlements.

Judge Rakoff has been a frequent critic of the agency's settlements. In 2009, he rejected a proposed \$33 million settlement with Bank of America for a case in which the agency said the bank had misled shareholders over its acquisition of Merrill Lynch. He eventually approved a \$150 million settlement after the agency presented further evidence of the bank's wrongdoing.

The judge also noted the difference between the agency's settlement with Citigroup and its settlement last year with Goldman Sachs in a similar mortgage-derivatives case. Goldman was required to say that its marketing materials for the product "contained incomplete information."

In the Citigroup case, no such facts were agreed on. "An application of judicial power that does not rest on facts is worse than mindless, it is inherently dangerous," Judge Rakoff wrote. "In any case like this that touches on the transparency of financial markets whose gyrations have so depressed our economy and debilitated our lives, there is an overriding public interest in knowing the truth."

Mr. Khuzami took issue with the judge's characterization of the settlement. "These are not 'mere' allegations," he said, "but the reasoned conclusions of the federal agency responsible for the enforcement of the securities laws after a thorough and careful investigation of the facts."

Barbara Black, a professor at the University of Cincinnati College of Law who edits the Securities Law Prof Blog, said that the decision was interesting because Judge Rakoff carefully treads the line between the deference that judges are supposed to show to regulatory agencies while also ensuring that the court does not simply rubber-stamp decisions.

In a legal dispute between two private parties, they can agree to whatever settlement they desire, Ms. Black said. But in a case involving a public agency with consequences that affect the public interest, there has to be some kind of acknowledgment that certain things did occur, she added.

DUTIES AND FUNCTIONS OF THE U.S.

DEPARTMENT OF THE TREASURY

MISSION

Maintain a strong economy and create economic and job opportunities by promoting the conditions that enable economic growth and stability at home and abroad, strengthen national security by combating threats and protecting the integrity of the financial system, and manage the U.S. Government's finances and resources effectively.

Treasury's mission highlights its role as the steward of U.S. economic and financial systems, and as an influential participant in the world economy.

The Treasury Department is the executive agency responsible for promoting economic prosperity and ensuring the financial security of the United States. The Department is responsible for a wide range of activities such as advising the President on economic and financial issues, encouraging sustainable economic growth, and fostering improved governance in financial institutions. The Department of the Treasury operates and maintains systems that are critical to the nation's financial infrastructure, such as the production of coin and currency, the disbursement of payments to the American public, revenue collection, and the borrowing of funds necessary to run the federal government. The Department works with other federal agencies, foreign governments, and international financial institutions to encourage global economic growth, raise standards of living, and to the extent possible, predict and prevent economic and financial crises. The Treasury Department also performs a critical and far-reaching role in enhancing national security by implementing economic sanctions against foreign threats to the U.S., identifying and targeting the financial support networks of national security threats, and improving the safeguards of our financial systems.

ORGANIZATION

The Department of the Treasury is organized into two major components: the Departmental offices and the operating bureaus. The Departmental Offices are primarily responsible for the formulation of policy and management of the Department as a whole, while the operating bureaus carry out the specific operations assigned to the Department. Our bureaus make up 98% of the Treasury work force. The basic functions of the Department of the Treasury include:

- Managing Federal finances;
- Collecting taxes, duties and monies paid to and due to the U.S. and paying all bills of the U.S.;
- Currency and coinage;
- Managing Government accounts and the public debt;
- Supervising national banks and thrift institutions;
- Advising on domestic and international financial, monetary, economic, trade and tax policy;
- Enforcing Federal finance and tax laws;
- Investigating and prosecuting tax evaders, counterfeiters, and forgers.

FIXING A BROKEN WASHINGTON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. YOUNG) for 5 minutes.

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to speak on behalf of the overwhelming majority of my southern Indiana constituents.

A year ago, they sent me to this body to give a voice to their frustrations with Washington—a frustration I shared then and share now more than ever. The American people's frustration stems from a lack of real progress in addressing our Nation's most fundamental challenges: Federal spending, our national debt, job creation, and the decline of the middle class. Our fellow citizens have concluded what I, too, have concluded—Washington is broken, and no one is in a hurry to fix it.

Congress hasn't passed a balanced budget in over a decade. The Senate

hasn't passed any sort of budget in 3 years. Our national debt recently topped \$15 trillion, and our unemployment rate hovers around 9 percent. Instead of trying to fix our problems, Washington would rather argue about who's to blame for causing our problems. Sure, there's a lot of agreement as to what's wrong with our country, but not a lot of action geared towards making anything right. Our President and too many in this Congress would rather demagogue and demonize than lead and legislate. Washington is broken, and nobody's in a hurry to fix it.

While many of our constituents are struggling to find a second, and in some cases a third, job, Washington is failing to perform its only job—governing. Is it any wonder that so many Americans are frustrated?

These aren't Republican problems or Democrat problems. They're not House problems or Senate problems; these are Washington problems. Unfortunately, after 11 months on the job, I've seen far too few Washington solutions.

Many of us came to Washington this year, some of us new to government, to offer solutions. We came ready with ideas. We came ready to defend those ideas, to respond to criticisms, to make the ideas into workable solutions and, ultimately, to implement those solutions to make a better life for those who sent us here. We came with the same sense of urgency that the American people expect of us.

But Washington is broken. Too many people in this city resist publicly committing to hard, workable solutions because parroting talking points is so much easier. But until we get down to brass tacks, we'll continue to talk past one another.

So I make this entreaty to all of my colleagues: whether you are a Republican or a Democrat, commit to proposing workable solutions. Get into the details. Put them on paper. Until both sides put a specific, written, scoreable plan on the table, we'll never find the common ground necessary to strike that grand bargain. In the absence of specifics, we're just playing politics. That's why Washington is broken.

Now, earlier this year, those of us on the Budget Committee introduced a comprehensive plan that would reduce our deficit over the next decade by over \$6 trillion. It would balance the budget and start paying down our debt. It would create an environment where jobs could flourish and grow, and it would save and strengthen our safety net programs like Medicare and Medicaid. Most importantly, it addressed our challenges with the sense of urgency they require.

If you disagree with that plan or you have a more optimal solution, let's hear it. Introduce it. I'm open to better plans. I didn't come to Congress because I thought I had all of the solutions. I came to Congress because my

constituents wanted me to be part of the solution. But criticizing the other guy's plan is not the same as having a plan.

Real leadership consists of presenting your vision for America to the American people and then defending it. In so doing, Republicans and Democrats may discover that we have some common ground, that we are not enemies, but friends. Let us summon up, as we have before, the "better angels of our nature" and rededicate ourselves to the hard work of leadership.

Washington is indeed broken. Let's hurry up and fix it together.

PASS AMERICAN DREAM ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. HINOJOSA) for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, it is with great sadness that I rise to urge my colleagues on both sides of the aisle to pass the American DREAM Act.

This past weekend, I learned of the tragic death of Joaquin Luna, a senior student at Juarez Lincoln High School in Mission, Texas, who took his life because he believed that he would never be able to fulfill his dream of becoming an engineer, earning his citizenship, and leading a full and prosperous life in America.

Brought to the United States as an infant, Joaquin attended our Nation's public schools, played the guitar at his church, and hoped to go to college and achieve the American Dream. I cannot express the sorrow I feel on the loss of such a talented young man. I want to extend my heartfelt condolences to Joaquin's family and friends. I cannot imagine the pain they are suffering. It is heartbreaking to know that many of us in the U.S. House of Representatives passed the DREAM Act at this time last year, only to see the legislation held up in the Senate by a vote of 55–41.

Today, as Joaquin Luna's body is laid to rest, I believe it is imperative to underscore the urgency of passing the DREAM Act in the 112th Congress and renewing hope for DREAM students. As a proud cosponsor of H.R. 1842, the Development, Relief, and Education for Alien Minors Act of 2011, better known as the DREAM Act, I urge President Obama and my colleagues in the House and the Senate to put their ideological differences aside and do what is right. Now more than ever, we must give these young people an opportunity to pursue their college and career goals, resolve their immigration status, and earn their citizenship.

□ 1040

The DREAM Act would allow these students the opportunity to earn legal status if they were 15 years old or younger when they were brought to America, are long-term U.S. residents

and have lived in the United States for at least 5 years before the enactment of the law, have good moral character, graduate from high school or obtain a GED, and complete 2 years of college or military service in good standing.

Having been brought by their parents to the United States as children, these young men and women know America as their home. Without question, DREAM students exemplify the best of American ideals, such as hard work, perseverance, and the desire to contribute to our Nation's workforce, economy, and civic life.

In the Rio Grande Valley of south Texas, DREAM students have excelled in school and have become valedictorians, Advanced Placement Scholars, and student leaders, despite facing difficult circumstances.

As ranking member for the Subcommittee on Higher Education and Workforce Training, I have no doubt that the DREAM students can help America achieve President Obama's ambitious high school and college completion goals by the year 2020. Many of these students are working tirelessly to earn their high school and college diplomas and aspire to become professionals in the sectors of our workforce which need their talent, skills, and ingenuity.

In the areas of science, technology, engineering, and mathematics, better known as STEM, our country must train a new generation of high-skilled scientists, engineers, and mathematicians to bolster scientific discovery and spur technological innovation. Simply stated, these talented youth can help our Nation increase its global competitiveness and be the innovators of tomorrow.

Finally, it's important to note that the DREAM Act has enjoyed broad, bipartisan support from Members of Congress and Administration officials on both sides of the aisle. They include Secretary of Education Arne Duncan, former Secretary of Defense Robert Gates, former Secretary of State Colin Powell, and Carlos Gutierrez, former Secretary of Commerce under President Bush.

Chancellors and university presidents and thousands of students, civil rights groups, and prominent education, business, religious leaders, and elected officials support the DREAM Act because it is humane and sensible. It's the right thing to do.

THE PLUNDER OF COLFAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. McCLINTOCK) for 5 minutes.

Mr. McCLINTOCK. In the Sierra foothills in northeastern California lies the little town of Colfax, a population of 1,800, with a median household income of about \$35,000. Over the last several years, this little town has been utterly plundered by regulatory and litigatory excesses that have pushed this little

town to the edge of bankruptcy and ravaged families already struggling to make ends meet.

You see, Colfax operates a small wastewater treatment plant for its residents that discharges into the Smuthers Ravine. Because it does so, it operates within the provisions of the Clean Water Act, a measure adopted in 1972 and rooted in legitimate concerns to protect our vital water resources. The problem is that predatory environmental law firms have now discovered how to take unconscionable advantage of that law to reap windfall profits at the expense of working-class families like the townspeople of Colfax.

In the case of Colfax, an environmental law firm demanded every document pertaining to the water treatment plant from the date of its inception. It then pored over those documents looking for any possible violations, including mere paperwork errors. By law, those documents include self-monitoring reports by the water agency itself, and any violation, no matter how minor, establishes a cause of action for which the law provides no affirmative defense, even if the violation is due to factors completely beyond the local community's control, including acts of God and acts by unrelated and uncontrollable third parties. Prove one such violation—and remember, the law allows for no affirmative defense—and you've just guaranteed the attorneys all of their fees, which in this case were billed at \$550 per hour.

As a result of this predatory activity, the town of Colfax is facing legal fees alone that exceed the town's entire annual budget. Families that are struggling to keep afloat just above the poverty level are fleeced by attorneys charging \$550 an hour. But that's just part of the problem.

The law requires constant upgrading of facilities to meet ever-changing state-of-the-art regulations that have nothing to do with health and safety and with absolutely no concern for the prohibitive costs involved. In fact, Colfax is now required to discharge water certifiably cleaner than the natural stream water into which it is discharged. In Colfax's case, this required a \$15 million expenditure, divided among 800 working-class residents, who are now paying \$2,500 per year just for their water connections. And once the town has met the standard, there's no guarantee that in 5 years it won't be told, Sorry, the rules have changed and you'll need to start over.

Mr. Speaker, it's time to restore some form of rationality back to this law and to stop the plunder of small towns like Colfax. And Colfax isn't alone. Any community that operates a wastewater treatment plant is in the same jeopardy.

No one disputes that we need to maintain and enforce sensible and cost-effective protections of our precious

water resources; but legitimate environmental protections must no longer be used as an excuse for regulatory extremism and litigatory plundering of our local communities.

Today, I'm introducing legislation to offer six reforms to protect other communities from going through the same nightmare as the people of Colfax:

First, to limit private-party lawsuits to issues of significant noncompliance rather than harmless paperwork errors;

Second, to shield local agencies from liability for acts that are beyond their control;

Third, to give local agencies 60 days to cure a violation before legal action can be initiated;

Fourth, to allow communities to amortize the cost of new facilities over a period of 15 years before new requirements can be heaped on them;

Fifth, to require a cost-benefit analysis before new regulations can be imposed;

Sixth, to limit attorney fees to the prevailing fees of the community.

Like many movements, the impetus for stronger environmental protection of our air and water was firmly rooted in legitimate concerns to protect these vital resources; but like so many movements, as it succeeded in its legitimate ends, it also attracted a self-interested constituency that has driven far past the borders of common sense and into the realms of political extremism and outright plunder. I'm hopeful that we're now entering an era when common sense can be restored to environmental law in this session of the Congress.

PILOT FATIGUE RULE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. In February 2009, tragedy struck western New York when Continental Connection Flight 3407 crashed outside of Buffalo. The National Transportation Safety Board found that one of the principal causes of the crash was pilot fatigue, so Congress passed landmark aviation legislation to reform the system.

One of the key provisions required that the Federal Aviation Administration update flight and duty time rules and set minimum rest requirements for airline pilots by August 1, 2011. Congressional intent was clear. That should have been enough time. After all, the National Transportation Safety Board had urged that pilot fatigue rules be updated for the past 20 years.

Getting it right is also about getting it done. Yet here we are today, 16 months after Congress asked the Federal Aviation Administration to issue these reforms and 4 months past the deadline we gave them, and still no pilot fatigue rule.

□ 1050

That is unacceptable to me, that is unacceptable to my colleagues from western New York, and it is unacceptable to the flying public.

I urge the Federal Aviation Administration to complete the pilot fatigue rule immediately.

KEYSTONE XL PIPELINE SAFETY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, at a time when our Nation's economy is struggling to recover from our deepest recession in which millions of Americans are looking for work, no one would believe that we would forgo an opportunity to reduce our reliance on Middle Eastern oil and create thousands of American jobs.

Incredibly, that's exactly what happened after the White House announced they would delay decision on approval of the Keystone XL pipeline until 2013, after the elections of November 2012. At a time when our President faced a difficult choice between opposing powers within his base—labor unions and radical environmentalists—he chose to punt rather than lead.

Labor unions support construction of the Keystone XL pipeline because they understand this project has been deemed safe and will create 20,000 direct American jobs and thousands more indirect jobs across our Nation as the pipeline is built. But radical environmentalists and Hollywood activists vehemently oppose the project. In fact, they surrounded the White House in protest of the Keystone XL pipeline, claiming that the project is not environmentally safe. While these protesters made catchy headlines, their claims about the Keystone XL pipeline simply aren't true.

The Keystone XL project has been studied extensively for over 3 years, when TransCanada originally filed an application for a Presidential permit with the Department of State. The Presidential permit review process was conducted by the State Department, the Environmental Protection Agency, and many other agencies within the Federal Government. After 3 years of comprehensive review and several changes to the project to accommodate environmental concerns, the final report to the White House incorporated 57 project-specific special conditions for the design, construction and operation of the Keystone XL pipeline. In simple terms, the Keystone XL pipeline was designed to be the safest pipeline the world has ever known.

Here's the truth why the Keystone XL pipeline promises to be the safest pipeline ever. As proposed, the Keystone XL pipeline will be monitored 24 hours a day, 7 days a week, 365 days a year with the most advanced tech-

nologies. It will be buried at a deeper depth than similar pipelines to minimize risk. It will utilize multiple leak detection methods and failsafe shutoff systems, as well as having an emergency response program in place ready to respond if needed.

Critics of the project further claim that the crude transported by the Keystone XL pipeline is highly corrosive "toxic sludge." This is a claim that can only come out of Hollywood, with no facts to support it. Independent analysis and sound science have determined these oils are not corrosive to steel. Canadian oil is already shipped safely across the United States via other Canadian pipelines. Good old-fashioned common sense tells us that no company would try to destroy its own interest by spending billions to construct a pipeline system that is going to be eaten up by the very products it transports.

I'll wrap up my comments with the facts about the Keystone XL pipeline. This project has been exhaustively studied and revised to ensure its safety. Three years of grueling review and detailed analysis by multiple Federal Government agencies have concluded that construction and use of the Keystone pipeline is safe. In August, our Department of State recommended that President Obama approve the Keystone XL pipeline.

Our economy is still teetering on recession. It needs to be strengthened; and we need a safe, reliable supply of energy to grow it. Canada can provide it. They want to provide it, thereby reducing our reliance on Middle Eastern oil and strengthening our national security because we have energy security as a result.

Thousands of new jobs will be created to build this pipeline. Mr. Speaker, I urge the President to approve the Keystone XL pipeline now.

EXTENDING UNEMPLOYMENT COMPENSATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. My colleagues, I once again rise asking that we immediately consider extending the Federal Unemployment Compensation Act.

It seems as though I walked into this movie before, last year, and we were begging once again that we throw away the labels of being Democrat or Republican and reach out to make an appeal as to what makes this country different from other countries.

This is the only country in the world that no one wants to leave and everyone wants to come in. And it's not because of the differences we have with the rich and the poor. It's that always in this country we extended hope. We allowed people to believe that they were never really truly alone. And then

we find a circumstance that Americans, hardworking Americans are trying to fulfill that American Dream—once again not to become a Wall Street broker, and certainly not to be living a life of poverty, but to join that middle class that has been the engine for hope and economic advancement for our country. And we find this situation now that, through no fault of their own, these dreams have been shattered. People have not only lost their jobs, but they've lost their self-esteem, they've lost their savings, they have not been able to send their kids to college.

And so what is it that we can do since it's abundantly clear that in this Congress there is a gridlock? And we don't want you to lose hope because there's things that Americans can do. It's not just waiting for this Congress to act, because you hold in your hands the power to control this Congress. And we should not have to wait until next year in order to say that you can express yourself at the polls. No indeed.

Every Member of Congress—435 of us here—are anxiously waiting for your call, and I hope that call would be a call of compassion. It should be a call from our ministers, from our Catholics and Protestants and Jews and synagogues and Mormons and Muslims saying that in America we should not have the vulnerable carrying the pain of mistakes that have been made. We should be hearing from our civic leaders and our voters and calling Republicans, Democrats, and Independents saying we did not send you to Washington to display just what a good Republican you are or what a good Democrat you are.

We should talk about this sign up here, "In God We Trust." Doesn't that mean something about taking care of the vulnerable, the unemployed, those without homes, without jobs and without hope? Doesn't it mean that we have a tradition as Members of Congress? And doesn't it mean that our voters have a responsibility not to just say how bad we are, but to say how good they are for making certain that they're monitoring our conduct, not through a poll, but through our action.

The question is, How did your Congressman vote on extending unemployment compensation?

□ 1100

Rather than wait for the good or bad news, call now. Call today. Call every day this week.

They'll never have a Thanksgiving or a Christmas that they used to have, but they can't give up hope. They can't give in and they can't give up.

So I am saying for America, you don't have to go and protest, even though I appreciate the fact that these courageous men and women are doing it. You don't have to walk those civil

rights marches. But you can at least get in touch with your Member of Congress, remind him or her of their constitutional responsibility, and remind them of their moral responsibility to the vulnerable among us, the sick, the aged, the unemployed, those that played by the rules, and we know have nothing to do with the situation they find themselves in economically.

We can make a change, but it's going to take the American people to come together and say they're mad as hell and they're not going to take it anymore.

So let's make an appeal that America takes the Congress back. Direct not ourselves to do things in order to get reelected but direct we do things because it's the right thing to do.

HONORING THE LIFE OF LANCE CORPORAL SCOTT HARPER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I could not think of a more appropriate person to be in the Chair this morning than yourself, to me and to others, an American hero because, Mr. Speaker, today I come to the floor with a sadness but yet with a great sense of pride to honor the service of one of Georgia's own, Lance Corporal Scott Harper.

On October 13, in Helmand Province, Afghanistan, he gave the ultimate sacrifice in support of Operation Enduring Freedom and the protection of his homeland and his family and his friends.

Mr. Speaker, he will be greatly missed by all. Lance Corporal Harper was better known to his close friends not as Scott but as Boots. While a student at Alexander High School, he once forgot his tennis shoes for gym class and kept his boots on instead. And on that day, Mr. Speaker, he earned the lasting nickname of Boots. But he also showed how he was prepared to adapt to all scenarios.

When a Marine recruiter showed up at his high school senior year, Boots answered the call and chose a life of service in the United States Marine Corps with a courage and motivation that most young men his age have not yet found in life.

After graduating high school, he went into active duty in the Marine Corps. Boots served one term in Afghanistan and returned safely home. He left on the second tour July 13, with the First Battalion, Sixth Marine Regiment, Second Marine Division.

On October 13, his division was struck by small arms fire while conducting combat operations. A fellow Marine was shot first, and Boots ran into opposing gunfire to save his friend. Though Boots lost his life, he saved the life of his wounded friend in

the process. Boots was always loyal as a friend, and there is no more honor that one can give than to lay down his life for another.

Boots was devoted to his family and his community. Even when he only had a few days off, he would make time, that precious time, to come home and visit his family and friends. Though communication was difficult, Boots was always writing his family and called home as much as possible. The Saturday before he was killed, Boots called his father to say that he had decided to enroll at the University of Georgia when he returned home.

Upon coming home for this final time, he arrived at Charlie Brown Airfield. Crowds from the community lined the streets to escort Boots to his final home, to his family and to his friends for the last time. Boots was accompanied by a Marine Corps Honor Guard, the Patriot Guard, the Douglasville Police Department, and the Douglas County Sheriff's Department, among many others.

Norfolk-Southern even stopped its railroad cars in honor of the procession. As they passed everyone stood and saluted to honor the fallen Marine and hometown hero.

Boots embodied the ideals that the Marines strive to achieve. I am both honored and proud that this soldier from the Third District fought so hard for our country and for our freedom. Boots was a model citizen, soldier, and son. He was an extraordinary young man with incredible potential before him, and he will be forever missed.

I am proud to stand here and thank him for sacrificing his life for strangers like me and my family. And Joan and I extend our sympathy to the family of this fallen hero for raising such a brave, courageous, honorable, giving son.

And Boots, we, as a Nation, salute you today. Semper Paratus.

LIFE WITHOUT HOPE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. CLEAVER) for 5 minutes.

Mr. CLEAVER. Mr. Speaker, first, let me associate my comments with those of my colleague Mr. WESTMORELAND.

Mr. Speaker, on each Wednesday night for probably the last 10 or 12 years, our church has provided food for those who are struggling. Not long ago a gentleman came to our church, picked up food. And then later that night, as I was leaving the church, I ran into him at a 7-Eleven. You can imagine how troubled I was when I saw him buying a lottery ticket. I thought to myself, this guy has just ripped off the church and then is using his money for a lottery ticket.

So I waited for him outside the 7-Eleven. And when he came out, I said to him, Look, I'm a little concerned be-

cause you picked up a sack of groceries, and then you just spent money on a lottery, and those two just don't match.

And he said, Well, I probably shouldn't have spent the money on the lottery, but you know, Reverend, a man's got to have some hope.

And while I think that hope is misplaced, the truth of the matter is he was absolutely correct. It is virtually impossible to live any kind of productive life on this planet without hope.

There are millions of Americans who, unfortunately, cannot place their hope in this body. I think that I can state without fear of contradiction that the dysfunctionality of the United States Congress is helping to erase hope from the men and women in this country who are struggling. All of the back and forth and blaming each other has nothing to do with providing hope. And quite often, we allow ideology to trump logic.

We decide almost every day that no matter what, I'm going to take the position of the Republicans or I'm going to take the position of the Democrats, and, as a result, we have polluted the public.

This is one of the nastiest moments in U.S. history. Just look at television. Look at all of the so-called reality shows. The ones that are most popular are ones where people are doing things to each other or insulting each other; you're fired, or you've got to eat live spiders. That's what we are coming to.

A perfect example of what we're doing is not addressing the expiring unemployment benefits. At the end of this year, almost 2 million Americans—they have names, they have faces, they have families—2 million Americans will lose their unemployment benefits by mid-February.

□ 1110

A total of over 6 million Americans will lose benefits next year unless this body decides to become functional. In Missouri, my home State, 40,400 citizens depend on unemployment benefits. Many more are unemployed and not receiving any help at all. In Missouri, the unemployment rate is almost 9 percent.

I grew up in public housing. Yes, public housing. My father worked three jobs to get us out, worked three jobs to send me and my three sisters through college. And my mother started college when I was in the 8th grade. So I always resent any implication that people don't want to work.

So as we move into a holiday season, a season of hope, my hope is that the Congress of the United States will not snatch hope from over 2 million Americans.

EUROPE BAILOUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BURTON) for 5 minutes.

Mr. BURTON. Mr. Speaker, no nation, no economy can survive without fiscal discipline. Printing more money is never the answer. Bailout funds have already been granted to Greece, Ireland, and Portugal; and the European crisis has gotten worse, not better.

And here in the United States, the Obama administration has cranked up the printing presses first through their \$800 billion stimulus boondoggle and then through the Federal Reserve's Quantitative Easing Program. And what did it produce? Nine percent unemployment and a \$1 trillion-plus budget deficit for the last 3 years, and we have \$15 trillion in debt.

I want to read from a couple of articles that were in the paper yesterday.

The first one from *The Wall Street Journal*, and it's entitled "Blame It on Berlin." It says: "Berlin's alleged sin is its reluctance to write a blank check to save the euro—either by underwriting a new euro zone fiscal union, or by granting permission for the European Central Bank to buy trillions of dollars in sovereign debt." And they'd have to print money to do that.

"The chant comes in unison from the debtor nations themselves, the bailout caucus in Brussels. An Obama White House concerned with its re-election and liberal pundits worried about their welfare-state economic model is under assault. Like the 'rich' American who must pay their 'fair share,' the Germans are supposed to pay up to save a united Europe.

"The reality is that the Germans, along with the Dutch and the Finns, are the rare Europeans who understand that saving the euro requires more than a blank check. It requires a new political commitment to better economic policy to fiscal discipline."

Now let me read from another article that was in the paper. I think it was this morning in this *Washington Post*. I will read it in part. It says: "Investors have grown wary of lending money to European banks." People who invest, they don't want to invest in European banks because they're worried that their firms could lose vast amounts of money in their holdings of bonds issued by cash or European governments. So investors don't want to invest, and Germany does not want to invest."

So what happened? "The world's most powerful central banks, including the United States," our Fed, "are stepping in and using unlimited ability to print money and to lend it across national borders to try to arrest that dangerous cycle. The central banks are using what are called 'swap lines' to exchange their respective currencies."

And then it goes on in the article and says: "The swap lines pose little risk to the U.S. taxpayers. Fed officials have said, because"—it says little risk, they didn't say no risk, little risk—"the swap lines pose little risk to the U.S.

taxpayers" Federal officials have said because "the Fed is doing business with foreign central banks viewed as trustworthy. Those foreign central banks, in turn, take the risk of loss if the banks they're lending to go under." But it goes right up the line. If they can't make it, then they go back to the original lender, which would be the United States Fed.

Why are the Germans so reluctant to invest? Because they've been through hyperinflation. They know what it's like to have the EU Central Bank printing money because they remember under the Weimar Republic after World War I people took baskets of money to go buy a loaf of bread. And why are the investors reluctant? Because they don't want to lose their money. They're afraid that they'll lose their investors' money and they might go out of business.

So what happens? The United States comes to the rescue by bailing out the central banks in Europe by saying that we're going to have a swap line with you and our currency will guarantee your currency, and we'll charge you almost no interest to do that. This is an exercise in futility. That is not the answer.

We should not risk the American taxpayer by giving money or lending money to Europe under these circumstances. It's crazy, in my opinion.

Mr. Speaker, I hope that the President and the Fed will reconsider this and not put us into the basket with the Europeans under these circumstances right now. It makes absolutely no sense, and it risks the American taxpayer.

UNEMPLOYMENT IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. At a time when Americans are not really deeply concerned about investors in European markets and what will happen to them upon Greece or Italy or somewhere like that going belly-up, most Americans are fixated on one problem, ladies and gentlemen. It's a very personal problem. That problem is unemployment right here in America.

Now, while we are pondering the difficulties that investors may face because of efforts to prop up central banks in Europe, people are hurting out here. People, including wives or husbands of unemployed spouses, are suffering. They're suffering as we close in on the holiday season when they see so many out doing for their families and they themselves, having been unemployed, most of whom have been unemployed for at least 6 months, many for 2 years, they're looking and they're feeling this holiday spirit but in a bad way. They're regretful of the fact that they're not able to fully participate in

this part of the American Dream doing for others, buying Christmas gifts.

In fact, people are worried about whether or not their unemployment insurance will be there for them after the beginning of the year. They realize that they're closing in on the cut-off date for expiration of the long-term unemployment benefits. And they're worried about that, not about investors and how they might fare in terms of European countries not being fiscally solvent, allegedly.

So, Mr. Speaker, every day it seems like I read another report from economists telling us how important it is to extend unemployment benefits to help our fragile economy recover. And there's no doubt about helping millions of unemployed Americans during the worst downturn since the Great Depression, which was caused by the very investment bankers that have been discussed today that might be hurt because of European shenanigans. It's mind-boggling.

They are the ones that actually kicked this cesspool that we're in off. And then they got bailed out, but they're not willing to allow the very Tea Party, Grover Norquist Republican parties who they control, they're not willing to let them extend unemployment insurance benefits for the long-term unemployed unless there's a penalty involved.

□ 1120

They can't bring themselves to fund it. They don't want to do it.

As the holidays near, economics should take a backseat to our basic humanity. What about our commitment to each other? We're all in this together; but unfortunately, the 47 percent of millionaires who populate the House of Representatives don't have that same concept of knowing what it is to hurt when you've been unemployed for such a long time and when money is not coming in. They don't relate to that. We've got nearly 14 million unemployed workers, and about five workers are applying for each job that is available. So, for Congress to think about going home to celebrate the holidays with their families and leaving these people out with no hope is, indeed, a great tragedy.

TRIBUTE TO MRS. MAGGIE DALEY, FIRST LADY OF THE CITY OF CHICAGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. On Monday, November 28, 2011, the City of Chicago laid to rest the wife of Chicago's longest serving mayor, Mayor Richard M. Daley.

While Maggie Daley was known as the mayor's wife, she was, indeed, a well-known, well-liked and revered personality in her own right. Maggie

Daley played the role of matriarch. She was warm, graceful, elegant, eloquent, and easy to like. She was a patron of the arts and was fully steeped in the cultural affairs of our city.

While Mrs. Daley has received accolades for many of her activities, the one which strikes me the most is her involvement in a program called After School Matters. I think that anyone who knows anything about education and youth development knows that, yes, after school does, indeed, matter. When discussing this program, you could see Maggie Daley's eyes light up, and you could feel her passion. She seemed to know everything there was to know about the program. She knew program sites, personnel, special features and activities, benefits and successes. After a session of listening to Mrs. Daley explain and advocate for this program, I would often smile and say to myself, How could anyone not be in support of this great program?

So I say thanks to a great lady—a lady of grace, a lady of dignity, a lady of passion, a lady of faith, and a lady of action.

My family and I and residents of the Seventh Congressional District of Illinois express condolences to Mayor Richard M. Daley and to all of Maggie Daley's family. She was a great first lady of our city and performed her role to perfection. After school does matter. It mattered to Mrs. Maggie Daley, and it matters to all of America.

EXTENDING UNEMPLOYMENT INSURANCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL. Mr. Speaker, today I rise in support of workers, families, and middle class Americans across the Seventh Congressional District of Alabama and across this entire Nation who have lost their jobs as a result of the deepest economic recession since the Great Depression.

In my district of the Seventh Congressional District of Alabama and across this Nation, the number one issue is job creation. While some progress has been made in turning our economy around, there is still so much work to be done in order to encourage job creation. Recent reports indicate that the Nation's private employers created approximately 200,000 new jobs during November. While this number shows that our economy is slowly recovering and growing, we cannot forget about the millions of Americans who have been diligently searching for work but who have not been successful in doing so.

Congress must extend unemployment benefits for the hardworking Americans who have lost their jobs due to no fault of their own—rather, due to the economic downturn. These workers

should also be given the necessary assistance to provide for their families during this difficult time. Nearly one-third of America's 14 million unemployed have had no jobs for a year or more. In fact, long-term unemployment data suggests that about 2 million people have used up the 99 weeks of unemployment benefits, but they still cannot find work.

Congress has never allowed emergency unemployment programs to expire when the unemployment rate has exceeded 7.2 percent. With our Nation's unemployment rate hovering around 9 percent, now is not the time to allow these essential benefits to expire.

In my home State of Alabama, unemployment and poverty rates have both increased dramatically in the wake of the most recent recession. In parts of the district that I represent, unemployment rates are as high as 19 percent. These persistently high unemployment numbers demonstrate the need for Federal unemployment assistance, and it remains a critical lifeline to many of the constituents I represent.

The Census Bureau states that unemployment benefits kept nearly 3.2 million Americans, including 900,000 children, from slipping into poverty last year. Without action, more than 2 million Americans will be cut off from unemployment insurance by mid-February of next year. The potential effects of this lapse in benefits would devastate millions of Americans and millions of households across this Nation.

We all understand that extending these unemployment insurance benefits is a temporary fix to a much larger problem. As Members of Congress, we must move quickly to adopt a comprehensive jobs plan that will aid businesses and communities in developing and growing. We must draft legislation that will promote an entrepreneurial climate and support American businesses globally. Now is the time that we must act. The American people want a comprehensive jobs plan. Until then, we have to extend unemployment benefits to help those millions of Americans who are desperately looking for work and can't find it.

I urge my colleagues to put partisanship aside. Party politics has no place when we're talking about the betterment and advancement of our Nation. Unemployed Americans, struggling families and communities across this Nation cannot wait. We must act now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 28 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Dr. Cathy C. Jones, Parkwood Institutional CME Church, Charlotte, North Carolina, offered the following prayer:

Almighty God our Father, because of who You are and the glory that is revealed in Your only begotten Son, Jesus Christ, we praise Your Holy Name.

Lord, Your Word declares "if any man lack wisdom, let him ask of God that giveth to all men liberally and upbraideth not; and it shall be given him."

We ask for Your unmerited favor upon the lives of every elected Member of the House of Representatives to provide the wisdom, knowledge, understanding, and courage that will allow their hearts to be filled with the principles of justice, loyalty, compassion, humility, and love so that we can continue to be united as one Nation under God.

In the name of Him who is able to keep us from falling and present us faultless before the presence of His glory with exceeding joy.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. CATHY C. JONES

The SPEAKER. Without objection, the gentleman from North Carolina (Mr. WATT) is recognized for 1 minute.

There was no objection.

Mr. WATT. Mr. Speaker, I'm pleased to welcome Reverend Dr. Cathy C. Jones as the guest chaplain today for the United States House of Representatives. Since July, 2009, Dr. Jones has served as pastor of Parkwood Institutional CME Church, which is located in

my congressional district in Charlotte, North Carolina.

Reverend Dr. Jones is a native of Chatham County, North Carolina. She received her associates, bachelor's, and master's degrees from Justice Fellowship International Bible College in Raleigh, North Carolina. In May of 2010, she received her doctorate in Biblical Studies from Justice Fellowship Bible College in Jacksonville, North Carolina.

Dr. Jones has been a pastor and served on different committees at the local and district levels during her time with the CME Church. She's married to Theodore Jones and has been blessed with 7 children, 19 grandchildren, and 3 great grandchildren.

On behalf of my constituents in the 12th Congressional District and my colleagues here in the House, I thank her for her service to her community and for her prayer this morning.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WESTMORELAND) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 1, 2011 at 9:51 a.m.:

That the Senate agreed to House amendment to Senate amendment H.R. 394.

Appointments:

National Commission for Review of Research and Development Programs of the United States Intelligence Community.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

CARTEL INTRUSION INTO AMERICA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, according to The Washington Times, last December, five Mexican nationals armed with at least two AK-47 rifles were infiltrating the rugged desert—the American desert, that is. That's right, Mr. Speaker. Cartel soldiers were reportedly on our side of the border in Arizona “patrolling in single-file for-

mation” with the goal of “intentionally and forcibly assaulting” Border Patrol agents.

They spotted and opened fire on four U.S. Border Patrol agents. Agent Brian Terry was murdered. Two cartel assault weapons found at the scene were connected to Operation Fast and Furious. Mr. Speaker, you recall that's the operation where our government facilitated smuggling weapons to Mexican drug cartels—the enemies of Mexico and the United States.

Military-type intrusions by the cartels will only increase. We need to defend our sovereignty and protect our Border Patrol and first responders. It's time to send military equipment coming back from Iraq to secure the southern border from the cartel soldiers. This veteran equipment includes Humvees, night-vision equipment, and more UAVs. Incidents like this will only continue to occur until Washington elites realize what happens in Mexico doesn't stay in Mexico.

And that's just the way it is.

PAYROLL TAX CUT AND UNEMPLOYMENT BENEFITS EXTENSION

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, with our economy struggling and unemployment remaining unacceptably high, now is not the time to take more money out of the pockets of hardworking Americans.

The majority is opposing an extension of the payroll tax holiday, enacted earlier this year, that gave virtually all working Americans a much-needed tax cut. The payroll tax holiday cut the Social Security payroll taxes of over 160 million workers. Economic uncertainty both here in the U.S. and abroad makes this a dangerous time to eliminate an important tax cut that is saving American families an average of \$1,000 a year. Failing to extend the payroll tax holiday will raise taxes on millions of Americans, taking over \$120 billion out of the pockets of consumers and out of the economy. In addition, failing to extend the unemployment insurance to those who have lost their jobs will take an additional \$30 billion out of the economy and rob over a million unemployed Americans of much-needed income and assistance.

Now is not the time to end these important tax cuts, and it is certainly not the time to pull the plug on the unemployed in our economy. I encourage my colleagues to pass both of these provisions as swiftly as possible.

□ 1210

CROHN'S AND COLITIS AWARENESS WEEK

(Mr. CRENSHAW asked and was given permission to address the House for 1 minute.)

Mr. CRENSHAW. Mr. Speaker, today is the first day of Crohn's and Colitis Awareness Week. Crohn's disease and ulcerative colitis are diseases that collectively are known as inflammatory bowel disease. They are painful; they are incurable; they attack the digestive system; and they affect about one out of every 200 people in our country.

A few weeks ago, Congressman JACKSON and I formed the Crohn's and Colitis Caucus to raise awareness in the Congress and to fight for additional Federal support, and Crohn's and Colitis Awareness Week is part of that effort. Today we will file a House Resolution which will support this awareness week. And hopefully, as we work with the Crohn's and Colitis Foundation of America, all Americans will use this week, this time to join in this fight to raise awareness to increase research and to find a cure for this debilitating disease.

CROHN'S AND COLITIS AWARENESS WEEK

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JACKSON of Illinois. Mr. Speaker, I rise in support of a resolution my friend Congressman CRENSHAW and I introduced today supporting the goals and ideals of Crohn's and Colitis Awareness Week, which begins today and runs through December 7, 2011.

This resolution, which is identical to the Senate version adopted earlier this month, declares congressional support for Awareness Week, recognizes the patients living with Crohn's disease and ulcerative colitis, and commends the dedication of health care professionals and biomedical researchers who care for these patients.

Crohn's disease and ulcerative colitis are chronic disorders of the gastrointestinal tract. Affecting an estimated 1.4 million Americans, including 140,000 children under the age of 18, IBD remains the most prominent factor in morbidity caused by digestive illness.

Again, thank you to my caucus co-chair for working with me on this important resolution, my colleagues who have joined as cosponsors, as well as the Crohn's and colitis patients and their families, medical providers, and researchers for their advocacy.

I urge my colleagues to cosponsor this resolution and join the bipartisan Congressional Crohn's and Colitis Caucus, which advocates for enhanced patient care, treatment, and finding a cure for these debilitating diseases that impact both patients and their families.

OBAMA NEEDS TO FOCUS ON JOB CREATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, for the past 2½ years, our Nation's unemployment rate has risen over 8 percent. The President continually develops policies that discourage and prohibit small businesses from creating jobs.

Just last month, the administration announced the delay of the Keystone XL pipeline, a project estimated to create over 300,000 jobs without costing taxpayers a dime. I was fortunate enough to visit Alberta, Canada in October and witnessed firsthand the Canadian oil sands and the positive impact that exploration has for new American jobs.

At the end of this legislative week, House Republicans will have passed 25 job-creation bills. Sadly, they are stalled in the Senate. With a growing debt of over \$15 trillion, it is absolutely necessary for Congress and the President to work together to promote job creation and ways to remove barriers to allow for small businesses to create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

RECOGNIZING POP WARNER LITTLE SCHOLARS

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the Pop Warner Little Scholars program, our Nation's oldest and largest youth football, cheer and dance organization.

Currently, more than 400,000 children participate in Pop Warner organizations that span 43 States, Scotland, Germany, Russia, Japan, and Mexico. The NFL Players Association estimates that Pop Warner has been the career starting point for 70 percent of its current athletes.

It has a long history of promoting structured athletics and instilling the qualities of sportsmanship, hard work, and leadership in young athletes. It's the only national youth sports organization to require academic proficiency, and it annually awards more than \$110,000 in scholarships. It's also a leader in making youth sports safe, including its work on concussion-related injuries and a medical advisory board to remain proactive on player health and safety.

This Saturday, December 3, Pop Warner will kick off its Super Bowl and National Cheer and Dance Championship at ESPN's Wide World of Sports complex in Orlando. This week-long

competition will feature participation from more than 12,000 athletes and will be broadcasted on ESPN3.

I want to extend our congratulations, Mr. Speaker, on behalf of the U.S. Congress, to this excellent, well-recognized, and well-organized program for young people here in America on behalf of the Congressional Caucus on Youth Sports.

STOP EXCESSIVE REGULATION NOW

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, one thing is certain: Excessive government regulations are hurting America's economy and strangling job creation.

Just this year, new regulations cost our economy almost \$100 billion, and this is just the cost of new regulations this year. The Small Business Administration estimates that regulations cost our economy approximately \$1.75 trillion annually. This is unacceptable.

With over 14 million Americans out of work, we can't afford these excessive government regulations. But instead of creating jobs, President Obama would rather create more regulations that kill jobs and burden small businesses.

Now, House Republicans have done the exact opposite. As part of the House Republican Plan for America's Job Creators, we're fighting to reduce the regulatory burdens to empower small businesses to create jobs. We've passed over 20 bills that will create much needed jobs right now.

President Obama and Senate Democrats need to work for job creation, not against it, because the people of eastern and southeastern Ohio and all Americans deserve better.

DELAYED PILOT FATIGUE RULE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Mr. Speaker, despite what you might hear in this body, I believe that there are some regulations that we all can support.

The National Traffic Safety Board concluded that pilot fatigue contributed to the crash of Continental Airlines Flight 3407, which crashed into a house in my district, killing 50 innocent victims nearly 3 years ago. The legislation passed by this body in response to this crash mandated new pilot fatigue guidelines to be implemented by August 1 of this year. That date came and went. Then we were told November 22. Then we were told November 30. Those days have come and gone.

The families of these victims have worked tirelessly for a resolution to

make sure a tragedy like this never happens again. The millions of Americans who fly our skies every year are counting on us for regulations to ensure their safety. Let's not let them down.

TEXAS VALLEY COASTAL BEND HEALTH CARE SYSTEM GOLD SEAL

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute.)

Mr. FARENTHOLD. In November, the VA outpatient clinic in Harlingen, Texas, earned the Joint Commission's Gold Seal of Approval. This award recognizes facilities that comply with the Joint Commission's national standards for health care quality and safety in ambulatory care, behavioral health care, and home care.

There is no way we can adequately express our thanks to those who serve this country, but we must welcome them home and make sure they have access to the benefits and services that they have earned.

Our servicemen and -women deserve quality health care. The Texas Valley Coastal Bend Health Care System has earned this distinction because they demonstrate a commitment to meeting the health care needs of all south Texas veterans.

My staff and I are passionate about helping veterans. South Texas is one of the most military and veteran-friendly places in the country, and I will work hard to ensure that the servicemembers and families receive the support that they deserve.

While south Texas is served by great outpatient facilities, we are in desperate need of a full-service VA hospital. I'm the cosponsor of two bills, H.R. 1318 and H.R. 837, that direct the VA to bring full-service, inpatient care facilities to south Texas.

POSTDEPLOYMENT COGNITIVE TESTING

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, as co-chair of the Congressional Brain Injury Task Force, one of my top priorities is to help our servicemembers with brain injuries. With posttraumatic stress disorder and traumatic brain injury recognized as the signature injuries of the conflicts and wars in Iraq and Afghanistan, you would think the Defense Department would have a good system to catch the injuries. They do not.

Despite our vote, a bipartisan vote in 2008 to have pre- and postdeployment screenings, postdeployment screenings have not been required. Five hundred thousand soldiers with a predeployment cognitive test were given that test before they went to the

battle. Coming out, only 3,000 tests were done postdeployment to actually compare results. We have nothing to compare. This is a disgrace and a disservice to our troops.

Both sides have agreed that we want something done. It has not been done in violation of the law. The Pascrell-Platts-Andrews-Cole-Ortiz-Wilson-Coffman amendment passed in the House Defense authorization bill to address this, but it was not included in the final bill. That's what we're trying to do this year.

□ 1220

PASS THESE JOBS BILLS

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. Mr. Speaker, my constituents are rightfully fed up. President Obama has managed to create an economy where the only things that are growing are power in Washington, debt for our children and grandchildren, a lack of confidence for job creators, and the number of unemployed Americans.

When it comes to creating an environment to help the private sector create jobs, the difference between House Republicans and Senate Democrats is the difference between action and inaction.

This year, under the House Republicans' Plan for America's Job Creators, we have passed more than 25 pro-growth job bills. These bipartisan bills are aimed at restoring the freedom and confidence of job creators by breaking down the barriers preventing them from growing and creating badly needed jobs. Yet 21 of these bipartisan House-passed job bills are stuck in the Senate because Senate Majority Leader HARRY REID continues to put politics before jobs.

It's time for the Senate Democrat leadership to join our fight for America and put them back to work. Pass these jobs bills.

PASS THE EXTENSION OF UNEMPLOYMENT BENEFITS

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I have heard from many struggling families in Massachusetts who simply don't know how they will make ends meet if Congress does not pass an extension of unemployment benefits before January 1.

From Lowell: I am a 58-year-old man that has been unemployed for 2 years and 4 months. Finding a job these days is just about impossible. I am writing to you to beg you to please sign on to the unemployment extension bill.

From Westford: I have been unemployed since January of 2010. I look for

a job every waking hour. Cutting unemployment to millions of needy families at this time makes no sense.

From Haverhill: If my unemployment ends, I will be unable to make my mortgage payments. Then my home will go into foreclosure and my neighbors' home values will be depreciated. This is truly a ripple effect. Please don't be penny wise and pound foolish.

I urge my colleagues on both sides of the aisle to work to pass this desperately needed extension.

HELP OUR ECONOMY GROW

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, the American people are calling on government to help the economy grow, but apparently Washington still hasn't gotten the message. The onslaught of new government burdens on the economy have become unbearable; yet Federal regulators pile on more and more. So far this week alone, the Federal Register has over 1,799 pages of new rules and regulations facing our Nation's small business owners.

Mr. Speaker, complex and burdensome regulations drive up the cost of doing business and, therefore, drive up unemployment. A great example is the EPA's new Cross State Air Pollution Rule. This rule, to be imposed by January 1, will not only cause rolling brownouts in places like Kansas, but will dramatically drive up the cost of energy production, increasing the costs of doing business and, therefore, putting more people out of work.

Mr. Speaker, if both parties are serious about job creation in this country, then we must put a stop to the constant attacks on those who create jobs.

HONORING THE SERVICE OF DR. MILTON GORDON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I rise to honor the president of California State University at Fullerton, Dr. Milton Gordon, and to recognize his upcoming retirement.

For over two decades, Dr. Gordon's outstanding commitment to higher education has let California State University at Fullerton become one of the largest and one of the most inclusive institutions in our Nation. Because of Dr. Gordon's vision and commitment for greater cultural diversity in higher education, the university currently ranks ninth in the Nation in bachelor's degrees awarded to minority students. And additionally, it ranks number one in California among colleges and uni-

versities awarding bachelor's degrees to Hispanics.

Dr. Gordon's caring, articulate, and collegial nature created a sense of pride among the faculty, the staff and students advocating for excellence in all aspects of university life.

It has been an honor for me to work with Dr. Gordon. He has been a mentor; he has been a shining light in Orange County. And I congratulate him on all his awards and distinctions, and I look forward to his next career. We hope to reel him in to continue to work on our community. Thank you, Dr. Gordon.

THE SILENT EPIDEMIC OF FOOD INSECURITY AND HUNGER

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I want to bring attention to a silent epidemic growing in our midst. Right alongside long-term unemployment, the increases in poverty and food prices, homelessness and the steep decline in household incomes is now the shocking rate of food insecurity and hunger.

According to the USDA, there are 46 million Americans surviving on food stamps. While Congress considers reductions to food stamp funding, the USDA predicts that the number of people requiring food assistance will substantially increase.

Last week, in my district in North Carolina, which ranks second in the country for food insecurity, I greeted thousands of people lined up outside of the Wilson OIC and the food bank of the Albemarle food distribution centers to collect bags of food for the Thanksgiving holiday.

Mr. Speaker, to help remedy the challenges to food security, I introduced H.R. 3437, the Eva Clayton Fellows Program Act. This legislation would enable the development of solutions to world hunger and confront food insecurity head on.

Food insecurity is not a partisan issue. I urge my colleagues to join me in this fight.

IN HONOR OF NANCY COOK'S SERVICE TO DELAWARE

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, I rise today to recognize a remarkable woman and to honor her decades of service to the State of Delaware. Former State Senator Nancy Cook has been a leader in strengthening Delaware agriculture and our economy for the past 40 years.

Senator Cook has been an irreplaceable leader since becoming Delaware's first female Democratic senator in 1974. For 36 years, Senator Cook served with

distinction on the Senate Agriculture Committee, where she accomplished so much for Delaware farmers. Recently, a legislator remarked that agriculture had no better friend in the Delaware Senate than this lady, and I couldn't agree more.

In 1991 Senator Cook helped create the Aglands Preservation Program, which has preserved over 20 percent of Delaware's farm land. In 1999 she helped establish Delaware's landmark Nutrient Management Program. The program is now a role model for the entire region in the effort to manage animal waste responsibly and protect precious bays and waterways.

I would like to thank the Delaware Farm Bureau for its decision to honor Senator Cook with the Distinguished Service to Agriculture Award, and to join the bureau in celebrating an incredible leader for Delaware.

Congratulations to my good friend, Senator Cook.

STOP STALLING ON THE CONSUMER FINANCIAL PROTECTION BUREAU

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, opponents of financial regulatory reform in the Senate continue to prevent the Consumer Financial Protection Bureau from fulfilling its legislative mandate.

The CFPB has been open since July 21, but it's taken 3 months for the Senate Banking Committee to advance President Obama's nominee for the director of the bureau, Richard Cordray, to the full Senate. Now, continuing their strategy of partisan obstructionism, 44 Republican Senators have pledged to oppose any Presidential appointee for the CFPB, until the bureau's mandate is weakened.

Such naked obstructionism is a disservice to American consumers and the American economy, which is in bad need of certainty after a year of artificial crises fomented by the Tea Party-dominated Republican Party.

The American people are sick of a dysfunctional Congress. We need the CFPB at full strength to move our economy forward, protect borrowers and consumers, and promote the interests of Main Street over Wall Street.

I call on the Senate to confirm Richard Cordray as director of the Consumer Financial Protection Bureau now.

□ 1230

REPUBLICAN'S FEAR OF DR. BERWICK

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, tomorrow's a sad day. Don Berwick, Dr. Berwick, will step down as Administrator of Medicare. It's a bad day for seniors.

But the Senate Republicans are happy because they believe that getting rid of Don will end the implementation of the Affordable Care Act. When the Senate Republicans blocked a vote on Dr. Berwick, they made it possible only for a recess appointment for 18 months. Why do the Republicans fear Dr. Berwick so much? Hard to say.

His career has been spent improving the quality of health care. He believes that we can have good quality health care at low cost. They're synonymous. He put patients first, believing in evidence-based medicine, and collaborates with others in the public good.

His sin was that he once said a nice word about the British health care system, and therefore he has to go.

Dr. Berwick's a great public servant, and the Republicans demonized him. Republicans have cynically prevented America's seniors from having the benefit of Dr. Berwick's vision and experience, and they ought to be ashamed of themselves.

We will do the Affordable Care Act in spite of the fact that Dr. Berwick is gone.

MIDDLE CLASS PAYROLL TAX CUT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, yesterday I came down here on the floor, and I asked my colleagues on both sides of the aisle to work with us to move forward on a new middle class payroll tax cut, a tax cut that would put more money in families' pockets, creating more demand for our businesses, and resulting in more jobs.

But time and time again yesterday, even this morning we heard my friends on the other side of the aisle say the only obstacle to creating more jobs is regulations.

Unfortunately, the evidence does not support this. Last Saturday, November 26, was Small Business Saturday. I did my part by shopping all day in small businesses, and I talked to my small businesses, and I asked them what did they need from the Federal Government to help them in their businesses. And they told me, "We need customers. That's what will help our businesses. We need customers who have a little more money in their pockets this year to spend in our businesses."

It's not rocket science. And you know what? We don't have much time to wait. The longer we wait, the more likely it is that taxes will go up January 1. Let's work together to pass a new middle class payroll tax cut to put more money in the hands of Americans.

WORLD AIDS DAY

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, today across the globe, people are marking World AIDS Day. It's an opportunity to reflect upon the progress we've made in the fight against HIV/AIDS, this pandemic, and to rededicate ourselves to ending the disease once and for all.

World AIDS Day is an occasion to remember friends, family members, loved ones, and millions of others lost to the disease. It is a solemn reminder of those still living with HIV/AIDS, whether in the cities of the United States, or the villages of Africa, Asia, or elsewhere. It is a reminder of the need to continue the fight to keep investing in research and medical advances, to stay focused on new treatments, care, prevention, and early intervention—a key element of quality of life; to expand housing opportunities to people with HIV/AIDS and end discrimination.

Yet it's also a reminder of how far we've traveled since the first World AIDS Day in 1988 and the first AIDS diagnosis, which we acknowledged recently on the 30-year anniversary of the first AIDS diagnosis.

In my hometown of San Francisco, we learned early on of the terrible toll of HIV/AIDS, the toll it could take on a community.

But that knowledge, as sad as it was, drove us to action, advocacy, and progress. Because we had suffered so much, we could also become a model for the country and indeed the world with our community-based solutions in regard to prevention, to care, and to research for a cure or vaccine.

This is something I'm very proud of, and really it found its way into legislation: the Ryan White Care Act; housing opportunities for people with HIV/AIDS; increased funding for NIH research; expanded investments in prevention, care, treatment; and an end to the ban on Federal funds for syringe exchange. Something very important if you're going to prevent AIDS.

Beyond our borders, we have extended care to millions in the developing world. Early on in our community, when we would have an AIDS mobilization day, right almost from the start—and Congresswoman WOOLSEY can attest to this—we understood if you're going to meet the challenge of HIV/AIDS at home, you have to have a mobilization that is global because AIDS knew no borders, but it had to be global.

So we would have these vigils of thousands of people walking in a great solemn way to talk about ending AIDS globally almost right from the start, although we were feeling it very personally, very locally in our community. Beyond our borders—that's why we extended care to millions in the developing world. We increased resources

for PEPFAR and the Global Fund. And I commend President Bush for his leadership on PEPFAR and the commitment that he made there.

I congratulate President Obama for the statement that he made this morning which increased funding for the Ryan White Care Initiative that supports care provided by HIV medical clinics across the country and also added funding for the drug program initiative for people with HIV/AIDS, and his commitment to a new target of helping 6 million people around the world get treatment by the end of 2013. It's very important.

I commend Secretary Clinton for her strong leadership and her statement about ridding AIDS, especially among children, as soon as possible.

The challenges that we have faced over the years, some have disappeared. When I first came to Congress, I was sworn in in a special election, and they told me you're not allowed to speak. You just raise your hand and say, "Yes, I support and defend the Constitution."

But then the Speaker, Speaker Wright, said, "Would the gentle lady from California wish to address the House?" I had been told not to address the House, and if I did, to be very, very brief. So I stood up and acknowledged my father, Thomas D'Alesandro, had served as a Member of Congress, so he was on the floor of the Congress, and my family, and I thanked them all and my constituents. My one sentence was, "I came here to fight against HIV and AIDS." And that was about it.

Well, my colleagues who had told me to be brief then said, "Why would you even mention that?" This was 24 years ago. "Why would you even mention that? The first thing that you want to say to the Members of Congress when you get here is you're here to fight HIV/AIDS? Why did you say such a thing?"

I said, "Well, I said such a thing because that's why I came here."

But I never would have thought 24 years ago that we would project—really into another generation now—that we would not have a cure for HIV/AIDS. Never would have thought.

But in the meantime, we've reduced discrimination. We've expanded prevention, care, deepened our research, actually mobilized support. Some, like Bono on the outside, using his celebrity to attract attention to the issue. Public policy, whether it's President Bush, President Clinton. And now with this global initiative, and President Obama, we're at a completely different place than we were then when they wouldn't even have an AIDS ribbon in significant places in Washington, D.C. Today we all proudly wear that ribbon.

Again, it's a day of reminder, but it's also a day where we act upon those reminders of the work that needs to be done. And again, it's a global challenge, but it is a very personal issue.

The statistics are staggering, but we think of them one person at a time. And that is what we have to act upon. This Congress has been great on the subject. I hope that we will continue to honor our responsibility.

Again, on AIDS Day in San Francisco today we are celebrating the 20th anniversary of AIDS Memorial Grove.

□ 1240

This is something that this Congress designated as a national memorial. This is of great significance to our community, for sure—I think very appropriately so—and also for the issue of AIDS. So, when you go West, you have to go to the AIDS memorial and see it as a spirit of renewal—a garden, a grove—always with that fresh, new growth. We have it as a remembrance, too, of those who have been lost and as a comfort to their families.

With that, again, Mr. Speaker, I join others in calling to our colleagues' attention and to those who follow Congress the importance of fighting HIV/AIDS as well as its importance to people, to communities, to our country, and to the world for our good health, for our economy, for the success of individuals.

OUR MAGGIE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, Maya Angelou wrote: "If you find it in your heart to care for somebody else, you will have succeeded."

On Thanksgiving night, Chicago lost a matriarch who, by Ms. Angelou's measure, was a magnificent success. We, sadly, lost Margaret Corbett Daley, or as she was better known, "our Maggie."

Maggie Daley embodied the heart of our city and grace under fire even when her own health was failing. Her contribution to the arts and our children, most notably through the After School Matters program, changed countless lives; and it will continue to do so for generations.

When Maggie was laid to rest this week, it wasn't just dignitaries who came to pay respects. Thousands of regular Chicagoans lined up for blocks in the rain to say goodbye. That's because Maggie transcended politics and reminded us that nothing is more important than family and each other.

She is, of course, survived by her best friend and husband, former Mayor Richard M. Daley, as well as by her loving children, grandchildren, and friends.

May she rest in peace and never be forgotten.

WORLD AIDS DAY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I rise today in commemoration, Mr. Speaker, of World AIDS Day; and I thank our minority leader for her eloquent recounting of how far we have come.

In our best days, we can look to my dear friend Magic Johnson, who has been a living example of the improvements and the courage of those who are living with the HIV infection; but we recognize that, of the 15 million people medically recommended for antiretroviral medication worldwide, only half of them have access to drug treatment.

In the United States, nearly one in five people with HIV, or 240,000 people, don't even know that they are infected. Communities of color and young gay and bisexual men face the most severe burden of HIV in the United States—Magic Johnson, on one hand, and my dying friend on another hand being at the bedside of a person dying with AIDS, who, one, lived with the stigma and didn't have a way out.

Today, I will join others and be tested for the HIV virus, and I encourage others to do so.

I congratulate my constituents, the Harris County Hospital District and the Thomas Street Clinic, for their 12th annual World AIDS Day.

Thank you, Mr. President, for recognizing that 6 million more people need to have access to AIDS prevention drugs.

To those who have lost their lives, may I say to you on this day that your life that was lost should not be in vain. We still look for a cure, and we work for a better Nation and an opportunity to provide resources to those around the world and in the United States who still suffer. It is our challenge. We accept that challenge, and I believe someday we will be victorious.

To those who commemorate this day because they mourn, I commemorate it with you in your mourning. For those who celebrate life, I, likewise, celebrate life.

TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION

Mr. HARPER. Mr. Speaker, pursuant to House Resolution 477, I call up the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 477, the bill is considered read.

The text of the bill is as follows:

H.R. 3463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SECTION 101. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) **TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.**—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) **TERMINATION.**—This section shall not apply to taxable years beginning after December 31, 2010.”.

(b) **TERMINATION OF FUND AND ACCOUNT.**—

(1) **TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.**—

(A) **IN GENERAL.**—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

“SEC. 9014. TERMINATION.

“The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.”.

(B) **TRANSFER OF EXCESS FUNDS TO GENERAL FUND.**—Section 9006 of such Code is amended by adding at the end the following new subsection:

“(d) **TRANSFER OF FUNDS REMAINING AFTER TERMINATION.**—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury, to be used only for reducing the deficit.”.

(2) **TERMINATION OF ACCOUNT.**—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

“SEC. 9043. TERMINATION.

“The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.”.

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9014. Termination.”.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9043. Termination.”.

TITLE II—TERMINATION OF ELECTION ASSISTANCE COMMISSION

SEC. 201. TERMINATION OF ELECTION ASSISTANCE COMMISSION.

(a) **TERMINATION.**—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

“TITLE X—TERMINATION OF COMMISSION “Subtitle A—Termination

“SEC. 1001. TERMINATION.

“Effective on the Commission termination date, the Commission (including the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors under part 2 of subtitle A of title II) is terminated and may not carry out any programs or activities.

“SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MANAGEMENT AND BUDGET DURING TRANSITION.

“(a) **IN GENERAL.**—The Director of the Office of Management and Budget shall, effective upon the Commission termination date—

“(1) perform the functions of the Commission with respect to contracts and agreements described in subsection 1003(a) until the expiration of such contracts and agree-

ments, but shall not renew any such contract or agreement; and

“(2) shall take the necessary steps to wind up the affairs of the Commission.

“(b) **EXCEPTION FOR FUNCTIONS TRANSFERRED TO OTHER AGENCIES.**—Subsection (a) does not apply with respect to any functions of the Commission that are transferred under subtitle B.

“SEC. 1003. SAVINGS PROVISIONS.

“(a) **PRIOR CONTRACTS.**—The termination of the Commission under this subtitle shall not affect any contract that has been entered into by the Commission before the Commission termination date. All such contracts shall continue in effect until modified, superseded, terminated, set aside, or revoked in accordance with law by an authorized Federal official, a court of competent jurisdiction, or operation of law.

“(b) **OBLIGATIONS OF RECIPIENTS OF PAYMENTS.**—

“(1) **IN GENERAL.**—The termination of the Commission under this subtitle shall not affect the authority of any recipient of a payment made by the Commission under this Act prior to the Commission termination date to use any portion of the payment that remains unobligated as of the Commission termination date, and the terms and conditions that applied to the use of the payment at the time the payment was made shall continue to apply.

“(2) **SPECIAL RULE FOR STATES RECEIVING REQUIREMENTS PAYMENTS.**—In the case of a requirements payment made to a State under part 1 of subtitle D of title II, the terms and conditions applicable to the use of the payment for purposes of the State's obligations under this subsection (as well as any obligations in effect prior to the termination of the Commission under this subtitle), and for purposes of any applicable requirements imposed by regulations promulgated by the Director of the Office of Management and Budget, shall be the general terms and conditions applicable under Federal law, rules, and regulations to payments made by the Federal government to a State, except that to the extent that such general terms and conditions are inconsistent with the terms and conditions that are specified under part 1 of subtitle D of title II or section 902, the terms and conditions specified under such part and such section shall apply.

“(c) **PENDING PROCEEDINGS.**—

“(1) **NO EFFECT ON PENDING PROCEEDINGS.**—The termination of the Commission under this subtitle shall not affect any proceeding to which the Commission is a party that is pending on such date, including any suit to which the Commission is a party that is commenced prior to such date, and the applicable official shall be substituted or added as a party to the proceeding.

“(2) **TREATMENT OF ORDERS.**—In the case of a proceeding described in paragraph (1), an order may be issued, an appeal may be taken, judgments may be rendered, and payments may be made as if the Commission had not been terminated. Any such order shall continue in effect until modified, terminated, superseded, or revoked by an authorized Federal official, a court of competent jurisdiction, or operation of law.

“(3) **CONSTRUCTION RELATING TO DISCONTINUANCE OR MODIFICATION.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if the Commission had not been terminated.

“(4) **REGULATIONS FOR TRANSFER OF PROCEEDINGS.**—The Director of the Office of Management and Budget may issue regulations providing for the orderly transfer of proceedings described in paragraph (1).

“(d) **JUDICIAL REVIEW.**—Orders and actions of the applicable official in the exercise of functions of the Commission shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the Commission. Any requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function of the Commission shall apply to the exercise of such function by the applicable official.

“(e) **APPLICABLE OFFICIAL DEFINED.**—In this section, the ‘applicable official’ means, with respect to any proceeding, order, or action—

“(1) the Director of the Office of Management and Budget, to the extent that the proceeding, order, or action relates to functions performed by the Director of the Office of Management and Budget under section 1002; or

“(2) the Federal Election Commission, to the extent that the proceeding, order, or action relates to a function transferred under subtitle B.

“SEC. 1004. COMMISSION TERMINATION DATE.

“The ‘Commission termination date’ is the first date following the expiration of the 60-day period that begins on the date of the enactment of this subtitle.

“Subtitle B—Transfer of Certain Authorities

“SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION FUNCTIONS TO FEDERAL ELECTION COMMISSION.

“There are transferred to the Federal Election Commission (hereafter in this section referred to as the ‘FEC’) the following functions of the Commission:

“(1) The adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II.

“(2) The testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II.

“(3) The maintenance of a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general.

“(4) The development of a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, and the making of such format available to States and units of local government submitting such reports, in accordance with section 703(b).

“(5) Any functions transferred to the Commission under section 801 (relating to functions of the former Office of Election Administration of the FEC).

“(6) Any functions transferred to the Commission under section 802 (relating to functions described in section 9(a) of the National Voter Registration Act of 1993).

“(7) Any functions of the Commission under section 1604(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1977ff note) (relating to establishing guidelines and providing technical assistance with respect to electronic voting demonstration projects of the Secretary of Defense).

“(8) Any functions of the Commission under section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff-7(e)(1)) (relating to providing technical

assistance with respect to technology pilot programs for the benefit of absent uniformed services voters and overseas voters).

“SEC. 1012. EFFECTIVE DATE.

“The transfers under this subtitle shall take effect on the Commission termination date described in section 1004.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following:

“TITLE X—TERMINATION OF COMMISSION

“Subtitle A—Termination

“Sec. 1001. Termination.

“Sec. 1002. Transfer of operations to Office of Management and Budget during transition.

“Sec. 1003. Savings provisions.

“Sec. 1004. Commission termination date.

“Subtitle B—Transfer of Certain Authorities

“Sec. 1011. Transfer of election administration functions to Federal Election Commission.

“Sec. 1012. Effective date.”.

SEC. 202. REPLACEMENT OF STANDARDS BOARD AND BOARD OF ADVISORS WITH GUIDELINES REVIEW BOARD.

(a) REPLACEMENT.—Part 2 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15341 et seq.) is amended to read as follows:

“PART 2—GUIDELINES REVIEW BOARD

“SEC. 211. ESTABLISHMENT.

“There is established the Guidelines Review Board (hereafter in this part referred to as the ‘Board’).

“SEC. 212. DUTIES.

“The Board shall, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part.

“SEC. 213. MEMBERSHIP.

“(a) IN GENERAL.—The Board shall be composed of 82 members appointed as follows:

“(1) One State or local election official from each State, to be selected by the chief State election official of the State, who shall take into account the needs of both State and local election officials in making the selection.

“(2) 2 members appointed by the National Conference of State Legislatures.

“(3) 2 members appointed by the National Association of Secretaries of State.

“(4) 2 members appointed by the National Association of State Election Directors.

“(5) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

“(6) 2 members appointed by the Election Center.

“(7) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

“(8) 2 members appointed by the United States Commission on Civil Rights.

“(9) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

“(10) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief’s designee.

“(11) The director of the Federal Voting Assistance Program of the Department of Defense.

“(12) The Director of the National Institute of Standards and Technology or the Director’s designee.

“(13) 4 members representing professionals in the field of science and technology, of whom—

“(A) one each shall be appointed by the Speaker and the minority leader of the House of Representatives; and

“(B) one each shall be appointed by the majority leader and the minority leader of the Senate.

“(14) 4 members representing voter interests, of whom—

“(A) one each shall be appointed by the chair and ranking minority member of the Committee on House Administration of the House of Representatives; and

“(B) one each shall be appointed by the chair and ranking minority member of the Committee on Rules and Administration of the Senate.

“(b) MANNER OF APPOINTMENTS.—

“(1) IN GENERAL.—Appointments shall be made to the Board under subsection (a) in a manner which ensures that the Board will be bipartisan in nature and will reflect the various geographic regions of the United States.

“(2) SPECIAL RULE FOR CERTAIN APPOINTMENTS.—The 2 individuals who are appointed as members of the Board under each of the paragraphs (2) through (9) of subsection (a) may not be members of the same political party.

“(c) TERM OF SERVICE; VACANCY.—Members of the Board shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board shall be filled in the manner in which the original appointment was made.

“(d) EXECUTIVE BOARD.—

“(1) IN GENERAL.—Not later than 60 days after the day on which the appointment of its members is completed, the Board shall select 9 of its members to serve as the Executive Board of the Guidelines Review Board, of whom—

“(A) not more than 5 may be State election officials; and

“(B) not more than 5 may be local election officials; and

“(C) not more than 5 may be members of the same political party.

“(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

“(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Board—

“(A) 3 shall serve for 1 term;

“(B) 3 shall serve for 2 consecutive terms; and

“(C) 3 shall serve for 3 consecutive terms, as determined by lot at the time the members are first appointed.

“(4) DUTIES.—The Executive Board of the Board shall carry out such duties of the Board as the Board may delegate.

“(e) BYLAWS; DELEGATION OF AUTHORITY.—The Board may promulgate such bylaws as it considers appropriate to provide for the operation of the Board, including bylaws that permit the Executive Board to grant to any of its members the authority to act on behalf of the Executive Board.

“SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.

“(a) HEARINGS AND SESSIONS.—

“(1) IN GENERAL.—To the extent that funds are made available by the Federal Election Commission, the Board may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this title, except that the Board may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

“(2) MEETINGS.—The Board shall hold a meeting of its members—

“(A) not less frequently than once every 2 years for purposes selecting the Executive Board and voting on the voluntary voting system guidelines referred to it under section 222; and

“(B) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board, the head of such department or agency shall furnish such information to the Board.

“(c) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

“(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board, the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

“(e) NO COMPENSATION FOR SERVICE.—Members of the Board shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“SEC. 215. STATUS OF BOARD AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

“(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Board and its members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

“(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Board.”.

(b) CONFORMING AMENDMENTS.—

(1) MEMBERSHIP ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (42 U.S.C. 15361(c)(1)) is amended—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

“(i) Members of the Guidelines Review Board.”;

(B) by redesignating clause (iii) of subparagraph (A) as clause (ii); and

(C) in subparagraph (D), by striking “Standards Board or Board of Advisors” and inserting “Guidelines Review Board”.

(2) CONSIDERATION OF PROPOSED GUIDELINES.—Section 222(b) of such Act (42 U.S.C. 15362(b)) is amended—

(A) in the heading, by striking “BOARD OF ADVISORS AND STANDARDS BOARD” and inserting “GUIDELINES REVIEW BOARD”; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) GUIDELINES REVIEW BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted

under this part (or any modifications to such guidelines) to the Guidelines Review Board.”.

(3) REVIEW OF PROPOSED GUIDELINES.—Section 222(c) of such Act (42 U.S.C. 15362(c)) is amended by striking “the Board of Advisors and the Standards Board shall each review” and inserting “the Guidelines Review Board shall review”.

(4) FINAL ADOPTION OF PROPOSED GUIDELINES.—Section 222(d) of such Act (42 U.S.C. 15362(d)) is amended by striking “the Board of Advisors and the Standards Board” each place it appears in paragraphs (1) and (2) and inserting “the Guidelines Review Board”.

(5) ASSISTANCE WITH NIST REVIEW OF TESTING LABORATORIES.—Section 231(c)(1) of such Act (42 U.S.C. 15371(c)(1)) is amended by striking “the Standards Board and the Board of Advisors” and inserting “the Guidelines Review Board”.

(6) ASSISTING FEC WITH DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTS OF ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff-1 note) is amended by striking “the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board” and inserting “the Guidelines Review Board”.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to part 2 of subtitle A of title II to read as follows:

“PART 2—GUIDELINES REVIEW BOARD

“Sec. 211. Establishment.

“Sec. 212. Duties.

“Sec. 213. Membership.

“Sec. 214. Powers; no compensation for service.

“Sec. 215. Status of Board and members for purposes of claims against Board.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 203. SPECIAL REQUIREMENTS RELATING TO TRANSFER OF CERTAIN AUTHORITIES TO FEDERAL ELECTION COMMISSION.

(a) DEVELOPMENT AND ADOPTION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) IN GENERAL.—Part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.) is amended by adding at the end the following new section:

“SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

“(a) TRANSFER.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the ‘FEC’) shall be responsible for carrying out the duties and functions of the Commission under this part.

“(b) ROLE OF STAFF DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this part through the Office of the Staff Director of the FEC.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to part 3 of subtitle A of title II the following:

“Sec. 223. Transfer of authority to Federal Election Commission.”.

(b) TESTING, CERTIFICATION, DECERTIFICATION, AND RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE.—

(1) IN GENERAL.—Subtitle B of title II of such Act (42 U.S.C. 15371 et seq.) is amended

by adding at the end the following new section:

“SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

“(a) TRANSFER.—

“(1) IN GENERAL.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the ‘FEC’) shall be responsible for carrying out the duties and functions of the Commission under this subtitle.

“(2) ROLE OF STAFF DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this subtitle through the Office of the Staff Director of the FEC.

“(b) TRANSFER OF OFFICE OF VOTING SYSTEM TESTING AND CERTIFICATION.—

“(1) IN GENERAL.—There are transferred to the FEC all functions that the Office of Voting System Testing and Certification of the Commission (hereafter in this section referred to as the ‘Office’) exercised under this subtitle before the Commission termination date.

“(2) TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.—

“(A) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, appropriations, and other assets and interests of the Office, together with the unexpended balances of any appropriations or other funds available to the Office, are transferred and made available to the FEC.

“(B) PERSONNEL.—

“(i) IN GENERAL.—The personnel of the Office are transferred to the FEC, except that the number of full-time equivalent personnel so transferred may not exceed the number of full-time equivalent personnel of the Office as of January 1, 2011.

“(ii) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—An individual who is an employee of the Office who is transferred under this section shall not be separated or reduced in grade or compensation because of the transfer during the 1-year period that begins on the date of the transfer.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle B of title II the following:

“Sec. 232. Transfer of authority to Federal Election Commission.”.

(c) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff-1 note) is amended by adding at the end the following: “Effective on the Commission termination date described in section 1004, the Federal Election Commission shall be responsible for carrying out the duties and functions of the Commission under this subsection.”.

SEC. 204. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

(1) DUTIES OF FEC.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(A) by striking “and” at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(10) provide for the adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.);

“(11) provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II of the Help America Vote Act of 2002 (42 U.S.C. 15371 et seq.);

“(12) maintain a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general;

“(13) carry out the duties described in section 9(a) of the National Voter Registration Act of 1993;

“(14) develop a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, make such format available to States and units of local government submitting such reports, and receive such reports in accordance with section 102(c) of such Act, in accordance with section 703(b) of the Help America Vote Act of 2002;

“(15) carry out the duties described in section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1977ff note); and

“(16) carry out the duties described in section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff-7(e)(1)).”.

(2) AUTHORIZATION TO ENTER INTO PRIVATE CONTRACTS TO CARRY OUT FUNCTIONS.—Section 311 of such Act (2 U.S.C. 438) is amended by adding at the end the following new subsection:

“(g) Subject to applicable laws, the Commission may enter into contracts with private entities to carry out any of the authorities that are the responsibility of the Commission under paragraphs (10) through (16) of subsection (a).”.

(3) LIMITATION ON AUTHORITY TO IMPOSE REQUIREMENTS ON STATES AND UNITS OF LOCAL GOVERNMENT.—Section 311 of such Act (2 U.S.C. 438), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

“(h) Nothing in paragraphs (10) through (16) of subsection (a) or any other provision of this Act shall be construed to grant the Commission the authority to issue any rule, promulgate any regulation, or take any other actions that imposes any requirement on any State or unit of local government, except to the extent that the Commission had such authority prior to the enactment of this subsection or to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)).”.

(b) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by striking “Election Assistance Commission” and inserting “Federal Election Commission”.

(c) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) DEVELOPMENT OF STANDARDS FOR STATE REPORTS.—Section 101(b)(11) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(11)) is amended by striking “the Election Assistance Commission” and inserting “the Federal Election Commission”.

(2) RECEIPT OF REPORTS ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Section 102(c) of such Act (42 U.S.C. 1973ff-1(c)) is amended by striking “the Election Assistance Commission (established under the Help America Vote Act of 2002)” and inserting “the Federal Election Commission”.

(d) ELECTRONIC VOTING DEMONSTRATION PROJECTS FOR SECRETARY OF DEFENSE.—Section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) is amended by striking “the Election Assistance Commission” and inserting “the Federal Election Commission”.

(e) TECHNOLOGY PILOT PROGRAM FOR ABSENT MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) is amended by striking “Election Assistance Commission” and inserting “Federal Election Commission”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 205. OTHER CONFORMING AMENDMENTS RELATING TO TERMINATION.

(a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by striking “or the Election Assistance Commission”.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by striking “or the Election Assistance Commission”.

(c) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “the Election Assistance Commission.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 206. STUDIES.

(a) PROCEDURES FOR ADOPTION AND MODIFICATION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) STUDY.—The Comptroller General shall conduct a study of the procedures used to adopt and modify the voluntary voting system guidelines applicable to the administration of elections for Federal office, and shall develop recommendations on methods to improve such procedures, taking into account the needs of persons affected by such guidelines, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendations developed under such paragraph.

(b) PROCEDURES FOR VOTING SYSTEM TESTING AND CERTIFICATION.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the procedures for the testing, certification, decertification, and recertification of voting system hardware and software used in elections for Federal office, and shall develop a recommendation on the entity that is best suited to oversee and carry out such procedures, taking into consideration the needs of persons affected by such procedures, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Federal Election Commission shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendation developed under such paragraph.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. HARPER) and the gentleman from Pennsylvania (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include materials on H.R. 3463.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

To begin, I would like to thank the chairman of the Committee on Science, Space, and Technology, the gentleman from Texas (Mr. HALL), for his continued assistance in ensuring these important matters are considered by the House. He has been a helpful partner.

Mr. Speaker, we live in uncertain times—with job creation stifled by crushing debt. But there are two things I am certain of: the necessity of cutting unnecessary spending and the fact that H.R. 3463 is a simple and straightforward way to do just that. H.R. 3463 cuts unnecessary spending in two ways:

First, it ends the taxpayer financing of Presidential election campaigns and party conventions, a program growing less and less popular for both taxpayers and candidates. Second, H.R. 3463 terminates the Election Assistance Commission, an obsolete government agency originally intended to sunset in 2005.

Every Federal program, including these, is there because someone thinks it is a good idea; but if we do not eliminate some programs, then a \$15 trillion debt will just be the starting point of our decline into a European-style fiscal crisis. Everyone talks about tough choices, and we have to make them. Frankly, these choices aren't even very tough. They are about as easy as we're going to find.

Since 1976 American taxpayers have spent \$1.5 billion in funding Presidential primary campaigns, Presidential election campaigns, and national party conventions. My colleague from Oklahoma (Mr. COLE) has been a leader in trying to end those campaign subsidies, and I am pleased to work with him today to continue that effort.

When the taxpayer financing of political campaigns and conventions was adopted, proponents said it would improve the public's trust in their government, clean up our politics, and increase the competitiveness of political campaigns. Sadly, it has failed on all counts. Now we find that more and more candidates are opting out of the system altogether. The Federal Election Commission has just this week confirmed that no Presidential candidate to date has opted to participate for the 2012 election.

Mr. Speaker, we are talking about eliminating a program that literally no candidate is currently using or preparing to use at this point. That includes President Obama, who in 2008 famously became the first Presidential candidate ever to decline to participate in both the primary and general election phases of the program.

It's not just the candidates who don't like it. As this chart indicates, support from Americans overall is dramatically low for this program. Since peaking in 1980, the percentage of taxpayers opting to participate has declined from a high of 28.7 percent to 7 percent.

It's obviously something that needs to be done away with. That means that 93 percent of American taxpayers choose not to participate. They refuse to subsidize political campaigns. Who can blame them? It's bad enough that they have to watch campaign commercials, but they shouldn't have to pay for them with taxpayer dollars as well. The money designated by a check-off on tax returns is diverted from those taxpayers' payments into this program so that every other taxpayer has to make up the difference in revenue to the Treasury. The 93 percent of taxpayers who do not participate have to make up for the money spent by the current 7 percent who do.

Mr. Speaker, eliminating this system will save taxpayers an estimated \$447 million over 5 years and will immediately return nearly \$200 million to the Treasury. This is sensible and long overdue.

□ 1250

Also long overdue is the elimination of the Election Assistance Commission. The EAC, created in 2002, as this chart indicates, was expected to sunset in 2005. Instead, as you see on the chart, despite its dwindling services, Mr. Speaker, this agency has more than doubled its employee size in 3 years. This is clearly an abuse of what should have taken place.

The EAC was established for a noble purpose: to allocate Federal grants for State voting systems upgrades, to conduct research, and to test and certify voting equipment. Aside from the certification services, which can be carried out by another agency, the EAC has fulfilled its purpose.

Over \$3 billion has been sent to States over the years to help them modernize their voting equipment. Now, the EAC has allocated all of its remaining election grants and even zeroed out its request for additional grant funds in its last three annual budget requests.

The National Association of Secretaries of State, a bipartisan group, the direct beneficiary of the EAC's dwindling services, has passed not one but two resolutions calling for the EAC's dissolution. As this chart indicates, the EAC's FY12 budget request devotes 51.7

percent of its budget to management and overhead costs—more than half. Under this plan, the agency would use \$5.4 million to manage programs totaling \$3.5 million.

This bill would transfer the EAC's remaining valuable service, its voting system testing and certification program, to an existing agency instead of paying the overhead costs of a complete agency just to operate that program. Like its predecessor bill, H.R. 672, this bill maintains an advisory system to give State and local election officials input into the testing and certification program.

Mr. Speaker, since December of 2010, the Election Assistance Commission has not had a quorum. That means it has not been able to make policy decisions requiring approval by the Commissioners. Has anyone even noticed? Compared to the real crises facing our country, has there been harm caused to justify keeping an obsolete agency?

The EAC is not merely obsolete, it's also wasteful. I have spoken to this House before about the two hiring discrimination lawsuits against the EAC. Unfortunately, the more time that passes, the more problems come to light. Just recently we learned that a former EAC Commissioner, who continued serving for a year after the end of the term and then resigned, has been collecting unemployment benefits. Neither the Commissioner's resignation letter nor any facts that we know of indicate the departure was anything other than voluntary.

When we have millions of people in this country struggling to make ends meet, how can a senior government official who leaves a job voluntarily collect unemployment benefits? When we have an agency that is not needed and produces scandal after scandal, misperformance after misperformance, it is time for this agency to go.

According to the CBO, dissolving the EAC will save taxpayers \$33 million over the next 5 years.

Mr. Speaker, we have a \$15 trillion debt. We have to start somewhere. We now have annual deficits over a trillion dollars. H.R. 3463 eliminates one government program that virtually no one uses and shuts down an agency that has completed the task that it was assigned. Amazingly, we've had proposals not to shrink these programs but to expand them. Only in Washington is the answer to dysfunction expansion.

This bill will not cure all of the problems that we have on its own, but it is one of many steps we are going to have to take; otherwise, we will sink deeper and deeper into debt and trap our children and our grandchildren down into a downward spiral. Today is the time to act, and this agency and this program are the place to start.

I urge my colleagues to support H.R. 3463, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, November 30, 2011.

Hon. DANIEL E. LUNGREN,
Chairman, Committee on House Administration,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LUNGREN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 3463 (to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission) introduced on November 17, 2011.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional upon our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology. Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 3463 as well as any similar or related legislation.

I ask that a copy of this letter and your response be placed in the Congressional Record during consideration of H.R. 3463 on the House floor.

I look forward to working with you on matters of mutual concern.

Sincerely,

RALPH M. HALL,
Chairman, Committee on Science, Space,
and Technology.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, December 1, 2010.

Hon. RALPH HALL,
Chairman, Committee on Science, Space, and
Technology, Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

I appreciate your willingness to support expediting floor consideration of this important legislation, notwithstanding the inclusion of any provisions under the jurisdiction of the Committee on Science, Space, and Technology. I understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support a request from your Committee for an appropriate number of conferees.

I will include a copy of our exchange in the Congressional Record during consideration of H.R. 3463 on the House floor.

Thank you for your cooperation as we work towards enactment of this legislation. Sincerely,

DANIEL E. LUNGREN,
Chairman,
Committee on House Administration.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 3463.

This is not new territory for this Congress. This proposal to eliminate the Presidential Election Campaign Fund and the Election Assistance Commission has already been dealt with in this Congress. The legislation before us proposes to combine these two really bad ideas.

In an era of rapidly changing election law, both in terms of campaign finance regulation and voting rights, these two programs are more important now than ever. The electoral landscape is much different today than it was even 4 short years ago. The Supreme Court allows unlimited contributions from special interests, and Super PACs are raising vast amounts of funds with no government oversight or regulation. Corporations and special interests are donating massive sums of money, and some may expect a return on their investment. Unfortunately, this return often comes at the expense of the American people and sometimes at the expense of the integrity of this body.

We cannot expect the trust of the electorate if they feel they do not have a voice. We should provide transparency and accountability, not secrecy and irresponsibility.

Just last Congress, my colleagues and I passed the DISCLOSE Act, which called for more transparency in how our elections are financed, and that bill was killed by Senate Republicans. Members of the House, such as Mr. VAN HOLLEN of Maryland and Mr. LARSON of Connecticut, have authorized bills that would strengthen public financing of elections, not weaken it, as this bill does.

When sources of funds are intentionally concealed, what kind of message does this send to the country? It sends the message that we do not care where we get our contributions as long as they are substantial and they are secret, and that is wrong.

We can reform the Presidential Election Campaign Fund without repealing it. This is the best course of action.

Across the country, States are making it harder for voters to cast their ballots. New laws requiring voter identification, strict and arbitrary voting registration regulations, and eliminating the days designed for early voting are all part of an effort to limit voter participation and turnout. Voters have noticed and have already started to push back.

This was the case in Maine last month when they used the "People's Veto" to throw out a law passed by the Republican legislature and Governor to

eliminate the State's successful same-day voter registration program which has been in place for 40 years. In other States, restrictive new laws may be forced onto the ballot for a possible repeal in referendums in 2012.

If that wasn't bad enough, overworked and underpaid local election officials and volunteers are expected to keep track of election law changes while still administering large, complex, and often unpredictable elections. The Election Assistance Commission does much of the heavy lifting for them, establishing and maintaining an information database for all local election officials to utilize.

The EAC also produces instructional videos and materials, which cash-strapped election officials claim save them thousands of dollars annually. And the letters of support for the EAC, which have been also sent to my colleagues across the aisle, are still rolling in.

The EAC's essential services do not stop there. The Commission is charged with the testing of certification of voting machines, the only agency in the Federal Government tasked to do this. Who will ensure that all of our votes are counted? Who will ensure that everyone has an opportunity to cast a ballot for their intended candidate? Who will ensure that we do not repeat the historical debacle of Florida in the year 2000?

It is important to remember that events led to the establishment of the Presidential Election Campaign Fund and the EAC—the Watergate scandal of the early 1970s and Florida in 2000, respectively. These historical controversies eroded the public's faith in our political system. These measures were meant to restore their faith, to restore accountability to Washington and, most importantly, to ensure that the people were heard. All this bill will do is weaken further what little faith the American electorate has left.

Today I stand with every letter writer that has pleaded with us not to terminate the EAC. I stand with those who cannot afford to make huge contributions and would rather speak with their votes than their wallets. I, along with Democratic colleagues, stand with the principles that voter inclusion, not voter exclusion, is what we should strive for, and the attempted disenfranchisement of any eligible voters is despicable and is beyond words and cannot be tolerated.

On this bill I urge a "no" vote.

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES,
Washington, DC, May 24, 2011.

To: Members of the Committee on House Administration

From: Elisabeth MacNamara, President
Re H.R. 672, To Terminate the Election Assistance Commission

The League of Women Voters urges you to oppose H.R. 672, which would terminate the Election Assistance Commission and transfer

some of its functions to the Federal Election Commission. Instead of eliminating the EAC, we believe that Congress should strengthen the commission and expand its responsibilities. Moreover, the FEC is dysfunctional; expanding its role would be a mistake.

The League believes that elections are fundamental to a functioning democracy and that every effort should be made to elevate their administration to the highest importance. Congress should not turn its back on federal efforts to ensure election integrity, improve voter access to the polls, and improve election systems. The value of the EAC far outweighs its monetary costs; in fact, the costs of poorly run elections are intolerable. It is time for election administration to move into the 21st Century, not back toward the 19th.

Unfortunately, elections in our country are still not well-administered, and we are concerned that many states and localities are not doing a good job ensuring federally-protected voting rights. For example, a GAO report on the 2008 election said that there are significant problems for persons with disabilities in gaining access to the polls. Physical barriers remain in far too many cases. In fact, 31 states reported that ensuring polling place accessibility was "challenging."

There many other areas of election administration that cause concern, including statewide voter registration lists, provisional balloting, list cleaning, voting machines and tabulating, access to registration, and meeting voter information needs. In addition, there are critical questions that must be addressed about the application of new technologies like the Internet to the voting and registration processes. Each of these areas would benefit from additional study, data gathering and information sharing among election officials at every level, the public, and concerned organizations.

With these continuing problems, now is certainly not the time to abolish the only federal agency that devotes its full resources and attention to improving our elections. Let us not go back to the 2000 election but go forward, improving each election over the last. We know what needs to be done; now let us devote the resources to what should be done.

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, May 24, 2011.

DEAR REPRESENTATIVE: On behalf of the Voting Rights Task Force of The Leadership Conference on Civil and Human Rights, we urge you to oppose H.R. 672, which would terminate the Election Assistance Commission ("EAC" or "Commission"). As organizations that are committed to supporting and expanding the civil and voting rights of all Americans, we have devoted substantial resources to the passage of both the National Voter Registration Act and the Help America Vote Act. Terminating the EAC puts our work at jeopardy and risks reducing the voting and civil rights of our citizens—rights for which many have given their lives.

The EAC does valuable work to ensure the reliability and trustworthiness of our nation's election systems. The Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators. Through

its many working committees and the work it does to foster robust dialogue among advocates, manufacturers and administrators, the Commission is improving the administration of elections. The EAC's award-winning web page has become the "go to" site for election administrators, advocates, and academics.

The Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they develop their own voting system standards and certification procedures. The EAC's certification program uses its oversight role to coordinate with manufacturers and local election officials to ensure that existing voting equipment meets durability and longevity standards. This saves state and local governments from the unnecessary expense of new voting equipment.

The EAC has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. We still have a long way to go to achieve the Help America Vote Act's mandate to make voting accessible. The EAC's leadership is essential to continuing the effort to offer all Americans the right to vote "privately and independently."

As we approach the 2012 elections, the EAC must continue to do its important work. Rather than abolishing the agency just before the 2012 elections, we believe Congress should strengthen the Commission by broadening its data collection responsibilities and by giving it regulatory authority to ensure that persons with disabilities have full access to the polls.

Thank you for your consideration of our position. If you have any questions about this letter, please contact Leadership Conference Senior Counsel Lisa Bornstein, at (202) 263-2856 or Bornstein@civilrights.org.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, June 2, 2011.

MEMBERS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to do all you can to support the Election Assistance Commission and to oppose and vote against efforts to terminate this crucial tool in our arsenal to strengthen our democracy. The right to vote is a cornerstone of our democracy and we as a Nation should do all we can to ensure that every eligible American can cast an unfettered vote of their own free will and that their vote is counted.

As established by the 2002 Help America Vote Act, the Election Assistance Commission provides research and data, guidance and grants to states and local governments so they can employ the best practices and the most up-to-date methods of registering and voting. The Election Assistance Commission has provided crucial help to many localities in the efforts to identify and reach groups which had heretofore been disenfranchised, including racial and ethnic

minorities, members of the Armed Services (especially those serving overseas), disabled Americans and senior citizens.

We should be supporting and enhancing groups like the Election Assistance Commission, whose mission is to engage more Americans in the democratic process so that their voices may be heard. I therefore must again strongly urge you to oppose and work against bills such as H.R. 672, which would terminate the Election Assistance Commission within 60 days of enactment. Sadly, this shortsighted legislation which is, in fact, a direct attack on one of the most fundamental components of our form of government, the right to vote and have that vote count, was passed out of the House Administration Committee and may come before you on the House floor in the very near future.

Thank you in advance for your attention to the NAACP position: I look forward to working with you to see that we work toward a more inclusive democracy and to protect the integrity of our Nation and our government. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,

HILARY O. SHELTON,
Director, NAACP
Washington Bureau
& Senior Vice President
for Advocacy
and Policy.

DÉMOS,

New York, NY, May 24, 2011.

Committee on House Administration, Subcommittee on Elections, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: Démos respectfully urges the members of the Subcommittee on Elections to oppose H.R. 672, legislation that would terminate the Elections Assistance Commission (EAC). Without the EAC there would be no federal agency focused on improving the quality of elections—a vital function in ensuring the success of our democratic institutions.

Démos is a non-partisan public policy research and advocacy organization committed to building an America which achieves its highest democratic ideals—a nation where democracy is robust and inclusive, with high levels of electoral participation and civic engagement; an economy where prosperity and opportunity are broadly shared and disparity is reduced; and a strong and effective government with the capacity to plan for the future.

The EAC does valuable work to ensure the efficacy, reliability, and trustworthiness of our nation's election systems. For example, the Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential to accurately assess its state and therefore to improve our citizens' trust and confidence in election results. The Commission also develops and fosters the training and organization of our nation's more than 8,000 election administrators. The EAC's award-winning web page has become the "go to" site for election administrators, advocates, and academics.

Moreover, the Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they developed their own voting system standards and

certification procedures. The EAC's certification program is helping state and local governments to save money by using its oversight role to coordinate with manufacturers and local election officials to ensure that the existing equipment meets its durability and longevity potential. This saves state and local governments from the unnecessary expense of new voting equipment.

Importantly, the EAC has played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. Although we still have a way to go to achieve the Help America Vote Act's mandate to make voting accessible, the EAC's leadership is essential to continuing the effort to offer all Americans the right to vote "privately and independently."

We recognize that H.R. 672 would transfer many of the EAC's functions to the FEC but this would not be wise. The FEC is dysfunctional. It is overwhelmed by its current responsibilities, as evidenced by repeated court orders to correct its regulations to bring them in line with the laws of the United States. The FEC is starkly divided on partisan lines, making it particularly inappropriate for election administration responsibilities. And the FEC is increasingly unable to make decisions or even to agree on staff-negotiated recommendations.

Rather than abolishing the EAC, Congress should provide the EAC with resources and a renewed commitment to sponsoring and encouraging information sharing among state and local officials, EAC committees, the non-partisan voting rights community, technical experts and others.

Elections are the life blood of a democracy. We strongly urge the committee to strengthen the Election Assistance Commission instead of terminating it.

Sincerely,

MILES RAPOPORT,
President.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW,
Washington, DC, June 21, 2011.

Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives,
Washington, DC.

DEAR MADAM LEADER: The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") writes to express our opposition to the "To Terminate the Election Assistance Commission, and For Other Purposes Act" (H.R. 672). In the 2000 presidential election, many voters in Florida were wrongfully denied access to the ballot based on faulty voting equipment and a lack of discernible standards for vote counting. This bill would roll back the progress being made to bring more uniformity and equity to the election process across the states.

The Lawyers' Committee is a nonpartisan, nonprofit organization, established in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to protect the rights of individuals affected by racial discrimination. The defense of voting rights has been a core part of the Lawyers' Committee's work since our founding nearly 50 years ago. We believe that abolishing the Election Assistance Commission (EAC) fails to further voting transparency and reliability that was at the heart of the Help America Vote Act (HAVA). Predictably, those who would be most frequently disenfranchised are also those least able to advocate for their right to vote, whether poor, uneducated, infirm or elderly.

Faced with a challenge to our democratic system, Congress immediately rushed to ac-

tion to take bold steps to bring our elections into the 21st century by passing HAVA which established the EAC. The EAC tests and certifies voting machines for use in elections to avoid a repeat of the 2000 election debacle in Florida; administers electronic voting for our brave men and women in uniform fighting overseas so that they are able to vote abroad; and creates voluntary voting guidelines for states, instilling confidence in the democratic process of this country for all voters. Since its inception, the Lawyers' Committee has been intimately acquainted with the work of the EAC, especially as Barbara Arnwine our Executive Director has served on the EAC advisory board. Our work and experience with the EAC leads us to believe that its establishment was the right course of action, and that its existence has helped bring some clarity to our multifaceted election process.

The work of the EAC to improve and modernize our election system is far from over. Moving the functionality of the EAC to the FEC would not only be ineffective, but costly. The Federal Election Committee (FEC), institutionally partisan and consistently ineffective in achieving even its current mandate, is not the organization we need to test and certify voting machines, or safeguard the votes of our service men and women.

With the presidential election on the horizon, it is more important than ever that we ensure the voice of the people is heard through a reliable, transparent democratic system. Termination of the EAC will take us backwards when we are trying to move forward.

Sincerely,

BARBARA R. ARNWINE,
Executive Director.
TANYA CLAY HOUSE,
Director of Public Policy.

NATIONAL DISABILITY RIGHTS
NETWORK,
Washington, DC, June 21, 2011.

Re Opposition to H.R. 672, the Election Support Consolidation and Efficiency Act.

As the Executive Director of the National Disability Rights Network (NDRN), I write to express the opposition of NDRN and the 57 Protection and Advocacy systems it represents to H.R. 672, the Election Support Consolidation and Efficiency Act (ESCEA). Voting is a fundamental right, and the Election Assistance Commission has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The ESCEA would hinder progress toward accessibility of polling places and the voting process by abolishing the Election Assistance Commission (EAC).

NDRN is the national membership association for the 57 Protection & Advocacy (P&A) agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, and U.S. territories. For over 30 years, the P&A agencies have been mandated by Congress to protect and enhance the civil rights of individuals with disabilities of any age and in any setting. One area of focus for the P&As is voting through the Protection and Advocacy for Voting Access Act (PAVA) which charges P&As with helping to ensure the full participation of individuals with disabilities in the entire electoral process, including registering to vote, casting a ballot, and accessing polling places.

The EAC has played a central role in improving the accessibility of voting for voters with disabilities. A Government Accountability Office report from 2009 <http://>

www.gao.gov/newitems/d09685.pdf) found that 72 percent of polling places surveyed on Election Day 2008 had impediments that hinder physical access or limit the opportunities for private and independent voting for people with disabilities. This is an improvement over the results of a similar study done during the 200 election, in which 84 percent of polling places had impediments. The EAC, established following the 2000 election, has helped improve these results by acting as a national clearinghouse of information on accessible voting and providing technical assistance and guidance for election commissioners and how to make polling places, and the voting process as a whole, more accessible.

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote. Abolishing the EAC at this point in time would be a step back for people with disabilities and the goal of full accessibility to the voting process, and prevent people with disabilities from partaking of this most fundamental civil right.

As we rapidly approach the 2012 elections, the EAC must continue to do its important work. Rather than abolishing the agency just before the 2012 elections, Congress should strengthen the EAC to ensure that persons with disabilities fully enjoy the right to vote privately and independently. Therefore, on behalf of the NDRN and the 57 P&A agencies it represents, I ask that you oppose H.R. 672 when it is considered by the full House of Representatives today.

Sincerely,

CURTIS L. DECKER, JD,
Executive Director.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

It is clear that what has happened here is that there has been no response to many of the allegations of mismanagement that we've heard so far. It is clear from the things that have happened that the EAC, in particular, it is time for this to come to a conclusion. It is an agency whose average salary for its employees—and the employee size has more than doubled since 2007—the average salary is \$106,000 for this agency. Ronald Reagan said that the closest thing on earth to eternal life is a temporary government program. This was supposed to last for a period of 3 years.

The National Association of Secretaries of State in 2005 did a resolution, a bipartisan group, they did a resolution saying bring this to an end. They renewed that resolution again in 2010, and yet it remains. If we cannot get rid of an agency like the EAC, then we're never going to be able to get rid of anything up here.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I rise in opposition to the bill.

Instead of focusing on jobs and helping middle class families, the Republican leadership is hard at work today creating additional ways in which corporations and special interests can dominate our elections process. Ending the Presidential Election Campaign Fund opens the door for large political spenders to enjoy an even greater role in the funding of political campaigns.

The voluntary public finance system for Presidential campaigns was created in the early seventies as a direct result of the corruption of Watergate, the largest political scandal of our generation. Stopping corruption and the appearance of corruption is as important today as it was during the Nixon years. The level of spending by corporations and special interests since the Supreme Court's decision in *Citizens United* should give every American reason for concern. Do my Republican colleagues really believe that more corporate and special interest money in politics is going to benefit in any way the 99 percent of Americans who don't have lobbyists?

The current public finance system for Presidential elections has problems. Most notably, it has not kept pace with the cost of modern campaigns, so we should fix it instead of eliminating it. And I would note that the Republican National Committee recently received \$18 million from the fund, so if the Republicans think it's such a bad idea, perhaps they should ask the RNC to return the money.

As for the Election Assistance Commission, the EAC is the only Federal agency focused on improving Federal elections. This was an outgrowth of the disastrous process of the 2000 election. Remember, 100 million votes were cast, but it took a decision of the Supreme Court before a winner was declared. The experience left a black eye on our elections process. It's not something America should go through again.

As State and local budgets are cut, the value of this commission is going to grow.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRADY of Pennsylvania. I yield the gentlelady an additional 30 seconds.

Ms. ZOE LOFGREN of California. Have there been problems at the EAC? Yes, there have been problems. What should we do about it? We need oversight and reform. We shouldn't just abolish this commission because we are going backwards to the bad old days of inconsistency among voters. I urge my colleagues to focus on the economy, focus on jobs, and don't pass bills that give corporations and special interests even greater influence in our elections.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

It is amazing that there is a reference to the need that we need to focus on jobs instead of doing something like this. If that's the case, we've passed about 25 bills this year out of the Republican-led House that dealt with jobs and dealt with the economy. We have done our job on that, and now they're sitting over in the Senate who knows where or why awaiting action. So we have been doing those things, the tough decisions, the things that will create jobs if the Senate and the White House would join with us on those things. So that is simply not accurate to say that we haven't been focusing on jobs because we have done that since we started this year, and we will continue to do so and encourage and urge our colleagues over in the Senate to bring these matters up. They include things that will help on overburdensome EPA regs, with things that will deal with permitting and drilling in the Gulf of Mexico and things that will have a direct impact on our economy and jobs.

You know, it is clear, particularly on the EAC, which was created in 2002 after HAVA, the Help America Vote Act, after the Bush-Gore recount so that we wouldn't have another hanging chad or butterfly ballot situation, and this agency administered over \$3 billion worth of grants to the States for machines. When it was passed, it was designed to be a 3-year agency and program. We're 9 years into this. And instead of trying to say, okay, and we showed the chart a minute ago with \$5.4 million worth of management costs, and yet only a little over \$3 million in program costs. And the grants for the machines, Mr. Speaker, are now gone and they are not there.

We have the letter from the National Association of Secretaries of State which restates their position on the resolution to eliminate the EAC done in 2005, and again in 2010. Again on the EAC, we have reports from different agencies. We have an IG report criticizing the management practices of the EAC. This report was done in March of 2010.

We have a report from the EAC's financial records back in November of 2008 which I dealt with when I first got on the Committee on House Administration in early 2009. This report is an audit of the Election Assistance Commission fiscal year 2008 financial statements. The records were so mismanaged, this agency that the other side wants to keep instead of trying to make us more efficient, it was so bad that the agency couldn't be audited. The records were too bad to tell them how bad it was. So that lengthy report is available to anyone who cares to read it.

Then we have a report from the Office of Special Counsel that was done in 2009. The Office of Special Counsel talks about having to settle a political

discrimination case. An agency that is supposed to talk about fairness and helping in elections themselves get sued for political discrimination. And one of those that created that problem is the one that voluntarily resigned and received unemployment benefits for a voluntary resignation.

We have the organizational chart that shows that the EAC included a special assistant to a vacant position. I can go on and on, Mr. Speaker, on the mismanagement of the EAC. It is clearly time to say—and I understand that there are some things that we need to keep. We are saying that the essential functions of this group, send them over to the FEC, and we can take care of those situations on testing and certification, make the process more efficient, and we'll save money for the taxpayers.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in opposition to H.R. 3463.

It might sound surprising, but right behind jobs, one of the top concerns my constituents contact me about is campaign reform. You'd think that campaign rules would be the very last thing people would think about when they're worried about their livelihoods, their mortgages, and their family's health care. But they know that the electoral process is at the heart of everything their government can do for them.

The American people are frustrated. They are frustrated by what I call super-sized campaigns. It's all too much. It's too slanderous. It's too hard to tell who's paying for what and who's saying what. They feel that big donors, big corporations, and ideological groups are running the show, and they're being left out. But the American people care, and they believe in "we the people."

Public financing gives the voice back to the middle class. The Election Assistance Commission can help election officials better the process for voters. Neither of these is perfect right now. We acknowledge that, but we should be improving rather than eliminating them. Throwing away what public financing we have, what financing worked for every President from 1976 to 2004 and making it harder to bring election improvements together is a step in the wrong direction.

□ 1310

Rather than making it even harder for the average voter to make a difference, Congress should be improving access to democracy by expanding public financing, assisting election officials, and increasing voting opportunities for all Americans.

Our people are our strength, and we have no business shutting them out.

The supporters of this bill say it will save us money. But in fact, Mr. Speaker, it will mean our democracy is up for sale.

Mr. HARPER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman from Mississippi for yielding.

One of the arguments that's been made about the EAC, Mr. Speaker, is that it's the Federal Election Commission that ensures every American citizen's right to vote. If only that were true, Mr. Speaker.

The National Association of Secretaries of State, which is the organization in each State that oversees the elections, has called for the dissolution of the EAC. The committee has heard firsthand testimony from Secretaries of State all across the country. Both in 2005 and again in 2010, the National Association of Secretaries of State has called for the dissolution of the EAC.

If the organizations that are actually responsible in each State for holding the elections, Mr. Speaker, are asking that the Federal agency that's supposed to help them should be dissolved, I think it would behoove the Congress to listen to the States and in this case dissolve this commission.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, there are ongoing attempts to suppress the valid legal vote of some communities in this country. Earlier efforts to stop selected Americans from voting, such as literacy tests and poll taxes, were overturned by this Congress. But while the tactics of these people have changed, their strategy remains the same—intimidate, discourage, or otherwise prevent certain groups of American citizens from voting.

Current tactics include burdensome voter ID laws, outrageous registration requirements, dishonest "inactive voter lists," and unlawful disenfranchisement of ex-offenders. To these flagrant tactics proponents of voter suppression have added more subtle approaches, including disinformation campaigns and behind-the-scenes, quiet—and unfair—purging of voter rolls.

Now we are presented with their latest plan to deny certain Americans their right to vote—the elimination of two programs whose sole aim is to ensure that every American's voice is heard in our election. The Presidential Election Campaign Fund and the Election Assistance Commission are in need of strengthening, not elimination. They help make sure that all voices can be heard and that all votes will be counted. I support improving these programs.

But the only reason to want to eliminate them is to further suppress votes. The votes are the same groups who were targeted by Jim Crow laws decades ago. The votes are the same groups who are now targeted by "inactive voter lists" and voter ID laws and all of the other new tactics designed for a single goal—voter suppression.

I urge my colleagues to defeat this bill and defeat yet another attempt to stop American citizens from voting.

Mr. HARPER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I can't believe what I just heard from my friend from Missouri. Doing away with the Presidential Election Campaign Fund is not a Jim Crow law. And I'll put my record alongside his on ensuring voting rights to minorities as the author of the latest extension of the Voting Rights Act and one who got the 1982 compromise passed and signed into law by President Reagan.

The Presidential Election Campaign Fund was destroyed 3 years ago by President and then-Candidate Barack Obama. He refused to be bound by its restrictions. Senator JOHN MCCAIN was. And he was put at a significant disadvantage in the general election campaign by running against Candidate Obama, who rejected the Election Campaign Fund's funds and raised huge and unlimited amounts of money.

Mr. CLAY. Will the gentleman yield?

Mr. SENSENBRENNER. I have a limited amount of time. If I have time left, I will be happy to yield.

This year, so as not to disadvantage themselves, none—that means none—of the Republican primary candidates have signed up for Presidential Election Campaign Fund money. The Obama moneymaking machine is running all around the country. We see this in the newspapers. We hear it on television. And because the campaign fund would limit the amount of money that whoever the Republican nominee, if they took these funds, could use in order to spread his message on why Obama ought to be replaced by the voters, we ought to just get rid of this fund altogether. It was destroyed 3 years ago by then-Candidate Obama. We might as well not spend any more taxpayers' funds on it. May it rest in peace.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Mr. Speaker, we already know that in 38 States there is introduced legislation that would suppress the participation and the votes of young, minority, and elderly voters. Now we see their allies here in Congress who are trying to eliminate the only Federal agency charged with improving the conduct of elections and making sure that every vote counts. If you like the direction of

the State legislatures, you're going to be thrilled by the legislation before us today to close the Election Assistance Commission.

The voter's vote should be behind a curtain of secrecy, but the process by which registration and elections are conducted should be transparent. If not, voters will cease to believe that the process is fair and that their vote counts.

Let me remind my colleagues there is nothing more crucial to democracy than guaranteeing the integrity, the fairness, the accountability, the accuracy of elections. Democracy works only if the citizens believe it does. The system must work, and the people must believe in it; but voting shouldn't be an act of blind faith. It should be an act of record.

The EAC helps maintain the integrity of the American electoral process. Too many people across the country have lost confidence in the legitimacy of the election results. Dismantling the EAC would further erode that necessary faith in the process.

We've discussed several times—and others have talked about it—if manipulating the outcome of elections occurs, how much easier will it be once the EAC is eliminated. Millions of Americans are casting their votes now on unauditable voting machines and the results of most elections are not audited.

□ 1320

Eliminating the EAC would increase the risks that our electoral process would be compromised by vote manipulation, by targeted voter ID laws, by voter system irregularities. Can we afford to take that risk? Certainly not. Do we want problems to go undetected? I would hope not.

Less oversight, lesser standards, less transparency in reporting, less testing, fewer audience weakens our democracy. Abolishing the EAC is the wrong way to go.

Mr. HARPER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COLE), a distinguished member of the Appropriations and Budget Committees, who also has been heavily involved in this matter as a cosponsor and also has done great work on trying to eliminate and bring to an end the Presidential Election Fund.

Mr. COLE. I thank the gentleman for yielding.

The legislation before us actually does three important things: First, it eliminates an antiquated, outdated system of public financing; second, it terminates an obsolete commission; and then finally, and not incidentally, it actually saves money, something that we talk a lot about around here but we very seldom actually do.

When the Presidential Election Campaign Fund was actually created in 1973, it was during the time before

things like Facebook, YouTube, and Twitter. The widespread use of the Internet did not exist. That's no longer the case today. Today, it's pretty easy to actually contribute money to a Presidential candidate if you want to do it. I would advise anybody, regardless of their political persuasion, to simply type the name of the candidate that they like into the Internet and wait and see what pops up, and they're going to have an immediate opportunity to donate to that individual.

There is no need to take public money at a time that we're running \$1.5 trillion deficits and divert it to what's essentially political welfare for Presidential candidates—absolute waste of money. It's so much a waste that our President, who defends the system but chose not to participate in the system—in 2008, he did not participate, did not raise money this way, did not do it during the public campaign, actually broke precedent and, frankly, the commitment he had made earlier in the campaign and just chose not to do it. And that's fine. That was his right. He was certainly more than adequately funded. His opponent, Senator Clinton, now Secretary Clinton, was also adequately funded. She did not use the public financing system. The one person who did, JOHN MCCAIN, was heavily outspent, although I don't think that had much to do with his defeat.

I think, honestly, Americans know how to contribute to Presidential candidates. They don't need the Federal Government letting them check off a portion of their taxes and divert it for that purpose.

In addition, public participation in this system has declined radically. It's never reached even one-third of American taxpayers that are willing to do this—peaked at 28 percent, and in 2009 was down to 7 percent of American taxpayers who chose to do it.

So we're not denying anybody the ability to participate. We are giving very expensive welfare to Presidential candidates and to political parties at a cost to the taxpayer when that cost can't be afforded.

Two weeks ago, we had something that occurred that honestly ought to concern everybody on this floor. And I don't fault either party for it, but the Democratic Party and the Republican Party both received \$17 million for their conventions from the Federal Treasury of the United States; \$17 million for two political parties—actually, 34 in total—to actually run their conventions from the American taxpayer. Who really believes that's a needed expenditure? Each one of those parties—and I can tell you because I used to be the chief of staff of one of them—will spend over \$100 million on its convention. They don't require additional Federal help. It's simply a waste of time and a waste of money.

As for the Election Assistance Commission—and I say this as a former secretary of State—this is a commission whose time has come and gone. Whatever good it did, it currently spends over 50 percent of its budget on administration, not on direct assistance to the States. And the idea that State governments and States who have been running elections for 200 years suddenly need the Federal Government to tell them how to do it and spend this kind of money I think is just absurd.

Frankly, the National Association of Secretaries of State, which is the oldest public association of elected officials and appointed officials in the United States, has twice called for the elimination of this. They don't feel the need for it. They certainly don't see that they're getting any assistance from it.

So whatever good it played in the immediate aftermath of the 2000 election I think is now concluded.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARPER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. COLE. I appreciate the gentleman for yielding.

Without putting too fine a point on it, this is a system and this is a commission that simply exists to solve problems that aren't problems. We have no problem funding Presidential campaigns in the United States. There's plenty of money—probably too much money—around. There doesn't need to be taxpayer money. Nor do political parties have a problem funding their conventions. They can do it themselves. Nor do we need a commission whose purpose has now passed into history and whose entities it's supposed to serve, the Secretaries of State around the country, have actually asked us to abolish it.

So let's just finally prove we can get rid of outmoded programs, end the expenditures, and actually save the taxpayers some money. And in doing so, I can assure everybody on the floor that our democracy will remain healthy, our elections will be fair, and the American people, in their wisdom, will figure out which candidate to contribute to if they choose to contribute to any candidate at all.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise for the third time this year to oppose a measure that would summarily repeal our system of public funding for Presidential elections.

Once again, the House majority seems intent on dismantling the few remaining safeguards we have left against the influence of special interests in politics following the Supreme Court's Citizens United ruling. The fact that they are ostensibly bringing this

bill forward as a deficit reduction measure in order to pay for a bill to undermine workers' rights is the height of cynicism.

This bill before us today would destroy one of the most successful examples of reform that followed the Watergate scandal. Dare we forget what that scandal was about? The Committee to Reelect the President, fueled by huge quantities of corporate cash, paying for criminal acts and otherwise subverting the American electoral system.

The hallmark of the Federal Election Campaign Act of 1974, enacted at a time when public confidence in government was dangerously low, was our voluntary program of public financing for Presidential elections. To this day, this innovative reform stands as one of the greatest steps we have taken to bring transparency and accountability to our electoral system. And it has worked remarkably well, being utilized in the general election by every Republican and Democratic Presidential nominee from 1976 through 2004 and by JOHN MCCAIN in 2008, although in recent years the need for modernization has become evident.

Perhaps the best example of this program's success is President Ronald Reagan, who participated in Presidential public financing in all three of his Presidential campaigns—in 1976, 1980, and 1984. The Reagan case illustrates the positive effects public financing has had in both parties at both the primary and the general election stages. It illuminates the way in which the system benefits candidates who challenge the party's establishment. It also highlights the system's focus on small donations rather than big bucks from the large contributors. Note that this is no free ride, no willy-nilly spending program. Candidates must seek the support of thousands of small donors during the primary to prove their viability, and only then do they receive matching funds.

Today one could wish, in light of the positive history of this program and prior Republican support, for a bipartisan effort to repair the system and restore its effectiveness. I don't know of any policy that exemplifies the maxim "mend it, don't end it" better than this one.

Earlier this year, Congressman VAN HOLLEN and I reintroduced a bill that would do just that. It would modernize the Presidential public financing system and again make it an attractive and viable option for Presidential candidates. Our bill would bring available funds into line with the increased cost of campaigns, adjust the program to the front-loaded primary calendar, and enhance the role of small donors. The bill has been carefully designed and deserves deliberation and debate.

□ 1330

Instead, we're faced with yet another Republican attempt to open the flood-

gates for corporate cash and special interest influence to pour into our political system.

With confidence in government at rock bottom, and the perception of government corruption through the roof, why is the majority trying to return us to the dark days of Watergate? Let's instead restore and improve our public financing system and move on to real solutions to put our Nation's fiscal house in order.

Let's not use valuable floor time to pass a bill that has no chance of becoming law. The American people want us to get to work on important measures to revive the struggling economy and put people back to work. So I urge the majority to heed that call. Get to work on passing appropriations bills, fixing the Medicare physician reimbursement, extending the payroll tax cut and unemployment benefits, patching the AMT, and reauthorizing the FAA in time for families' holiday travel.

I'm afraid such pleas are falling on deaf ears in this Chamber these days. But we need to get to work on the people's business, not on this flawed bill that threatens to allow big money to play an even larger role in our politics.

Mr. HARPER. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ), a valued member of the House Administration Committee.

Mr. GONZALEZ. Mr. Speaker, I rise in opposition to this bill in its entirety but especially to that provision which attempts to eliminate the Election Assistance Commission.

I need to address a few points that have been made by the proponents of this bill because I was there when this original bill came up for consideration years ago, and I've been there for the subsequent hearings in the committee of jurisdiction.

First of all, when it comes to the secretaries of state, they've been opposed to the creation of the Election Assistance Commission from its very beginning. This is nothing new. Their renewal of opposition basically used a form letter that didn't even change the 2006 date. The 2010 opposition letter actually referred and still used the same letter of previous years.

But the most important thing to point out is that secretaries of state have multifaceted responsibilities and obligations. One of them is to conduct elections. But each one of us in this body knows who really runs an election, and it's going to be your local election administrators.

You and I and anybody involved in the electoral process knows that on Election Day you're not going to find secretary of state personnel at the polling places. When the ballots are mailed for absentee voting, you're not going to

find anyone from the Secretary of State's Office. They're not going to count the ballots. They're not going to be there. It is a local effort, and that's what the Election Assistance Commission is doing.

It was never meant to have a life span of 3 years. If you read the bill carefully, and Mr. HOYER, who will be taking the floor later, will remind us of the legislative history of that particular bill that created this commission.

If we are to criticize them for an inordinate amount of their budget being applied to personnel, then we must look in the mirror as Members of Congress, because I assure you, because I also sit on a committee, obviously the same committee, that entertains the budget requests of the different committees. Each one of those committees and individual Members of Congress will tell you that they spend a greater proportion of their budget on personnel than the Election Assistance Commission. And there's good reason for it.

It was never really intended to fully fund every effort at the local level. It's to give advice. That's why I have received in the past, from local election officials in Maryland, Texas, Florida, and Ohio—the local experience in Texas, in my county there, was that we saved \$100,000 by the suggestions and recommendations that were issued by the commission.

Lastly, you criticize the commission for not functioning because it doesn't have a full body of commissioners. But whose fault is that? It's the individuals on the other side of the aisle that have blocked consideration.

That reminds me. When I was a lawyer, we used to have an old joke about the individual defendant who was there charged with murdering his parents, and at the end of the trial goes before the jury and asks for mercy because he's an orphan. It is a self-fulfilling prophecy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. I yield the gentleman an additional 10 seconds.

Mr. GONZALEZ. If you want to help your local election officials, vote "no" on this bad bill.

Mr. HARPER. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. ROKITA), who is a distinguished member of the Committee on House Administration, a former secretary of state for the State of Indiana, and he has served as president of the National Association of Secretaries of State.

Mr. ROKITA. I thank the gentleman for yielding time.

Mr. Speaker, listening to the prior comments, I can't help but wonder if certain Members of this body can't help but not do more than one thing at a time. But certainly, your secretaries

of state and your local election officials can multitask, and they do an excellent job of executing the States' elections.

I want to focus on the portion of the bill that eliminates the Election Assistance Commission, Mr. Speaker. As has been said, I have a unique perspective on this. In 2005, as Indiana's secretary of state, and serving as the president of the National Association of Secretaries of State, I coauthored the successful resolution that was talked about earlier to dissolve the EAC after the 2006 election. As the oldest organization of bipartisan elected officials in the Nation, we at NASS renewed the call to dissolve the commission in 2010.

And, no, Mr. Speaker, I can assure you, from the debates that we had in that organization, it was not a form letter. It was not a form renewal.

Furthermore, the vote for the renewal was 24-2, with 13 Republicans and 11 Democrats calling for its dissolution. This is not a partisan issue. We recognized, on a bipartisan basis, that the Election Assistance Commission cannot be justified on the grounds of fairness, justice, opportunity, or necessity.

EAC bureaucrats do not make elections fair. In fact, EAC makes them less fair by producing biased, inaccurate reports on the state of elections in our Nation and offering recommendations based on these junk studies. EAC bureaucrats do not enfranchise voters. States and individuals do that, as our Federal Constitution dictates.

Giving unelected, unaccountable bureaucrats in Washington more power over elections does not lead to more just election outcomes. If anything, it interferes with a just outcome because these bureaucrats, many with an ideological axe to grind, face little or no accountability for their actions, and they know it.

Voting is fundamental to our system and the legitimacy of our government. Ensuring qualified American citizens have an opportunity to vote is essential. The Constitution tasks the States with execution and maintenance of elections, not Federal bureaucrats.

Like I said, Mr. Speaker, I believe States do an excellent job. And by managing elections closest to the voters at the State and local level, we stand the best chance of ensuring opportunity for all and correcting injustice if the opportunity to vote is denied or interfered with.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. As a former secretary of state for the State of Rhode Island, and now a Member of the United States Congress, I have serious concerns about this bill.

Mr. Speaker, voter participation is the cornerstone of our democracy and a fundamental civic duty that empowers every citizen to effect change within our society. Unfortunately, many individuals with disabilities have been historically shut out of the voting process due to lack of accessibility. That's among my particular concerns with this bill.

We have made impressive strides in recent years to close that gap, and the Election Assistance Commission, established under the Help America Vote Act, was an important part of that effort. As a Member of Congress who lives with a disability, cofounded the bipartisan Disabilities Caucus, and has worked at both the State and Federal levels to modernize and make accessible our voting systems, I find it unconscionable that the Republican leadership is considering this bill to abolish the Election Assistance Commission, an agency whose fundamental mission is to promote security, accessibility, and trust in our electoral process.

Could the EAC use some reforms? Yes. But the Republican solution of eliminating an agency with such an important mission is unnecessary. Everyone, Mr. Speaker, should have full faith in our system of elections including seniors, military members, minorities, and people with disabilities, and that's exactly what the Election Assistance Commission seeks to provide.

Mr. Speaker, we have precious little time left before the end of this Congressional session. Instead of considering a bill that will only serve to erode America's faith in our democracy, our time would be far better spent rebuilding it by focusing on job creation, getting this economy back on track.

I urge my colleagues to oppose this bill and turn our attention to legislation that will extend tax relief for families and small businesses, reduce unemployment, and create greater economic stability. That is exactly what my constituents expect from me, and that's exactly what the American people expect from this Congress.

□ 1340

Mr. HARPER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the distinguished chairman of the House Administration Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, H.R. 3463 will eliminate the Presidential Election Campaign Fund and the Election Assistance Commission. That's good news. The American people have been asking this Congress to get serious about spending, begging us to take a critical look at government operations and get rid of the dead weight. Mr. Speaker, if there ever was a government program or a

government agency that is ripe for the cutting, it is the Presidential Election Campaign Fund and Election Assistance Commission.

The Election Campaign Fund is an unused government program only supported by a meager 7 percent of the American people. In other words, 93 percent of the American taxpayers have opted out of participating in this program. Candidates and nominees have routinely opted out of the system altogether.

In 2008 we know then-Candidate Barack Obama declined public financing in the general election. In 2012, it's expected that neither general election candidate will participate in the program, and no candidate has requested eligibility thus far in the election cycle.

According to CBO, elimination of this program would save the American taxpayers \$447 million over the next 5 years and return nearly \$200 million to the public Treasury for deficit reduction immediately.

I know some people think \$500 million isn't much. Where I come from, that's a lot. We can eliminate something that the American people have rejected by a vote of 93-7. It seems to me to make sense.

Mr. Speaker, in the last Congress, the Committee on House Administration held hearings on the issue of taxpayer financing of campaigns. And one of our witnesses asked this question. He said, if the voters are not willing to pay for the program, then why should it continue?

As for the Election Assistance Commission, this agency has been the subject of two hiring discrimination lawsuits, spends over 50 percent of its budget on administrative costs, and is asking this Congress for \$5.4 million to manage programs totaling \$3.5 million.

In short, Mr. Speaker, this bill before us eliminates an unused government program, shuts down an obsolete government agency, saves the taxpayers \$480 million over 5 years, and returns almost \$200 million to the Treasury. How could we not vote for it?

Mr. BRADY of Pennsylvania. Mr. Speaker, may I inquire how much time we have.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 7 minutes. The gentleman from Mississippi has 2½ minutes.

Mr. BRADY of Pennsylvania. Thank you, Mr. Speaker.

I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

After \$5.3 billion was spent in the 2008 Federal elections, I never heard anyone utter a word that said the problem we face today in Washington is that we need more private money in politics. Never has anyone said to me, I wish the super-rich had more influence over

our government and elected officials, especially in campaigns for President and Congress.

I never received a letter from a constituent that expressed a desire to get further away from one person-one vote and move closer to one corporation-one vote. What I have heard from my constituents is a deafening demand to get money out of politics. This bill takes us in the opposite direction.

We should be chasing the money-changers out of the people's temple, not turning our government into an auction house. This legislation is upside down.

Private financing of elections corrodes our democracy. Private contributions of Federal elections must end. Private financing equals government in the private interest. Public financing—the hope of government in the public interest.

We need to restore our democracy and end private contributions. We shouldn't have any contributions from special interests. We need government of the people, by the people, and for the people returned to this government.

Mr. HARPER. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Let me just take this from 30,000 feet for a minute and reiterate what the gentleman from Ohio said.

We have too much private money in the people's House. We can't get anything done now because it somehow may affect what Wall Street is doing.

We had a China currency bill on the floor last year, 350 votes, 99 Republicans. We can't even get it up for a vote now in the House because Wall Street doesn't want it. We're in dire straits with trying to balance our budget.

We need to ask people making more than a million dollars a year to help us close this gap so we can reinvest back in our country. Nothing is happening because Wall Street doesn't want it.

We've got oil and gas still getting benefits when profits are going through the roof. We can't close that loophole because the oil and gas industry doesn't want it closed.

There is too much private money in the people's House. We need public funding of elections. Let every citizen kick in fifty or a hundred bucks, and we run elections by letting people on the airwaves making these debates, making these discussions having a little bit of money to do it.

We've got to reform this country and set us on a path to prosperity. No wonder we can't invest in public education, public health, public infrastructure, because the private interests are running the whole show here.

Mr. HARPER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia,

Dr. GINGREY, chairman of the Subcommittee on Oversight of the House Administration Committee.

Mr. GINGREY of Georgia. Mr. Speaker, maybe the President will listen to the advice of the gentleman from Ohio and sign up for public financing of his re-election effort.

But mainly I rise today in strong support of the combined efforts of my good friends, Mr. HARPER of Mississippi and Mr. COLE of Oklahoma, to reduce Federal spending by ending the public financing of campaigns and conventions and to terminate this Election Assistance Commission.

As Presidential campaigns in this day and age are becoming increasingly expensive to the tune of billions of dollars, the idea of having taxpayers contribute matching funds to them has become ludicrous.

The end of this practice would save \$617 million over 10 years, and I commend the gentleman from Oklahoma for his work to reduce spending.

As far as the gentleman from Mississippi's efforts regarding the Election System Commission, as a member of the committee of jurisdiction over EAC, the House Administration Committee, I've learned firsthand that this agency has outlived its usefulness, it's mismanaged its resources, all the while costing taxpayers, we the taxpayers, millions of dollars a year.

Mr. Speaker, the Election Assistance Commission budget request for 2012 devoted 51.7 percent of its budget to management overhead costs. Let's eliminate this commission and support this bill.

Mr. Speaker, following is my statement in its entirety:

I rise today in strong support of the combined effort of my good friends, Mr. HARPER of Mississippi and Mr. COLE of Oklahoma, to reduce federal spending by ending the public financing of campaigns and conventions, and to terminate the Election Assistance Commission.

As Presidential campaigns in this day and age have become increasingly expensive to the tune of hundreds of millions of dollars, the idea of having taxpayers contribute matching funds to them has become ludicrous. Ending this practice would save \$617 million over 10 years and I commend Mr. COLE for his work to reduce spending.

As far as Mr. HARPER's efforts regarding the Election Assistance Commission, as a member of the committee of jurisdiction over the EAC—the House Administration Committee—I have learned first-hand that this agency has outlived its usefulness and mismanaged its resources—all while costing taxpayers millions of dollars a year.

In the midst of our record levels of debt, we must scrutinize where every dollar of taxpayer money is being spent to ensure we are allocating these funds responsibly and delivering the best possible value to our citizens.

Mr. Speaker, the Election Assistance Commission's budget request for 2012 devoted 51.7 percent of its budget to management and

overhead costs. It should be hard for anyone to argue that an agency that spends \$5.5 million dollars managing programs totaling \$3.5 million dollars is a responsible use of taxpayer funds.

The EAC has more than doubled in size—without an increase in its responsibilities—since it was originally supposed to sunset in 2005. It is long past time, Mr. Speaker, that we allow government programs that have outlived their usefulness to be shut down, rather than maintain unnecessary and redundant layers of bureaucracy.

Eliminating this red tape would save American taxpayers \$33 million dollars over five years, while at the same time preserving the EAC's necessary functions—voting system testing and certification—at the Federal Election Commission, which can more efficiently handle these responsibilities.

Mr. Speaker, the National Association of Secretaries of State—who are the direct beneficiaries of the EAC's services—have themselves called for the EAC's dissolution. This body should follow suit today. I urge all of my colleagues to support this bill.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. First of all, we ought to be talking about jobs. The contention that this bill funds bills that are about jobs is spurious, in my opinion; and no economist, in my opinion, will assert that that is the fact. We ought to be dealing with jobs.

But what are we dealing with?

Now, I know of what I speak, I tell the gentleman from Georgia. I understand. I was a Member of the House Administration Committee for, I think, some 15 years. I, along with Bob Ney, was the sponsor of the Help America Vote Act, which created the Election Assistance Commission. So I know something about the Election Assistance Commission.

It was created because in the year 2000 we had a disastrous election which was resolved finally but not very acceptably by most people, whether your candidate won or lost. So the Election Assistance Commission was created for the purpose, for the first time in history, of having some Federal presence in the oversight of Federal elections. Not mandatory, but advisory.

Now, what we see, frankly, throughout America in Republican-controlled legislatures in many, many States is an effort to make voting more difficult to, in my opinion, suppress the vote, to require more and more documentation of people who have already registered to vote and claiming problems that exist that do not exist.

□ 1350

Now, if you want to obfuscate the election process, if you want to suppress the vote, if you want to make it more difficult, what is one of the things you want to do?

Eliminate the Election Assistance Commission, whose responsibility it is

to advise and counsel on best practices to assure that every American not only has the right to vote but is facilitated in casting that vote and in making sure that that vote is counted. That's what the Election Assistance Commission does.

And what do they want to do with the Election Assistance Commission's responsibility? Transfer it to the Federal Election Commission, whose sole responsibility is to oversee the flow of money into elections. They neither have the expertise nor, frankly, do they have the time. They hardly have the time to do what they're supposed to do right now.

Now, the Bush administration did not fund the Election Assistance Commission very robustly. Like every agency, it requires and should have proper oversight, and should, in my view, be more vigorous in the carrying out of its responsibilities. That is not, however, a reason for eliminating it. The only reason for eliminating it is to make voting more obscure, with less oversight and less assurance to our citizens that they not only have the right to vote but that a vote will be cast and counted correctly.

Mr. HARPER. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Mississippi has 1½ minutes remaining, and the gentleman from Pennsylvania has 2½ minutes remaining.

Mr. HARPER. Mr. Speaker, I yield 1 minute to a distinguished member of the Judiciary Committee and a former judge, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Let's cut to the chase. This is a tax credit for people who want to contribute to the President's campaign fund. They're told you can check this box and it doesn't cost you anything. No, but it takes \$40 million-plus a year away from the fund that could be used for other things, including for Social Security, and it gives it to the President's campaign fund.

I stand with our President, Barack Obama, on this issue, who found that that fund is worthless and that it's an impediment to getting elected. So I stand with President Obama in saying let's get rid of the fund and not use it anymore, and let the \$200 million in that fund go to something helpful instead of being an impediment to being elected President.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

The Presidential campaign fund currently has over \$190 million. Tens of thousands of Americans put that money there. They wanted their money to go for this purpose. We would be fooling and deceiving our very own citizens if we were to pass this bill.

They put that money there to be able to have the small say that they can—with their \$1 or \$3 or whatever it may—and be able to say who they would want to support and put it towards campaigns. We would be giving it back to the Treasury. They already put their money in the Treasury. This would be wrong, and we would be fooling the American people.

We would be telling them, We told you to check off a box and give us X number of dollars for a campaign. Now we're going to take \$100 million of the money we told you to check off to use for that purpose, and we're no longer going to use it for that purpose.

That's wrong. It's not right. It's deceptive, which is why I urge a "no" vote on this bill.

OHIO ASSOCIATION OF
ELECTION OFFICIALS,
OCTOBER 12, 2011.

Hon. ROB PORTMAN,
Russell Senate Office Building,

DEAR SENATOR PORTMAN: We are writing today regarding the possible elimination of the US Election Assistance Commission (EAC) as part of the Super Committee's recommendations for budget reductions. The EAC is an independent federal agency created in the wake of the 2000 election to help solve election related problems. The EAC provides assistance to election officials in the form of best practices, guidance, and the testing and certification of voting systems. Basically, the EAC provides an outlet and open forum for election officials to share their experiences, consider alternatives, deliberate their outcomes, and establish continuity of process, thus strengthening our democracy by helping election officials to do their job well. However, if Congress has its way, the EAC may not provide these services much longer. There has been movement in the House to eliminate the agency since last year, labeling it "wasteful" and "unnecessary." However, election administrators on the local level feel differently.

Although it has been argued that the EAC has outlived its usefulness because the Help America Vote Act funding it oversees has been exhausted, the EAC has become far more than a distributor and auditor of money; the EAC is a repository and resource of election management procedures, performance measures, election materials, and administrative knowledge. Effective designs of polling place signage, webinars on topics such as contingency planning, minority language glossaries of election terminology, Quick Start Guide publications regarding Developing an Audit Trail, Conducting a Re-count, and Acceptance Testing are all pertinent reminders for veteran election officials as well as critical learning tools for those officials newly elected, appointed, or hired.

The EAC is not without its issues. The agency's Voting System Testing and Certification program was slow to develop and continues to struggle to certify systems in a timely manner. As with many federal agencies greater efficiencies of operation should be considered in order to more effectively produce election materials at less cost to the public. Also, as the EAC has grown so has its overhead costs and management size. These areas should all be addressed through greater Congressional oversight, not through eliminating the agency.

Ironically, proponents of the elimination of the EAC would simply reassign the var-

ious function of the Commission to other more bureaucratic federal agencies such as the Federal Election Commission (FEC). Claims that any savings would be realized by its elimination are specious at best. We see no need to eliminate or dismantle the only federal resource available to local election officials.

The EAC has never been needed more than now. Election officials across Ohio and the United States are doing more with less and it's only going to get worse. As budgets tighten and voting equipment ages, the chances of another election disaster increase. Without the EAC's help, another Florida 2000 election may be inevitable, and Congress will have no one to blame but itself. With a total operating budget of just under 18 million dollars the EAC would make up approximately half a percent of the total federal operating budget: a small price to pay for helping protect our democracy. If you think a good election costs a lot, you should see how much a bad election costs.

We urge you to reject these efforts as part of the Super Committee review of federal spending.

Respectfully submitted,

DALE FELLOWS,
President, Ohio Association of Election Officials.
LLYN MCCOY,
First Vice President, Ohio Association of Election Officials.

STATE BOARD OF ELECTIONS,
Raleigh, NC, March 27, 2011.

Chairman GREGG HARPER,
Committee on House Administration, Subcommittee on Elections, Washington, DC.
Ranking Member ROBERT BRADY,
Committee on House Administration, Washington, DC.
Re H.R. 672.

GENTLEMEN: As with any governmental agency, commission, department or other entity, methods of improving efficiency, streamlining procedures, and modernizing responsiveness should all be considered to maintain viability for constituents. These studies would be beneficial for the Election Assistance Commission. However, I strongly oppose H.R. 672. Termination of this Commission is not in the best interests of the elections process. The EAC serves a vital role in the conduct of Federal elections as well as the smallest municipal election. During an election, information sharing is vital—from clerical administration to public communication. The EAC can serve as a clearinghouse of information so that local jurisdictions receive real-time, necessary data during the conduct of a Federal election.

North Carolina adopted uniform procedures and forms for Elections Administration while still allowing for local input and decision-making that fits individual jurisdictions. Many of the problems Federal elections in the United States face can be traced to a lack of consistency and efficiency. The Election Assistance Commission (EAC) is the Agency that can provide that needed consistency and broad guidance. In fact, in its short history, the EAC already has adopted standards for voting systems that can allow for nationwide uniformity. Elections jurisdictions may use those standards as a baseline when choosing voting systems and vendors.

One of the most disturbing trends occurring in the field of elections is the rapid turnover of commission officials, board

members and elections staff. Although elections comprise a mere fraction of a percent of total budgets, the elections budgets are continually cut and reduced. Already understaffed, we are reaching a point of compromising our ability to adequately perform necessary duties. The EAC is essential, filling a vital role when a local jurisdiction does not have the personnel or equipment to conduct an election without assistance.

Even more important is the status of voting systems and equipment. By transferring the certification of voting systems to the National Institute of Standards and Technology (NIST) and the Voluntary Voting System Standards to the Federal Election Commission (FEC), the very real possibility emerges that there will be no communication or compatibility between the two efforts. This could lead to an impasse. Much progress has been made in the struggle to uplift voting equipment standards. The significant work done by the EAC will be lost amongst the myriad other NIST responsibilities.

Additionally, the FEC is already overburdened, understaffed, and currently does not handle any aspect of election administration. How can the FEC effectively advise state and local officials or provide the necessary support and guidelines needed for full voter confidence in the elections process? Piling more responsibility on an already encumbered agency will only lessen its efficacy and will do a disservice to taxpayers.

Perhaps a focus of this legislation should be to address keeping both the EAC and the FEC fully staffed with Commissioners so that each Agency has the ability to function at full capacity, providing much-needed guidance to election administrators while also judiciously stewarding taxpayer dollars. As H.R. 672 is written, there is no provision for the election community to provide input to either NIST or the FEC. This participation and dialogue is critical to make sure that all future voting systems truly meet the needs of the voter as well as the requirements and limitations of poll workers.

The EAC has amassed the most comprehensive public elections library in the country. Their website is a wonderful tool for both elections officials and the general public. Similarly, North Carolina's award-winning website has been heralded as an invaluable resource for our citizens. These communications tools are an integral facet of the way election administrators must interface with the American public in this rapidly changing technological world. Without dedicated resources for the public broadcasting of election information and news, the elections process will become less transparent and voters will become less aware of processes, procedures and laws.

Another facet of the elections process in North Carolina is the concept of the "Wellness Check." Wellness Checks are audits of our county boards of elections, serving as preventative maintenance to keep things on the right track and identify problems before they manifest. Results are available for public inspection, with the goal of further increasing voter confidence in elections. This concept could become a function of the EAC, be carried into other aspects of elections, and could further strengthen the integrity of and faith in the national elections process.

Although elections are the responsibility of the States and of local jurisdictions, they are mandated by Federal law. Congress needs to do its part to ensure the Federal government adequately and appropriately contrib-

utes to local responsibilities. The EAC is an excellent way in which Congress may manifest its support. Reassigning these responsibilities to other, already strained entities will diminish the modernization progress accomplished during the first decade of the twenty-first century.

One of the greatest gifts Congress could give to the nation is its continued support and investment into the elections modernization process. By stewarding and tending the process begun in the earlier years of this decade, Congress can guarantee that all jurisdictions; large, small and somewhere in-between, are equally equipped to handle the future of elections; that each has modern and certified equipment; and that the resources are available so that every qualified voter in America has the same access to and confidence in the elections process.

Respectfully, I ask that you reconsider the submission of H.R. 672. My opposition to this legislation has been articulated herein. Please do not hesitate to contact me should you have any questions or require further commentary.

Yours sincerely,

GARY O. BARTLETT,
Executive Director.

—
ELECTION OFFICIALS OF ARIZONA,
October 14, 2011.

The Next 2000 Election May be Just Around the Corner

Honorable Members of Congress
Representing the Great State of Arizona.

Is another 2000 election disaster lurking? At this point it may not be a question of when, but rather a question of where. While pundits, newspapers and politicians debate issues like voter ID and early voting, election administrators across the country are worrying about the issues that will directly impact an election. The number one issue facing election officials today is limited and ever-shrinking budgets combined with aging equipment, technology, and workers.

Direction on how to address these concerns exists . . . for now. The Election Assistance Commission (EAC) is an independent federal agency created in the wake of the 2000 election to help solve these problems. The EAC provides assistance to election officials in the form of best practices, guidance, and the testing and certification of voting systems. Basically, the EAC provides an outlet and open forum for election officials to share their experiences, consider alternatives, deliberate their outcomes, and establish continuity of process thus strengthening our democracy by helping election officials to do their job well. However, if some members of Congress have their way, the EAC may not provide these services much longer. There has been movement in the House to eliminate the agency since last year, labeling it "wasteful" and "unnecessary." However, election administrators on the local level feel differently.

Although it has been argued that the EAC has outlived its usefulness because the Help America Vote Act funding it oversees has been exhausted, the EAC has become far more than a distributor and auditor of money; the EAC is a repository and resource of election management procedures, performance measures, election materials, and administrative knowledge. Effective designs of polling place signage, webinars on topics such as contingency planning, minority language glossaries of election terminology, Quick Start Guide publications regarding Developing an Audit Trail, Conducting a Re-count, Acceptance Testing are all pertinent

reminders for veteran election officials as well as critical learning tools for those officials newly elected, appointed, or hired.

The EAC has never been needed more than now. Election officials across the United States are doing more with less and it's only going to get worse. As budgets tighten and voting equipment ages, the chances of another disaster increase. Without the EAC's help, another Florida 2000 election may be inevitable, and Congress will have no one to blame but itself. With a total operating budget of just under 18 million dollars the EAC would make up approximately half a percent of the total federal operating budget: a small price to pay for helping protect our democracy. If you think a good election costs a lot, you should see how much a bad election costs.

We speak out in opposition to the dissolution of the EAC and the distribution of the remaining functions to the Federal Election Commission.

Respectfully submitted for your consideration by the Election Officials of Arizona.

I yield back the balance of my time. Mr. HARPER. Mr. Speaker, it has been said that we haven't done anything about jobs. Here we have a card that lists 25 different bills that we've passed which help manufacturing, the economy, energy—bills that are going to be great job creators. Yet the complaint has been that the EAC is not dealing with those issues.

Members on the other side of the aisle who said that this is not appropriate and that it's going to disenfranchise voters should remember they all voted for this in 2002 when it had its 3-year provision to sunset after that. So I think that argument will not fail. In addition, the EAC has no regulatory or enforcement authority.

Mr. Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to H.R. 3463, which simply combines two bills, H.R. 672 and H.R. 359, previously considered during this Congress. I opposed those bills then and I oppose them now. Terminating the Election Assistance commission and the Presidential Election Campaign Fund, is a worse idea and a greater waste of precious legislative time today than they were when the Republican majority first brought these bills to the floor earlier this year.

Mr. Speaker, since its creation, the Federal Election Commission has served the valuable purpose of preserving the voting and civil rights of our citizens which was born out of the scandal known as Watergate. The Presidential Election Campaign Fund succeeds in its purpose of leveling the playing field when it comes to corporate versus public funding of campaigns. By terminating taxpayer financing of presidential election campaigns and party conventions, the Republican majority seeks to permanently tilt the playing field in favor of special interest groups and corporate money at the expense of the public interest.

Presidential campaigns are currently funded through the voluntary \$3 check-off on income tax returns. Given the size of the deficit and the national debt, the amount of money saving by terminating taxpayer financing is de minimis—less than \$1 billion—but will achieve a

goal long sought by conservatives who have never believed that public financing of campaigns is a permissible use of federal revenues.

The Election Assistance Commission is charged with developing standards for voting systems, advising and counseling on best voting practices, assuring that every American has the right to vote, as well as to facilitate such vote, and to make sure that every single vote is counted. The precedent-setting work of the Election Assistance Commission has been recognized by nations around the world. The Election Assistance Commission has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities.

Let us not forget that the Election Assistance Commission was borne out of the 2000 presidential election fiasco with its unforgettable contributions to the political lexicon: "hanging" chads, "pregnant" chads, "dimpled" chads; "butterfly ballots"; and "voter intent."

In response to the 2000 debacle, the Election Assistance Commission has performed valuable work to ensure the reliability and trustworthiness of our nation's election systems. It has played a central role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Election Assistance Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators.

Mr. Speaker, every vote counts—and every vote should be counted—and that is why we must preserve the Election Assistance Commission and oppose this legislation.

It is also important to note that abolishing the Election Assistance Commission will not save taxpayers money, but rather simply shift costs to the Federal Election Commission, FEC, and local governments. The FEC is not an agency that can make decisions in a timely and responsive fashion due to its partisan divisions. Consequently, transferring the functions performed by the Election Assistance Commission to the FEC is inconsistent with the national interest in ensuring election integrity, improving voter access to the polls, and enhancing the quality of election systems.

Mr. Speaker, the American people elected us to work on their priorities and real problems, like the lack of jobs. They do not want us to waste time on inconsequential matters of interest only to the Tea Party. H.R. 3463 is unnecessary and a diversion from addressing the real challenge facing our country. Therefore, I strongly oppose H.R. 3463 and I would urge my colleagues to join me in defeating this misguided and reckless legislation that puts the integrity of our election systems, and public confidence in campaign financing at risk.

Mr. WAXMAN. Mr. Speaker, the last thing we need to do in this House as this legislative year draws to a close is to further the corrupting influence of special interest money in presidential campaigns. But this is what the Republican leadership is determined to do.

Last January, the House Republicans stampered one part of this bill through the House—provisions that terminate the system

of public funding of presidential campaigns that was established in the wake of the infamous Watergate scandals, under Richard Nixon's presidency, nearly 40 years ago. It's not enough to pass this bill once—the Republicans insist we pass it again today. It is not enough that virtually unlimited amounts of private money can now slosh through our political system—over \$280 million last year alone, thanks to the Citizens United decision by the Supreme Court last year—we have to pass a bill that asphyxiates the supply of public money in our presidential campaigns.

The Republicans are also practicing gross hypocrisy. While this bill ends public financing of presidential campaigns, the Republican Party is seeking \$18 million in public funding to support their nominating convention next year.

Everyone knows that this bill is dead on arrival in the Senate and would be vetoed by the President—because it is a corruption of good government. But that does not impede the Republican leadership in the House today. Rather than work with us on real legislation that would deliver real jobs, real investment and real growth to the American economy, the House Republicans would rather waste our time and continue to deliver nothing to the American people.

To treat our democracy so cavalierly is disgraceful; to persist in policies that, should they ever become law, will result in the complete privatization of the political process by monied special interests, is shameful.

The other part of this bill would eliminate the Election Assistance Commission, which was established in the wake of the 2000 election debacle in Florida. Its mission is to ensure that elections are conducted properly, with assistance that promotes voter registration, trained poll workers, and access to the polls by disabled Americans. There is no justification for terminating this small agency, which helps ensure our democracy works as intended.

The American people, and our democratic processes, deserve far better than this legislation in the House today.

Mr. CONNOLLY of Virginia. Mr. Speaker, once again, this House is taking up a proposal that represents a direct attack on the will of the American people.

Public financing for Presidential elections, which began in the 1970s, is one of the few opportunities where Americans are allowed to specify how they want their tax dollars spent.

As Members of Congress, we are charged with representing the interests of our constituents. In this particular instance, however, we know precisely what the American people want. By voluntarily checking this box on their tax forms, more than 10 million of our fellow Americans have made their intentions explicitly clear. The Presidential Election Campaign Fund exists because individual Americans expressly opted to dedicate a portion of their taxes to that purpose.

In January, House Republicans voted to ignore the explicit intentions of the American people and eliminate the Presidential Election Campaign Fund. Thankfully, the Senate heard Americans' call and killed the bill. And this year, millions of Americans again checked the box on their tax forms for calendar year 2010, once again, explicitly telling the government how they wanted their taxes spent.

Ironically, our Republican colleagues cite their own YouCut website as a representative site, with at most, a few hundred thousand followers. They disdain 10 million citizens but revere the few. This is selective representation in its most rawest and worst form.

The bill before us today, H.R. 3463, will break faith with the American people by ignoring their direction. Mr. Speaker, I urge my colleagues to join me in defending the will of American taxpayers by opposing this bill.

Mr. HOYER. Mr. Speaker, while the Republican sponsors of the two bills before us contend they will create jobs, their claim is spurious. Economists have told us again and again that easing regulations has a negligible effect on job creation. The only thing these bills will do is make it harder for federal agencies to protect Americans through safety standards and environmental protections.

One of the bills adds 35 pages to what is currently a 45 page law, and is likely to add 21 to 39 months to the rulemaking process. Agencies will be tied in knots and leave businesses without the certainty they need.

To pay for this expansion of the federal regulatory process, Republicans would have us eliminate the Election Assistance Commission.

I was proud to be one of the authors of the Help America Vote Act, which established the EAC in order to fix the flawed system that led to the electoral debacle of 2000. It passed with a strong bipartisan vote of 357–48. The Commission's sole purpose is to provide states with the resources they need to ensure everyone eligible to vote can cast their ballots and have them counted. We cannot risk having our elections determined by "hanging chads."

Instead of trying to erode our ability to protect voters, and instead of promoting regulatory bills that will not put Americans back to work, Republicans should join with Democrats to pass real jobs legislation. Democrats have two plans on the table to create jobs and grow our economy—the President's American Jobs Act and our Make It In America plan. We should be debating and voting on those.

I strongly urge the defeat of these bills and hope Republicans will finally set partisanship aside and work with us to help businesses hire workers and to invest in our economy's future.

Ms. PELOSI. Mr. Speaker, I come to the House floor today to reaffirm a fundamental value of our democracy: elections must be decided by the American people, not the special interests. I come to the floor to defend the right of American citizens to vote in every election. I come to the floor on behalf of clean campaigns.

Republicans, instead, have brought to the floor legislation that would both diminish the voting rights of Americans and shift control of our elections into the hands of secret corporate donors. Once again, Republicans refuse to focus on creating jobs and strengthening the economy for middle-class Americans, the 99 percent, but are instead pursuing a narrow agenda to benefit special interests, the 1 percent.

Last year, the Supreme Court overturned decades of precedent in a court case called the Citizens United case. Their decision has undermined our democracy and empowered

the powerful by opening the floodgates to big, secret money, resulting in a corporate takeover of our elections.

As a result, the Democratic majority in the Congress, working with President Obama, created the DISCLOSE Act. It would restore transparency and accountability to federal campaigns, and ensure that Americans know who is behind political advertisements.

Democrats in the House passed the DISCLOSE Act, but Senate Republicans blocked its progress.

As a result, secret dollars are flowing into campaigns that represent the interests of the 1 percent—not the urgent national interest—to create jobs. Indeed, special-interest groups spent tens of millions of dollars more in 2010 than any previous election cycle.

Today, Republicans want to take it another step further. The anti-reform legislation we debate today strengthens the role of foreign-owned entities and large corporations in funding political campaigns by eliminating the Presidential Election Fund. For nearly 30 years, the Fund has promoted small campaign donations and disclosure. It should be strengthened and reformed, not eliminated.

Likewise, the legislation also eliminates the Election Assistance Commission, which was created in the aftermath of 2000 elections. The EAC should also be strengthened, especially as states across the nation are taking active efforts to enact partisan measures to disenfranchise the rights of American voters.

According to the Brennan Center for Justice at NYU: since the 2010 elections, almost 34 states have introduced voting legislation in 2011 that significantly impacts access to voting. These laws have the potential of eliminating or making voting harder for more than 5 million Americans—harming millions of minorities, and hindering the rights of seniors, students, and low income voters.

This legislation is opposed by a broad range of good government organizations, from the League of Women Voters, to Americans for Campaign Reform, to Democracy 21, and U.S. PIRG. In a letter, they have warned against a 2012 presidential campaign “being dominated by bundlers, big donors, Super PACs, candidate-specific Super PACs, secret contributions and the like.”

Further, polls have found that more than 70 percent of the American people support the continuation of the presidential public financing system.

In our democracy, voters determine the outcome of our elections—not special interests.

I urge my colleagues to oppose this effort to further empower the special interests—the 1 percent—in American elections—and to protect the right to vote for all Americans.

Ms. HIRONO. Mr. Speaker, yesterday the House passed H.R. 3463, a bill terminating the Election Assistance Commission and the Presidential Election Campaign Fund. I voted “no”.

I also opposed the House-passed legislation in January to eliminate the Presidential Election Campaign Fund (H.R. 359), as well as the previously unsuccessful attempt in June to pass a bill eliminating the Election Assistance Commission (H.R. 672). H.R. 3463 combined these previously considered bills to pay for the cost of the two bills the House considered

yesterday and today (H.R. 527 and H.R. 3010). I also voted against those bills because they reduce the ability of federal agencies, such as the Environmental Protection Agency (EPA), to implement regulations to protect public health, workers, and the environment.

The Election Assistance Commission was established in 2002 as part of the Help America Vote Act. That legislation was enacted because of the widespread irregularities and controversy surrounding the 2000 presidential elections. The commission’s immediate role was to oversee payments to states to help them replace punch card and lever voting systems and to develop statewide voter databases. The commission also operates a federal voting system testing and certification program and maintains an election administration information clearinghouse. State and local governments rely on the services provided by the Commission. One year before another presidential election, now is not the time to eliminate the Commission.

The Presidential Campaign Fund was created to establish a system and spending limits for publicly financed presidential elections, providing opportunities for greater competition and transparency. The law that created the Fund in 1972 clearly needs some updating, but it should not be repealed.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my opposition to H.R. 3463, which would strip funding from the public financing of presidential campaigns and the Election Assistance Commission. I wholeheartedly believe that we should be looking closely at faults in our electoral system, but this bill is a step in the entirely wrong direction.

Make no mistake—our election system is in crisis. Money has a corrupting influence at every level in the process. Candidates must constantly raise more and more money to remain competitive, and large corporations such as insurance, oil or other special interest groups are able to exert a substantial influence. It is increasingly hard for middle class or low income individuals to have their voices heard.

This bill would only worsen the problem. Matching funds are intended to give small donors a more effective voice by doubling the impact of dollars given by those who can only afford to contribute small amounts of money. It gives presidential candidates a substantial reason to focus on small donations, instead of merely courting big donors. Eliminating matching funds will all but guarantee that candidates focus even more on donors who are able to contribute large amounts of money each cycle.

Instead we should be looking at how to make money play less of a role in the system—not more. That is why I am a proud cosponsor of H.R. 1404, the Fair Elections Now Act. This bill would shift a candidate’s focus to receiving a large number of small donations from constituents in their states or districts. This would level the playing field and give small donors—working families, seniors, and others—as much influence as the 1% and mega corporations. If H.R. 1404 were passed, it would go a long way towards righting what is so wrong about our process today.

Rather than considering H.R. 3463 today, we should be discussing how to stop the ava-

lanche of state laws that will have the effect of suppressing voter turnout—laws promoted under the guise of eliminating voter fraud—a virtually non-existent problem. According to the Brennan Center for Justice, recent changes to voting requirements could result in disenfranchising more than five million legitimate, eligible voters this cycle. That number is more than the margin of victory in two of the last three presidential elections.

The various initiatives proposed—whether they are photo identification requirements, the reduction or elimination of same-day, early or absentee voting opportunities, or placing onerous hurdles on voter registration—all disproportionately impact vulnerable voting populations that we should actively be encouraging to vote. Instead, over and over we see state legislatures doing whatever they can to stop these groups from turning out at the polls.

It is our duty as members of Congress to investigate those practices and ensure that American citizens are encouraged and able to participate in the electoral process. What agency is similarly tasked with making sure that Americans are given every opportunity to exercise this right? The Election Assistance Commission. I believe its role is fundamental. Disbanding the entire agency is the worst possible solution, given recent changes in voting requirements across the country. Rather, the Commission must be given the tools necessary to ensure that disadvantaged, low-participation and other groups are not disenfranchised by recent changes in state law.

It is by addressing these two key issues—the role of money and how to boost voter participation, that we will meaningfully address some of the most serious problems with the electoral system today. I would encourage my colleagues to vote “no” on this resolution, and instead pursue positive election reform.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 3463, legislation that terminates taxpayer financing of presidential election campaigns and party conventions and the Election Assistance Commission.

Once again, the Republican Congress is bringing legislation to the floor that puts more control of our elections in the hands of big business. H.R. 3463 combines two bills that have previously been brought before this House that I opposed and that were roundly rejected by Democrats.

In the wake of the Watergate scandal, Congress established the current system of public financing of our presidential elections, enabling taxpayers to voluntarily contribute a small donation to the fund. While there has been bipartisan agreement that this system should be fixed, not eliminated, one of the Republican House majority’s top priorities is, not to focus on creating jobs and building our economy but, to give corporate secret donors more control of our presidential elections.

The American people are rightly concerned that only big money and special interests get a hearing in Washington. The Supreme Court ruling in the Citizens United case opened the floodgates to greater influence by powerful special interests—effectively drowning out the voices of average Americans. Last year, House Democrats worked on bringing fairness and transparency to campaigns with passage

of the bipartisan DISCLOSE Act, legislation that would ensure Americans' voices are not drowned out by corporate dollars.

Unfortunately, before us today is legislation that did not receive an opportunity for debate or amendment, which would make presidential candidates more dependent on big corporate money that corrupts our political system.

I urge my colleagues to oppose it.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 477, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3463 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1405

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENHAM) at 2 o'clock and 5 minutes p.m.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. BISHOP of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Georgia. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of Georgia moves to recommit the bill H.R. 3463 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:
SEC. 207. PROTECTIONS FOR ELDERLY, DISABLED, AND MILITARY VOTERS.

Notwithstanding any provision of this Act or any amendment made by this Act, to the extent that the Election Assistance Commission is responsible for the administration or enforcement of any of the following provisions of law as of the Commission termination date described in section 1004(a) of the Help America Vote Act of 2002 (as added by section 201(a)), any successor to the Commis-

sion shall remain responsible for the administration or enforcement of such provisions after such date:

(1) Any provision of law relating to the rights of the elderly to vote and cast ballots in elections for Federal office.

(2) Any provision of law relating to the rights of the elderly and other individuals who are registered to vote in elections for Federal office to obtain absentee ballots in such elections.

(3) Any provision of law relating to the access of the elderly, the disabled, and other individuals to polling places in elections for Federal office, including the Americans with Disabilities Act of 1990.

(4) Any provision of law relating to the protection of the rights of members of the uniformed services and overseas citizens to vote and cast ballots in elections for Federal office, including the Uniformed and Overseas Citizens Absentee Voting Act.

(5) Any other provision of law relating to the protection of the right of citizens of the United States to vote in elections for Federal office, including the Voting Rights Act of 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. BISHOP of Georgia. Mr. Speaker and my colleagues, I offer the final amendment of the bill which, if adopted, will not kill the bill or send it back to committee. Instead, the bill will proceed to final passage, as amended. The purpose of my amendment is simple. It deals with one of my most valuable rights as an American citizen.

It is a right which many Americans throughout the course of our history have shared blood, sweat, and tears to protect, including our colleague and my dear friend, Representative JOHN LEWIS of Georgia. He marched from Selma to Montgomery and endured billy clubs, horses, and tear gas to preserve this sacred right.

The right to which I'm referring is the right to vote, as enshrined in the 14th Amendment to the Constitution and further protected in the landmark Voting Rights Act of 1965 and the Help America Vote Act of 2002 and various other measures.

Today, nearly five decades after the Voting Rights Act was signed into law and nearly 10 years since the Help America Vote Act, there is still an unprecedented attack on voting rights in States across this country.

Yet, the underlying legislation before the House today would abolish one of the key provisions of the Help America Vote Act, the Election Assistance Commission, which was designed to avoid a repeat of the turmoil surrounding the 2000 Presidential election in Florida, where problems with absentee and military ballots played a large role and led to many of these ballots not being counted.

If the commission is abolished, it will undermine America's faith in the integrity of our elections. According to the Brennan Center for Justice, more than 5 million Americans in 2012 could

be adversely impacted by laws that tighten or restrict voting that were put into effect just this year. The number is larger than the margin of victory in two of the last Presidential elections.

Seniors, the disabled, and our Nation's veterans are now being turned away from the polls for not having the photo identification. Popular reforms like early voting and same-day voter registration are being rolled back.

□ 1410

Mr. Speaker, this situation should not be happening in the United States of America today.

My final amendment, therefore, is simple. It states that any successor to the Election Assistance Commission shall remain responsible for the administration or enforcement of laws relating to the rights of the elderly, the disabled, members of the uniformed services, and overseas citizens to vote and cast ballots in elections for Federal office.

In signing the Voting Rights Act of 1965, President Lyndon Johnson said that "the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."

If this final amendment is approved, we can continue to tear down the walls of injustice and ensure that our democracy is open for all Americans to deliberate, to participate, and to engage with each other.

I urge my colleagues to vote "yes," and I yield the balance of my time to my colleague, Representative MARCIA FUDGE of Ohio.

Ms. FUDGE. I thank the gentleman for yielding.

Mr. Speaker and my colleagues, there is no doubt that a concerted voter suppression effort is under way in this Nation. Abolishing the Election Assistance Commission, an agency charged with ensuring that the vote of every American counts, is just another step in the voter suppression effort and would completely remove oversight of the most important process in our democracy.

Does it make sense to remove oversight at a time when Republican-led legislatures across this Nation are passing laws to obstruct voting? No, it absolutely does not.

In the first three quarters of 2011, 19 new State laws and two executive actions were enacted to limit the ability of American citizens to vote. They would make it significantly harder for more than 5 million eligible voters to cast ballots in 2012.

Many of the bills, including one signed into law in my home State of Ohio, include the most drastic voter restrictions since before the Voting Rights Act of 1965.

Seniors will be denied their right to the franchise, and the disabled will find

it more difficult to vote. Minorities and students will face more challenges than ever before. Soldiers honorably serving our country will be left with their absentee ballots uncounted. And let's not forget the people who died for our right to vote. People were slain to create the rights we enjoy today.

This determined effort is really about targeting a specific population of eligible voters to change the outcome of the 2012 elections. Plain and simple, H.R. 3463 is yet another voter suppression tactic.

Join me today in supporting this final amendment to guarantee the right of every American citizen to cast their vote.

Mr. HARPER. Mr. Speaker, I rise in opposition to this motion.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for 5 minutes.

Mr. HARPER. Mr. Speaker, I am amazed that an argument could be made that in any way the elimination of the EAC would result in disenfranchising any voter. We all believe that every person who should vote, that needs to vote, that's allowed to vote, that wants to vote should be allowed to do so.

I would like to point out that all of those that are speaking in opposition that were here in 2002 when HAVA passed voted for HAVA. And in HAVA, it contained the provision that created the EAC, which was only supposed to last for 3 years. This is not a complicated lift to do away with this. Does that mean when they voted for this in 2002 that they were trying to disenfranchise voters? Obviously not. In no way is this intended to do anything but clean up an agency that has an average employee salary of \$106,000 a year, has been sued for political discrimination, problems with the military, an agency that cannot be corrected but needs to be eliminated.

I urge my colleagues to vote against this motion to recommit and to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 236, not voting 7, as follows:

[Roll No. 872]

YEAS—190

Ackerman	Garamendi	Neal
Altmire	Gonzalez	Olver
Andrews	Green, Al	Owens
Baca	Green, Gene	Pallone
Baldwin	Grijalva	Pascarell
Barrow	Gutierrez	Pastor (AZ)
Bass (CA)	Hahn	Payne
Becerra	Hanabusa	Pelosi
Berkley	Hastings (FL)	Perlmutter
Berman	Heinrich	Peters
Bishop (GA)	Higgins	Peterson
Bishop (NY)	Himes	Pingree (ME)
Blumenauer	Hinchee	Polis
Boren	Hinojosa	Price (NC)
Boswell	Hirono	Quigley
Brady (PA)	Hochul	Rahall
Braley (IA)	Holden	Rangel
Brown (FL)	Holt	Reyes
Butterfield	Honda	Richardson
Capps	Hoyer	Richmond
Capuano	Inslee	Ross (AR)
Cardoza	Israel	Rothman (NJ)
Carnahan	Jackson (IL)	Roybal-Allard
Carney	Jackson Lee	Ruppersberger
Carson (IN)	(TX)	Rush
Castor (FL)	Johnson (GA)	Ryan (OH)
Chandler	Johnson, E. B.	Sanchez, Linda
Chu	Jones	T.
Ciulline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Cleaver	Kissell	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (VA)
Connolly (VA)	Larsen (WA)	Scott, David
Conyers	Larson (CT)	Serrano
Cooper	Lee (CA)	Sewell
Costa	Levin	Sherman
Costello	Lewis (GA)	Shuler
Courtney	Lipinski	Sires
Critz	Loebbeck	Slaughter
Crowley	Lofgren, Zoe	Smith (WA)
Cuellar	Lowe	Speier
Cummings	Lujan	Stark
Davis (CA)	Lynch	Sutton
Davis (IL)	Maloney	Thompson (CA)
DeFazio	Markley	Thompson (MS)
DeGette	Matheson	Tierney
DeLauro	Matsui	Tonko
Deutch	McCarthy (NY)	Towns
Dicks	McCollum	Tsongas
Dingell	McDermott	Van Hollen
Doggett	McGovern	Velázquez
Donnelly (IN)	McIntyre	Visclosky
Doyle	McNerney	Walz (MN)
Edwards	Meeks	Wasserman
Ellison	Michaud	Schultz
Engel	Miller (NC)	Waters
Eshoo	Miller, George	Watt
Farr	Moore	Welch
Fattah	Moran	Wilson (FL)
Filner	Murphy (CT)	Yarmuth
Frank (MA)	Nadler	
Fudge	Napolitano	

NAYS—236

Adams	Broun (GA)	Denham
Aderholt	Buchanan	Dent
Akin	Bucshon	DesJarlais
Alexander	Buerkle	Diaz-Balart
Amash	Burgess	Dold
Amodei	Burton (IN)	Dreier
Austria	Calvert	Duffy
Bachus	Camp	Duncan (SC)
Barletta	Campbell	Duncan (TN)
Bartlett	Canseco	Ellmers
Barton (TX)	Cantor	Emerson
Bass (NH)	Capito	Farenthold
Benishek	Carter	Fincher
Berg	Cassidy	Fitzpatrick
Biggert	Chabot	Flake
Bilbray	Chaffetz	Fleischmann
Bilirakis	Coble	Fleming
Bishop (UT)	Coffman (CO)	Flores
Black	Cole	Forbes
Blackburn	Conaway	Fortenberry
Bonner	Cravaack	Fox
Bono Mack	Crawford	Franks (AZ)
Boustany	Crenshaw	Frelinghuysen
Brady (TX)	Culberson	Gallagher
Brooks	Davis (KY)	Gardner

Garrett	Lucas	Rogers (MI)
Gerlach	Luetkemeyer	Rohrabacher
Gibbs	Lummis	Rokita
Gibson	Lungren, Daniel	Rooney
Gingrey (GA)	E.	Ros-Lehtinen
Gohmert	Mack	Roskam
Goodlatte	Manzullo	Ross (FL)
Gosar	Marchant	Royce
Gowdy	Marino	Runyan
Granger	McCarthy (CA)	Ryan (WI)
Graves (GA)	McCaul	Scalise
Graves (MO)	McClintock	Schilling
Griffin (AR)	McCotter	Schock
Griffith (VA)	McHenry	Schweikert
Grimm	McKeon	Scott (SC)
Guinta	McKinley	Scott, Austin
Guthrie	McMorris	Sensenbrenner
Hall	Rodgers	Sessions
Hanna	Meehan	Shimkus
Harper	Mica	Shuster
Harris	Miller (FL)	Simpson
Hastings (WA)	Miller (MI)	Smith (NE)
Hayworth	Miller, Gary	Smith (NJ)
Heck	Mulvaney	Smith (TX)
Hensarling	Murphy (PA)	Southerland
Herger	Myrick	Stearns
Herrera Beutler	Neugebauer	Stivers
Huelskamp	Noem	Stutzman
Huizenga (MI)	Nugent	Sullivan
Hultgren	Nunes	Terry
Hunter	Nunnelee	Thompson (PA)
Hurt	Olson	Thornberry
Issa	Palazzo	Tiberi
Jenkins	Paulsen	Tipton
Johnson (IL)	Pearce	Turner (NY)
Johnson (OH)	Pence	Turner (OH)
Johnson, Sam	Petri	Upton
Jordan	Pitts	Walberg
Kelly	Platts	Walden
King (IA)	Poe (TX)	Walsh (IL)
King (NY)	Pompeo	Webster
Kingston	Posey	West
Kinzinger (IL)	Price (GA)	Westmoreland
Kline	Quayle	Whitfield
Labrador	Reed	Wilson (SC)
Lamborn	Rehberg	Wittman
Lance	Reichert	Wolf
Landry	Renacci	Womack
Lankford	Ribble	Woodall
Latham	Rigell	Yoder
LaTourette	Rivera	Young (AK)
Latta	Roby	Young (FL)
Lewis (CA)	Roe (TN)	Young (IN)
LoBiondo	Rogers (AL)	
Long	Rogers (KY)	

NOT VOTING—7

Bachmann	Paul	Woolsey
Giffords	Schmidt	
Hartzler	Waxman	

□ 1442

Mrs. BLACKBURN and Mr. HALL changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WOOLSEY. Mr. Speaker, on December 1, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 872. Had I been present I would have voted "yea"—On Motion to Recommit with Instructions.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BRADY of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 190, not voting 8, as follows:

[Roll No. 873]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson

Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent

Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—190

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano

Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa

Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebbeck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markley
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi

Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

Bachmann
Giffords
Gohmert
Hartzler
McNerney
Paul
Schmidt
Waxman

□ 1449

Mr. RUSH changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGULATORY FLEXIBILITY
IMPROVEMENTS ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 527.

The SPEAKER pro tempore (Mr. WEBSTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 and rule XVIII, the Chair declares the House in the Committee of the Whole House on

the state of the Union for the consideration of the bill, H.R. 527.

□ 1450

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

America's economic recovery remains sluggish, with the unemployment rate still at 9 percent. Jobs are the key to economic recovery, and small businesses are the primary job creators in America.

A study for the Small Business Administration found that regulations cost the American economy \$1.75 trillion annually, or over \$15,000 per household.

Mr. Chairman, while job creators suffer under the weight of these regulations, Federal employees are visibly writing even more to implement the mandates of new laws like ObamaCare and Dodd-Frank. The same study also found that the cost of regulatory compliance is disproportionately higher for small businesses. This hurts their ability to create jobs for Americans.

Last month a Gallup poll found that small business owners consider “complying with government regulations” as the “most important problem” they face.

On February 8, 2011, I introduced H.R. 527, the Regulatory Flexibility Improvements Act of 2011, to provide urgently needed help to small businesses. Mr. GRAVES and Mr. COBLE are original cosponsors along with the bill's 24 additional cosponsors.

This bill primarily reinforces the Regulatory Flexibility Act of 1980 and

the Small Business Regulatory Enforcement Fairness Act of 1996.

It only requires agencies to do what current law and common sense dictate that they should be doing. Current law requires agencies to prepare a regulatory flexibility analysis so agencies will know how a proposed regulation will affect small businesses before it is adopted. But the Government Accountability Office has found in numerous studies that agencies are not always adhering to these laws.

For example, current law allows an agency to avoid preparing a regulatory flexibility analysis if the agency head certifies that the new rule will not have a significant economic impact on a substantial number of small businesses. But these terms are not defined in the law, and agencies routinely take advantage of this and fail to prepare any analysis.

The bill fixes this problem by requiring the Small Business Administration to define these terms uniformly for all agencies. Also, it requires agencies to justify a certification in detail and to give the legal and factual grounds for the certification. And this bill restricts agencies' ability to waive the Regulatory Flexibility Act's requirements.

The legislation also requires agencies to document all economic impacts, direct and indirect, that a new regulation could have on small businesses. Agencies already must account for indirect economic impacts under the National Environmental Policy Act. Small businesses deserve the same level of scrutiny.

This bill assures that small businesses will have a voice in the regulatory process. Currently, only three agencies, the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Consumer Financial Protection Bureau must consult with small business advocacy review panels before issuing new major regulations. Building on this, the bill requires all agencies to use advocacy review panels.

Equally important, this bill strengthens requirements that agencies review and improve existing regulations whenever possible to lower the burden on small business. It enhances the Small Business Administration's ability to comment on and help shape major rules. It assures that the law is uniformly implemented so agencies can not interpret their way out of its requirements. And the bill improves judicial review.

Some critics of regulatory reform may claim that this bill undermines agencies' ability to issue new regulations. On the contrary, the bill only strengthens the existing law with carefully tailored commonsense reforms.

Especially in light of current economic conditions, this bill is a timely and logical step to protect small businesses from overregulation. Like the

Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996, the Regulatory Flexibility Improvements Act of 2011 recognizes that economic growth ultimately depends on job creators, not regulators.

The economy is already on shaky footing. It is more important than ever for regulators to look before they leap to impose more regulations. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that the Crain study referred to already by the distinguished chairman of the committee, apparently he hasn't found out that it's been held in error in a number of ways but mostly by the Crain study people themselves, who said that their analysis was not meant to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation.

In other words, the study is flawed because it fails to account for any benefits of regulation. So I want everybody to know that this correction about \$1.75 trillion has been thoroughly debunked by not only CRS but other authorities as well.

Now, this debate follows a number of pieces of legislation that we're considering. It's sort of a regulation tidal wave—or anti-regulation tidal wave: H.R. 3010, Regulatory Accountability; H.R. 10, which we will see soon, the REINS Act; and H.R. 527, the bill before us now, the Regulatory Flexibility Improvements Act.

□ 1500

Now, it's strange to say that this trio of public safety-killing legislation would make it harder to control and make safe our products that we count on. Under the law presently, rule-making must make an analysis for every new rule that would have a significant economic impact on small businesses. Among other things, the bill would repeal the authority that allows the agency to waive or delay this analysis in response to even an emergency. It's hard to imagine how the bill under consideration would make regulations more cumbersome, would take longer, would risk national emergencies, and would lose a lot of the safety and health protections that we now enjoy. I feel that there hasn't been a careful consideration of what the real final goal is.

The Wall Street Journal, which is no enemy of big business, said: The main reason United States companies are reluctant to step up hiring is scant demand rather than uncertainty over government policies.

So even the business community recognizes that the big problem with our economy is not that rules are tying up businesses but that we don't have

enough people buying, because they don't have enough jobs to create the demand. If you examine it carefully, as many on our Committee on the Judiciary have done, you will find that the safety standards of which we are really very proud are going to be compromised in a very embarrassing way.

Regulations don't kill jobs; they save lives.

There are plans underway—this is one of them—here in the House to undermine the regulatory process that guarantees the health and the safety of millions of Americans. I urge all of the Members of the House to carefully consider the direction of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for having yielded to me.

Mr. Chairman, those who oppose H.R. 527 insist that those of us who support it are willing to compromise health and safety standards. Since criticism is not justified, we simply are refining the process. Excessive regulations and bad regulations serve no good purpose.

My district is not unlike many others. We are still suffering from the recession. While we once claimed many manufacturing and producing distinctions, much of our manufacturing has either disappeared or has gone to other places. Bad regulations don't help matters. They create unnecessary costs, uncertainty for employers, do not improve public health or safety, and they are particularly burdensome for small businesses.

Two critical laws that help ensure regulators will take into account the impact of proposed regulations on small businesses are the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act. In essence, these laws require agencies to conduct economic impact analyses of proposed rules on small businesses. Unfortunately, regulators routinely utilize waivers and exceptions from both laws and promulgate regulations without taking into account their economic impacts on small businesses.

The Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act do not block the flow of Federal regulation. They, rather, help guide it. We need regulations and small businesses need regulations, but the regulations must be effective and efficient or they could do more harm than good.

H.R. 527 will improve future regulations by requiring agencies to conduct the economic impact analyses of proposed regulations on small businesses before they are implemented. In doing so, it will enhance the basic requirements of the Regulatory Flexibility

Act and of the Small Business Regulatory Enforcement Fairness Act, and it will extend the advocacy review panel requirements to all agencies, including to all of the independent agencies.

The Administrative Procedure Act was not intended to create a regime whereby executive agencies could implement a regulation without recourse. Unfortunately, there are countless situations in which agencies have implemented rules and regulations that are unnecessary, redundant, or unjustifiably costly. H.R. 527 will help ensure that agencies do not overlook the critical interests of small businesses, and it will help prevent agencies from promulgating wasteful regulations.

Finally, the Congressional Budget Office estimated that H.R. 527 will cost \$80 million between 2012 and 2016. Although there may not be a quantifiable means to assess the benefits of H.R. 527, from the perspective of a small business, they are, indeed, priceless. Also, it's important to note that, among many others, the National Taxpayers Union, the National Association of Independent Business, the United States Chamber of Commerce, and the National Association of Manufacturers have endorsed H.R. 527.

H.R. 527 is critical for small businesses, Mr. Chairman, and it will not impede the ability of agencies to promulgate regulations. This is good government legislation. We do not need more regulation. We need better regulations, which is exactly what H.R. 527 will achieve; so I urge support in the final passage of this bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the ranking member of the Courts, Commercial and Administrative Law Subcommittee, the gentleman from Tennessee, STEVE COHEN.

Mr. COHEN. I want to thank the ranking member for yielding time.

This bill amends the Regulatory Flexibility Act of 1980, which requires agencies to engage in so much analysis and in so many new procedures that it basically befuddles the agencies in bringing forth any rules in the future. It is elimination by burdensome regulation. While it doesn't say it is eliminating rules, that's the effect of it. It subjects all major rules and other rules, those which have a significant economic impact on a substantial number of small entities, to review by small business review panels.

The cumulative effect of these and other changes in H.R. 527 will be to undermine the ability of agencies to effectively regulate consumer health and product safety, environmental protection, workplace safety, and financial services industry misconduct, among other critical concerns.

We talk about small businesses. Small businesses are important, and

they create more jobs than any other sector of our economy, but small businesses are made up of human beings. To paraphrase Mitt Romney, who said that corporations are people, small businesses are people, too. Small businesses are concerned about consumer health and product safety because they are the victims of it. Small businesses are concerned about environmental protection and workplace safety and food and drug safety and, certainly, about financial services industry misconduct, which almost brought this country to its knees in what could have been a depression but for the work of our great President and the Congress that worked with him at that time.

This bill does little to help small businesses shape or comply with Federal regulations. Right now, we can take for granted that the food we eat, the water we drink, the air we breathe, the places we work, the planes we fly on, the cars we drive, and the bank accounts in which we put our savings are going to be safe because we have strong regulation; but if H.R. 527 is enacted, it will be harder, much more difficult, maybe impossible, to provide those protections for future generations.

□ 1510

H.R. 527 is based on the well-intentioned, but false, premise that regulations result in economically stifling costs.

In particular, proponents of H.R. 527, and of anti-regulatory legislation generally, of which we have seen an abundance in this Congress, repeatedly cite a thoroughly debunked study by economists Mark and Nicole Crain, which made the ridiculous claim that Federal regulations impose a \$1.75 trillion cost on the economy.

Ridiculous? Why, you say. Because they even admitted, and the Congressional Research Service said, it failed to account for any benefits of regulation. There are indeed benefits of regulation and great—and the Office of Management and Budget said great benefits outweigh costs.

Moreover, the study was never intended to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. But they still use that as the basis for this law.

So let's focus on the real facts.

H.R. 527 will bring agency rulemaking to a halt because of multiple layers of bureaucratic review and analysis that it adds to the rulemaking process. It is the de facto end of regulations.

As Sherwood Boehlert, a colleague of mine here in Congress, of the previous Congresses from the State of New York and a Republican and a long time chair of the House Science Committee, recently warned, this measure ignores history—Newt Gingrich—"ignores his-

tory, larding the system with additional reviews based on previous efforts that have slowed progress while helping nobody."

Second, the bill clearly presents a serious threat to public health and safety for all Americans. It does this by eliminating the emergency authority that currently allows agencies to waive or delay certain analyses so they can expeditiously respond to national crises such as a massive oil spill, or a nationwide outbreak of food poisoning, or an emerging financial marketplace meltdown. We've experienced all of these.

The priority in the face of an emergency is to have emergency agencies to say, sorry, we can't do this. We have to conduct regulatory analysis first before we aid the American people.

H.R. 527 is simply chock full of crafty provisions to slow down rulemaking, requiring small business advocacy review panels to analyze rules promulgated by all agencies, and not just those from the three agencies for which review panels are currently required. Moreover, it would require review panels for all major rules, not just those that have a significant economic impact on a substantial number of small entities. And this bill would force agencies to engage in seemingly endless, wasteful and speculative analysis, including assessment of all reasonably foreseeable, indirect—indirect—economic effects of a proposed rule.

I think we may see agencies purchasing crystal balls so they can comply with this inane requirement of looking into the future. As any first-year law student would know, it can take years of costly and time-consuming litigation to figure out exactly what is reasonably foreseeable and what is indirect. Where is Mr. PAUL's graph?

While adding analytical requirements and opportunities for industry to disrupt rulemaking, H.R. 527 provides absolutely no assistance to business in complying with Federal regulations, which is what small business really needs. And for those of us who should really be worried about the national deficit, this bill has a hefty price tag. The most conservative estimates, \$80 million, and a more realistic estimate is \$291 million over a 5-year period.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 2 minutes.

Mr. COHEN. Thank you.

H.R. 527, like H.R. 3010, which we will also consider this week, is simply a wolf in sheep's clothing. What proponents seem to describe as common-sense revisions to current law actually would result in a dramatic overhaul of the rulemaking process, threatening agencies' ability to ensure basic health, safety, and other precautions.

I oppose this bill and urge my colleagues to do so. Also the cumulative

effect of these and other bills would be to undermine the ability of agencies to effectively regulate consumer health, work product safety, environment protection, financial services misconduct, and others. Right now we can take these for granted.

This is a dangerous bill, and I would ask our Members to vote against it and think about the safety of the public and the future. Small businesses are people, as Mr. Romney said about corporations, and those people also suffer from lack of regulation.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank our distinguished chairman for yielding the time.

Mr. Chairman, when I talk to small business owners back in my district in Cincinnati in southwest Ohio, I continue to hear the same thing over and over again. Overbearing regulations are crushing their ability to grow and create jobs, and that's what we are supposed to be about is getting this economy moving and getting people back to work again; but the regulations are just crushing them.

Over the last year, however, the Obama administration has enacted more than 3,500 new rules and regulations, and they have another 4,000 pending. So rather than reduce the regulations, they are talking about putting on even more.

Mr. Chairman, small businesses in this country are struggling. Unemployment is at record levels and our economy is showing little or no signs of improvement.

We must pass legislation that reduces redtape and repeals burdensome regulations. This bill will reform the rulemaking system and provide much needed regulatory relief to small business.

If President Obama is serious about job creation, then he must sign this bill. Small businesses are struggling to keep up with the overwhelming costs of compliance that his administration has put on our Nation's job creators.

If Congress wants to give the American people a gift this Christmas season, let it be regulatory relief and the jobs that will result.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to a distinguished member of our committee, the gentlelady from California, JUDY CHU.

Ms. CHU. I rise in opposition to the so-called Regulatory Flexibility Act. This bill shows just how out of touch the House leadership is, not only with the American people, but with America's small businesses.

A recent poll conducted by the Hartford Financial Group asked small businesses to name their biggest barrier to success. Despite the majority's claim, do you know how many cited govern-

ment rules and regulations as the biggest barrier? Just 9 percent. Instead, a majority, a vast majority, in fact, 59 percent of small businesses, said they struggle the most with finding qualified talent.

So it's clear that this bill does nothing to knock down barriers and help the majority of small businesses with their greatest needs. Instead, it just slows down the regulation process and stops government from protecting the consumers from unsafe products, dirty air or water that could make them sick, a dangerous workplace, or gross misconduct in the financial industry.

Our country's small businesses don't have time for this nonsense. We should be working on a bill that creates jobs and actually helps small business.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former district judge and a senior member of the Judiciary Committee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Chairman, when I meet with small business owners back in southeast Texas, the one thing they always tell me is that they are not comfortable with expanding their businesses or hiring new employees because of the Federal regulators. "We just don't know what the Federal Government is going to do next," is what I often hear. And considering that the code of Federal regulations is currently over 150,000 pages long, no wonder they are saying that they cannot plan for the future.

Mr. Chairman, do we really need more than 150,000 pages of regulations to be imposed across the fruited plain? Good thing the regulators weren't around to draw up regulations on the Ten Commandments. No telling what that would look like.

Anyway, a recent Gallup Poll found regulation and red tape is the most important problem currently facing business owners. That's right, not the economy but red tape. Why are we allowing the regulators to administratively pass many unnecessary rules that destroy this economic system?

Unnecessary regulations hurt all American businesses, but hurt the small businesses the most. It's not easy for a mom-and-pop shop to hire a legal department to navigate through the ever-growing list of Federal regulations that may be applicable to their small business. In fact, on average, small businesses spend 36 percent more per employee per year complying with Federal regulations than large businesses do.

□ 1520

This legislation will help the problem by requiring that Federal agencies just analyze the impact of a new regulation on small businesses before adopting the regulation. Once a mom and pop shop

goes out of business, there's often no going back.

Regulators and elitist bureaucrats in Washington, D.C., do not always know what is best for people who own a small business. Many of these regulators have never owned a small business or even understand capitalism. They have never signed the front of a paycheck. But yet they make rules. Congress needs to ensure that we do not over-regulate America to death and self-destruct our economic system.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Members of the House, it's important for us to realize who else has difficulty in supporting a bill that ends up creating unsafe products, promotes dirty air, and other kinds of harms to our citizenry. The American Lung Association is opposed to H.R. 527. The Environmental Defense Fund is opposed to this bill. The National Women's Law Center does not support this bill. Public Citizen is opposed to it. The Union of Concerned Scientists is opposed to it. And, indeed, a total of more than 70 organizations have all written urging us to very carefully consider what we are doing here today.

It's absolutely critical, and it is very important that we understand that there is no evidence, credible evidence that regulations depress job creation. Now, this is great rhetoric, but we're passing laws here today.

The majority's own witness before the House Judiciary Committee agrees with us. Christopher DeMuth, who appeared before the House Judiciary Committee on behalf of the American Enterprise Institute, stated in his prepared testimony that the focus on jobs can lead to confusion in regulatory debates, and that the employment effects of regulation, while important, are indeterminate. He can't figure it out, and he was a pretty good witness for our position that regulations have no discernible impact on job creation.

If anything, regulations may promote job growth and put Americans back to work. The BlueGreen Alliance notes: Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect.

Economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a perfect example. The economy has grown 204 percent and private sector job creation has expanded 86 percent since it was passed in 1970. And so, my colleagues, regulation and economic growth can go hand in hand. We recently observed that 40 years of success with the Clean Air Act has demonstrated that strong environmental protections and strong economic growth go hand in hand.

What's in this bill is a provision that every regulation change would have to come back through the Congress. It

would be unthinkable that we could add this to our schedule, especially if there was a health emergency that required a rapid passage.

So I want every Member of this House to examine the grossly different analyses that are being made here and come to your own conclusion. I think if you do, you will realize that regulations have no discernible impact on job creation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Texas has 7½ minutes remaining. The gentleman from Michigan has 3½ minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of the Financial Services Committee.

Mr. MANZULLO. Mr. Chairman, this is one of the most important bills that we will pass in Congress.

I'm just amazed at what I hear from the other side—we're over here endangering safety; we're poisoning water; we're doing everything we can in the workplace. That's not what this is about. All this bill says is, when you put in a regulation, at least have some type of basis so the people impacted by it know where to go from there. Have some good, sound science. Let's have an economic impact study.

Let me just give you five instances specifically. Talk to the doctors today about all of the regulations impacting them, and you'll hear complaints about spending more time on paperwork than with their patients.

Talk to the banks. I was talking to a small banker, only 19 employees. Two little banks in my district, they have to hire a full-time compliance officer just because of Dodd-Frank, and that bank didn't do one thing wrong to bring about this economic collapse.

And now the farmers. EPA is going to regulate cow manure under CERCLA, as opposed to the present rules.

Several years ago, this House passed the Clean Air Act Amendments of 1990. One of those was something called the employee commute option that said that counties around Chicago had to have something called an employee commute option that was forced carpooling. Well, one of those counties was McHenry County, which is still a rural county. And I had to work with HENRY WAXMAN for 2 to 2½ years to come up with a reasonable interpretation and corrective language in order to make sure that the people of that county were not strapped with that incredible mandate and at the same time we did not compromise the quality of the air.

The Hope Scholarship reporting requirements that said that the 7,700 schools across the country had to report who it was that gave them the money—turned them into some kind of

a supercomputer. And I worked with the 7,700 schools and with the commissioner of the IRS—this was a \$100 million mandate upon all of these schools in the country because nobody took the time to say, what impact will this regulation have upon the schools of this country?

This before me is one day of regulation, just one day in America. Just one day in Washington, just one more day when the small business people have to read through 500 pages of 9-point type dealing with air particulates.

And then I hear today that oh, you don't need any relief, it's not necessary. Regulations are good. And then we take a look at the impact that this has, the financial impact that it has on the small businesses today.

This is a great bill. It's long overdue. And as a former chairman of the Small Business Committee, I say it's about time, and our colleagues on the other side should all vote unanimously for this bill.

Mr. CONYERS. I yield myself such time as I may consume.

I'm glad my friend is still on the floor because he asked, what do the doctors have to say about this? The doctors oppose the bill. And I'd like to point out, the American Lung Association and the Center for Science in the Public Interest do not agree with you, and they agree with our position on the bill.

□ 1530

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. In just a minute I'll be very pleased to.

The Environmental Defense Fund, the Friends of the Earth, and the Union of Concerned Scientists are all in agreement with us. And so I want you to know that the medical people that have spoken about this bill are not in support of it.

I will yield briefly to the gentleman.

Mr. MANZULLO. I thank the gentleman for yielding.

First of all, the doctors that I talk to—the experts themselves, not the lobbyists in Washington—I talk to them on a continuous basis. They're very upset with more regulations. And NFIB is behind the bill.

Mr. CONYERS. Just a moment. These are not lobbyists. I don't know if these organizations have any offices here. But the Union of Concerned Scientists probably doesn't have any lobbyists. I doubt if the American Lung Association does.

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. I would, except that your side has far more time than my side does.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, we are prepared to close; so I will reserve the balance of my time.

Mr. CONYERS. I yield myself such time as I may consume. I too am prepared to close on this side.

Ladies and gentlemen of the House, we have two starkly opposing views of what this bill does. I have over 70 organizations that are from the labor movement, from the health movement, from the science world, from the Women's Law Center, from the Union of Concerned Scientists all telling us that this is a very dangerous process that we're involved in, that the results wouldn't be that the authors of this amendment intended to harm people or that they intended to produce unsafe air products or that they were supporting making the air unbreathable, but that is the result of this bill.

It's been stated twice on the other side that we are accusing you of bad intent. I don't do that. I want you to be very clear. It's not a matter that your intentions are not honorable, but the results of a bill like H.R. 527 would create unsafe products. It would ultimately produce air that is more polluted than the air that we're dealing with now. It would delay the promulgation of regulations that we need. It is exactly going in the wrong way because we, as a matter of fact, need to have more regulation surrounding products, particularly children's toys. We want the air to be much better than it is.

And so I urge my colleagues to examine the premises starkly different than have been presented here today and to join us in turning back and sending back to the committee a bill that would make our health much more endangered.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Job creation is the key to economic recovery, and small businesses are America's main job creators. But overregulation kills jobs and is especially burdensome for small businesses. Anyone who doesn't believe that probably hasn't spent much time in the private sector. Even President Obama, who has not spent much time in the private sector, wrote in a Wall Street Journal op-ed and recognized that overregulation "stifles innovation" and has "a chilling effect on growth and jobs."

It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. Experience during that time reveals that further reforms are necessary. The Regulatory Flexibility Improvements Act of 2011 makes carefully targeted reforms to the current law to ensure that agencies properly analyze how a new regulation will affect small businesses before adopting that regulation. In the current economic climate, with millions of Americans looking for work, we simply cannot afford to overburden small businesses with more wasteful or inefficient regulations.

I urge my colleagues to support the bill. I look forward to its passage.

I yield back the balance of my time. Mr. GRAVES of Missouri. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act of 2011. I was the original cosponsor. I want to thank Chairman SMITH for the opportunity to work with him on this very important piece of legislation.

Opponents will argue that the bill stops agencies from issuing regulations. However, in reality, H.R. 527 will force agencies to consider how their actions affect small businesses and other small entities. More importantly, if the effects are significant, agencies, not small entities, will have to develop less burdensome and costly alternatives.

Shouldn't a government understand the consequences of its regulations? Of course, it should. And by doing so, the government may arrive at a more efficient and less costly way to regulate. In a nutshell, that is what H.R. 527 does.

Some may argue that agencies already do this when they draft regulations. However, nearly 30 years of experience with the Regulatory Flexibility Act, or the RFA, shows that agencies are not considering the consequences of their actions, and it is about time that they start doing that.

Government regulations do have consequences. Small businesses must expend scarce and vital capital complying with these rules. If there's a better way to achieve what an agency wants while imposing lower costs on small businesses, the sensible approach would be to adopt the lower cost methodology. This will enable small businesses to meet the requirements imposed by regulators while freeing up scarce resources to expand their businesses and hire more workers.

H.R. 527 ensures the consideration of consequences of rulemaking through the removal of loopholes that the agencies have used to avoid compliance with the RFA. In addition, the bill will require a closer consideration of the impact of rules on small businesses and other small entities. Yet nothing in H.R. 527 will prevent an agency from issuing a rule. It just stops the government from issuing a rule without understanding its effect on America's job creators—small businesses.

With that, I urge my colleagues support this very carefully crafted measure to improve the Federal regulatory process.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Reducing the cost of regulation is a very important issue, but it's not going to turn the economy around. In order

for this to happen, businesses need to see more customers coming through their doors—and not just during the holiday season we are now in. With this in mind, it is necessary to create an environment where regulations are not overburdening small businesses, as they do in fact bear the largest burden.

□ 1540

These entrepreneurs face an annual regulatory cost of \$10,585 per employee, which is 36 percent higher than the regulatory cost facing large firms. And this brings us to the bill before us.

Too often on the House floor legislation is painted as either being totally perfect or completely awful. With this bill, neither of these characterizations is appropriate. In fact, on many fronts, H.R. 527 contains several very positive provisions and will make a real difference for small businesses.

Many of the provisions were previously advanced by Democrats in the Small Business Committee, and for this Chairman GRAVES and Chairman SMITH and their staff should be commended. For instance, the bill makes agencies' regulatory flex analyses more detailed so that they cannot simply overlook their obligations to small businesses. It also gives real teeth to periodic regulatory look-backs, which require agencies to review outdated regulations that remain on the books. Agencies will also be required to evaluate the entire impact of their regulations, something that is long overdue.

And it cannot go without mention that the bill brings the IRS under the purview of the RFA. This is a real improvement for small firms, which will undoubtedly benefit from greater scrutiny of complex and burdensome tax rules. These are all constructive changes that will bring real relief to entrepreneurs.

With that said, there are other items in this legislation that leave you scratching your head. Adding 50 new agencies to the panel process is a recipe for disaster. Such a dramatic change will require new bureaucratic processes, more staff, and more paperwork.

It must be ironic for my colleagues on the other side of the aisle that this bill attempts to reduce Federal regulation by dramatically expanding the role and scope of government. In fact, H.R. 527 creates more government as a means to limit government. How does that make sense?

It also applies reg flex to land management plans, something I have never heard small businesses complain about in my 18 years on the committee. Doing so will enable corporate interests to more readily challenge land use decisions, which could have adverse consequences for the environmental stewardship of public lands. The reality is that the RFA was just not intended to cover this action, and it should not do so going forward.

Finally, it is important to note that the Office of Advocacy's footprint has traditionally been minimal, with a budget of \$9 million and 46 employees. According to CBO, its budget will have to increase by up to 200 percent per year to handle the new responsibilities of H.R. 527. It is already taxed in meeting its current role, and expanding its powers geometrically is well beyond its capacity. Members are well aware of the fiscal constraints facing the U.S. Government. Now is not the time to make costly statutory leaps when smaller steps might be more appropriate.

So, in conclusion, there are some good and some not-so-good things in this bill. I want to acknowledge the effort by the bill's manager, but in the end it is not something I could support, given the imposition of too many questionable policies. However, I want to thank Chairman GRAVES for always being open to discussions, and I look forward to continuing our dialogue on this legislation.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the gentleman from the 24th District of New York (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act.

The small businesses I meet on a regular basis tell me that regulation has become an overwhelming problem. Small business owners are the backbone of the American economy. I know this because I'm a small business owner. Like so many, my life was built by a belief in hard work, free enterprise, an entrepreneurial spirit, and a love to get out of bed in the morning and just do what I love to do, as you know yourself, Mr. Chairman. The preponderance of regulations is stifling that spirit.

This country can't do well unless small businesses do well. They provide the jobs, the growth, and the opportunity for the rest of society. Small businesses are drowning in regulation. Federal agencies should periodically review their rules to ensure that regulations are not unduly burdensome. As with the 1099 reporting provision and the 3 percent withholding rule, the law of unintended consequences can be crippling. Fortunately, this House has repealed both.

We all agree that regulations are absolutely necessary to protect the public good, but we need to ensure that regulations reflect a proper balance that does not unreasonably hinder entrepreneurship, job creation, and innovation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on the Judiciary Committee.

Mr. CONYERS. I thank the gentlelady from New York.

My friend on the other side from Missouri, who is managing the bill, I was happy to hear you say that this measure that we are examining does nothing to hinder the rulemaking process. And I'd like to help you out in that area if I may because this expands in the bill the use of small business review panels to include rules promulgated by all agencies, and to include all major rules.

I would say to the gentleman from Missouri that right now there are only three agencies that are affected. What this does, my friend, is extend the review process to every agency. Do you recognize, sir, that there are over 50 agencies in the Federal system? And so for it to be thought that this isn't going to change much is a grievous mistake. And of course I am here to help you out, to the extent that I can.

The other thing that it does—and you think that this will not change the rulemaking process—is that this measure would force agencies to engage in speculative analysis, including an assessment of all reasonably foreseeable, indirect economic effects of a proposed rule.

The CHAIR. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Investigations, Oversight and Regulations, the gentleman from the Sixth District of Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. The Obama administration is currently choking the lifeblood out of our Nation's middle class, small businesses, and entrepreneurs through excessive regulation. According to the Small Business Administration, regulations cost the American economy \$1.75 trillion annually.

□ 1550

The Obama administration has issued 200 such regulations that are expected to cost our economy at least \$100 million each, and seven of these regulations have a pricetag of over \$1 billion.

The President has long touted the job creation of his so-called stimulus. But every \$1 million increase in the Federal regulatory budget costs 420 private sector jobs for hardworking Americans. This is why I am urging passage of House Resolution 527, the Regulatory Flexibility Improvements Act of 2011. This legislation will give real teeth to the Regulatory Flexibility Act of 1980, which mandated that Federal agencies first assess the economic impact of their regulations on small businesses before going forward with them. It is time to put small businesses first.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time each side has.

The CHAIR. The gentlewoman from New York has 3 minutes remaining.

The gentleman from Missouri has 5 minutes remaining.

Ms. VELÁZQUEZ. I yield myself 1 minute.

I need to set the record straight regarding the previous Member who just spoke about how many regulations have been issued under the Obama administration.

Let me remind people here that, according to the conservative Heritage Foundation, net regulatory burdens increased in the years George W. Bush assumed the Presidency. Between 2001 and 2008 the Federal Government imposed almost \$30 billion in new regulatory costs on America. About \$11 billion was imposed in fiscal year 2007 alone.

With regard to the number of pages of regulations, the Code of Federal Regulations totaled 145,000 pages in 2007 alone. The Obama administration issued an Executive order, 13563, and a memorandum on small businesses and job creation, and the Executive order instructs agencies to seek the views of affected entities prior to proposed rulemaking. The Executive order also calls on agencies to engage in periodic reviews of existing regulations.

The CHAIR. The time of the gentleman has expired.

Ms. VELÁZQUEZ. I yield myself 15 seconds more.

If we're going to come here and, instead of dealing with the issues that are impacting small businesses—and that is access to affordable capital so that they could create jobs—but rather come and criticize the Obama administration for issuing regulations, let's set the record straight and talk about the regulations that were issued under the Republican administration.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. VELÁZQUEZ. How much time do I have left, please?

The CHAIR. The gentlewoman from New York has 1¼ minutes remaining.

Ms. VELÁZQUEZ. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, it is clear, when I have the ranking member of the Small Business Committee who has an enormous history of commitment to small businesses, and the ranking member of the Judiciary Committee, both former chairs, opposing this bill, then we obviously know that it is problematic.

What I know of small businesses is that they, frankly, want to have an anchor to promote and propel their business needs. The regulatory scheme and the underlying premise of this bill is to eliminate any anchor for our small businesses. And when you do that, you're clearly undermining their growth and opportunity.

I would add, as well, that I challenge as to whether or not this debate today creates any opportunity for small business, provides them access to credit, guarantees any loans, creates any jobs. Absolutely not, and it is absurd that we would suggest that agencies that are trying to promote small businesses are stopping small businesses and, therefore, we want to implode the regulatory scheme.

The APA provides an opportunity for due process through the court system. If our colleagues have problems with regulations, they can run to the courts. You don't have to implode the process to be able to address the problem.

Let's help small businesses, let's discuss how to create jobs, and let's vote against this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentlewoman from New York is recognized for 45 seconds.

Ms. VELÁZQUEZ. Since its enactment in 1980, the Reg Flex has reduced the burden of Federal rules on small businesses. It has evolved over time to include new tools, expanding its purview and making a real difference for entrepreneurs across the country.

With this important role in mind, the legislation before us makes some essential changes. However, in other areas the bill goes too far. At a time of mounting deficits and growing taxpayer anger at how tone-deaf Congress has become, H.R. 527 will dramatically expand the Federal bureaucracy at a cost of \$80 million.

For these reasons, I urge a "no" vote, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, the gentlelady, my colleague from the Small Business Committee, pointed out that the Bush administration added \$60 billion in regulatory burdens out there, which is not a good thing at all. In fact, that scares me in and of itself. In 8 years of the Bush administration you had \$60 billion in extra regulations.

The Obama administration has added \$40 billion in only 3 years. So at the rate that that administration's on, it's going to far outweigh any administration.

But my point is, I don't care what administration it is. I don't care if it's a Republican administration or a Democrat administration. I want to make darn sure that those agencies comply with the Regulatory Flexibility Act, and I want to make darn sure that those agencies take into account how much this is going to cost small business when they're implementing some of these ridiculous regulations that they're asking small business staff to comply with.

Some of this stuff is outrageous, and it needs to be studied, or it needs to be taken care of, or it needs to be stopped. But these agencies—and again, I don't

care what administration it is—they need to have to comply with this and they need to understand what the consequences are.

With that, I would urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. HOLT. Mr. Chair, two of the bills before us this week are just two more bills that will not create jobs, endanger the public health, and waste the time and money of the American people. These bills are trying to block new regulations under the misguided notion that all regulations are bad and prevent economic growth. This misguided approach deliberately ignores that regulations have improved the safety of our children's toys, made our air and water cleaner, and even saved the lives and limbs of our nation's workers.

As the AFL-CIO has H.R. 527, the so-called "Regulatory Flexibility Improvements Act" would expand the reach and scope of the Regulatory Flexibility Act by covering regulations that may have an indirect effect on small businesses and adding a host of new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. Almost any action an agency proposes—including something as simple as a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. While the bill purports to be focused on small business, it would cover more than 99 percent of all employers, including firms in some industries with up to 1,500 workers or \$35.5 million in annual revenues. It is a special interest bailout for business.

H.R. 3010, the so-called "Regulatory Accountability Act", is equally odious. This bill would effectively eviscerate the Occupational Safety and Health Act and Mine Safety and Health Act. As critics have noted, the bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations. If enacted, this legislation would be a license for businesses to cut corners and endanger workers and the public in the pursuit of ever greater profits—all at the expense of the public good.

I urge my colleagues to join me in rejecting both of these atrocious bills so we can get on with the business of creating real jobs.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Regulatory Flexibility Improvements Act of 2011".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Clarification and expansion of rules covered by the Regulatory Flexibility Act.

Sec. 3. Expansion of report of regulatory agency.

Sec. 4. Requirements providing for more detailed analyses.

Sec. 5. Repeal of waiver and delay authority; Additional powers of the Chief Counsel for Advocacy.

Sec. 6. Procedures for gathering comments.

Sec. 7. Periodic review of rules.

Sec. 8. Judicial review of compliance with the requirements of the Regulatory Flexibility Act available after publication of the final rule.

Sec. 9. Jurisdiction of court of appeals over rules implementing the Regulatory Flexibility Act.

Sec. 10. Clerical amendments.

Sec. 11. Agency preparation of guides.

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) *IN GENERAL.*—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

"(2) *RULE.*—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances."

(b) *INCLUSION OF RULES WITH INDIRECT EFFECTS.*—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(9) *ECONOMIC IMPACT.*—The term 'economic impact' means, with respect to a proposed or final rule—

"(A) any direct economic effect on small entities of such rule; and

"(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule)."

(c) *INCLUSION OF RULES WITH BENEFICIAL EFFECTS.*—

(1) *INITIAL REGULATORY FLEXIBILITY ANALYSIS.*—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting "Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities."

(2) *FINAL REGULATORY FLEXIBILITY ANALYSIS.*—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking "minimize the significant economic impact" and inserting "minimize the adverse significant economic impact or maximize the beneficial significant economic impact".

(d) *INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.*—Paragraph (5) of section 601 of title 5, United States Code, is amended by in-

serting "and tribal organizations (as defined in section 41(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)))", after "special districts,".

(e) *INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.*—

(1) *INITIAL REGULATORY FLEXIBILITY ANALYSIS.*—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking "or" after "proposed rule,"; and

(B) by inserting "or publishes a revision or amendment to a land management plan," after "United States,".

(2) *FINAL REGULATORY FLEXIBILITY ANALYSIS.*—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking "or" after "proposed rule-making,"; and

(B) by inserting "or adopts a revision or amendment to a land management plan," after "section 603(a),".

(3) *LAND MANAGEMENT PLAN DEFINED.*—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(10) *LAND MANAGEMENT PLAN.*—

"(A) *IN GENERAL.*—The term 'land management plan' means—

"(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

"(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

"(B) *REVISION.*—The term 'revision' means any change to a land management plan which—

"(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

"(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-6 of title 43, Code of Federal Regulations (or any successor regulation)."

"(C) *AMENDMENT.*—The term 'amendment' means any change to a land management plan which—

"(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

"(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C))."

(f) *INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.*—

(1) *IN GENERAL.*—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting "or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation."

(2) *COLLECTION OF INFORMATION.*—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

"(7) *COLLECTION OF INFORMATION.*—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44."

(3) **RECORDKEEPING REQUIREMENT.**—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

“(8) **RECORDKEEPING REQUIREMENT.**—The term ‘recordkeeping requirement’ has the meaning given such term in section 3502(13) of title 44.”.

(g) **DEFINITION OF SMALL ORGANIZATION.**—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

“(4) **SMALL ORGANIZATION.**—

“(A) **IN GENERAL.**—The term ‘small organization’ means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

“(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

“(ii) in the case of any other enterprise, has a net worth that does not exceed \$7,000,000 and has not more than 500 employees.

“(B) **LOCAL LABOR ORGANIZATIONS.**—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

“(C) **AGENCY DEFINITIONS.**—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.”.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “, and” at the end and inserting “;”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and”;

and

(2) in subsection (c), to read as follows:

“(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.”.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) **INITIAL REGULATORY FLEXIBILITY ANALYSIS.**—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities.”.

(b) **FINAL REGULATORY FLEXIBILITY ANALYSIS.**—

(1) **IN GENERAL.**—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”;

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting “detailed” before “description”; and

(C) by adding at the end the following:

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities.”.

(2) **INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.**—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”.

(3) **PUBLICATION OF ANALYSIS ON WEBSITE.**—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency’s website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.”.

(c) **CROSS-REFERENCES TO OTHER ANALYSES.**—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.”.

(d) **CERTIFICATIONS.**—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting “detailed” before “statement” the first place it appears; and

(2) by inserting “and legal” after “factual”.

(e) **QUANTIFICATION REQUIREMENTS.**—Section 607 of title 5, United States Code, is amended to read as follows:

“§607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) **IN GENERAL.**—Section 608 is amended to read as follows:

“§608. Additional powers of Chief Counsel for Advocacy

“(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

“(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

“(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

“(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 611(a)(1) of such title is amended by striking “608(b).”.

(2) Section 611(a)(2) of such title is amended by striking “608(b).”.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking “(3)(A) A small entity” and inserting the following:

“(3) A small entity”.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

“(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

“(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

“(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

“(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

“(A) relates to the internal revenue laws of the United States; or

“(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

“(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

“(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

“(2) convene a review panel consisting of an employee from the Office of Advocacy of the

Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

“(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule’s impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

“(3) Such report shall become part of the rule-making record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

“(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

“(1) an annual effect on the economy of \$100,000,000 or more;

“(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

“(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(4) a significant economic impact on a substantial number of small entities.

“(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.”.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§610. Periodic review of rules

“(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the

Federal Register and subsequently placing the amended plan on the agency’s website.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

“(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

“(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

“(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

“(1) The continued need for the rule.

“(2) The nature of complaints received by the agency from small entities concerning the rule.

“(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

“(4) The complexity of the rule.

“(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

“(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

“(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(f) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule,

the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking “final agency action” and inserting “such rule”.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting “(or which would have such jurisdiction if publication of the final rule constituted final agency action)” after “provision of law.”.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking “final agency action” and inserting “publication of the final rule”; and

(2) by inserting “, in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,” after “except that”.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period “or agency compliance with section 601, 603, 604, 605(b), 609, or 610”.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (7) the following new paragraph:

“(8) all final rules under section 608(a) of title 5.”.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.”.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting “chapter 5, and chapter 7,” after “this chapter.”.

SEC. 10. CLERICAL AMENDMENTS.

(a) Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(1) the term” and inserting the following:

“(1) AGENCY.—The term”;

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(3) the term” and inserting the following:

“(3) SMALL BUSINESS.—The term”;

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(5) the term” and inserting the following:

“(5) *SMALL GOVERNMENTAL JURISDICTION.*—The term”; and

(4) in paragraph (6)—

(A) by striking “; and” and inserting a period; and

(B) by striking “(6) the term” and inserting the following:

“(6) *SMALL ENTITY.*—The term”.

(b) The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§605. Incorporations by reference and certifications”.

(c) The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

“605. Incorporations by reference and certifications.”;

(2) by striking the item relating to section 607 and inserting the following new item:

“607. Quantification requirements.”; and

(3) by striking the item relating to section 608 and inserting the following:

“608. Additional powers of Chief Counsel for Advocacy.”.

(d) Chapter 6 of title 5, United States Code, is amended as follows:

(1) In section 603, by striking subsection (d).

(2) In section 604(a) by striking the second paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

“(5) *AGENCY PREPARATION OF GUIDES.*—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.”.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 112-296. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CRITZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112-296.

Mr. CRITZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 26, insert “, or the cumulative impact of any other rule stemming from the

implementation of the Free Trade Agreements,” before “on small entities”.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Pennsylvania (Mr. CRITZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CRITZ. Mr. Chairman, I yield myself as much time as I may consume.

Trade is critical to the growth of small business. A quarter of a million U.S. companies export to foreign markets, the large majority of them small and medium-sized enterprises that employ 500 or fewer workers. In fact, according to the U.S. Chamber of Commerce, more than 230,000 small and medium enterprises now account for nearly 30 percent of U.S. merchandise exports. The number of such companies exporting has more than doubled since 1992 and, according to SBA, 96 percent of the world's customers live outside the U.S., representing two-thirds of the world's purchasing power.

Given this critical role, we need to make sure trade agreements assist small businesses. Trade agreements should help reduce redtape and increase transparency, but too often small businesses lack the resources and foreign business partners available to large companies to navigate through opaque customs and legal systems to reach their customers.

Numerous fees and other nontariff barriers that can be no more than a nuisance to large multinationals can be deal-breakers for small companies. Trade agreements must streamline rules, reduce nontariff barriers, and provide arbitration procedures so that even small U.S. exporters can successfully participate in foreign markets.

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Trade agreements must also open up opportunities for small U.S. exporters to compete for foreign government contracts. U.S. companies should be given a fair shake at the important government procurement market in these foreign countries. Such agreements can help to lower the threshold at which contracts must be put out for competitive bid ensuring that even small U.S. companies can be part of the process. Some of those contracts for roads, schools, clinics, distance learning, and medical equipment, for example, can be ideally suited to smaller U.S. companies.

My amendment makes sure that small businesses are not forgotten when trade agreements are implemented. It requires that agencies' regulatory flexibility analyses assess the cumulative impact of any rule stemming from the implementation of a free trade agreement. Doing so will make certain that small firms' voices are part of the process in these important deliberations.

Being part of the process will enable small firms to benefit from trade agreements and use them as a means to access foreign markets and customers. I urge Members to vote “yes” on this amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim time in opposition to the amendment even though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I support this amendment.

The amendment aims to require an agency to account for rules implementing the free trade agreements when the agency considers the cumulative impact of a proposed rule. I support free trade because I believe it is in the best interest of American business, workers, and consumers alike.

The gentleman from Pennsylvania and I may differ on this issue, but in the context of this amendment, that is beside the point. It can't hurt to make sure that agencies consider the impact of rules implementing the free trade agreements in their regulatory cumulative impact calculations. I don't think the analysis will show that free trade destroys American small businesses. Quite the opposite is true, in fact. But that isn't a reason not to do the analysis. We should know how these kinds of regulations contribute to the cumulative regulatory burden on small businesses.

In conclusion, Mr. Chairman, I do support this amendment and hope to have the gentleman from Pennsylvania's support for the bill on final passage.

I yield back the balance of my time.

Mr. CRITZ. I urge a “yes” vote on my amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CRITZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112-296.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) *IN GENERAL.*—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

“§613. Exemption for certain rules

“Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any

rule promulgated by the Department of Homeland Security. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

“613. Exemption for certain rules.”.

Page 24, line 13, insert after “5” the following: “(other than rules to which section 613 of title 5 applies)”.

Page 27, lines 5 and 6, strike “The agency shall” and insert the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the agency shall”.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

“(B) TREATMENT OF CERTAIN RULES.—In the case of any rule promulgated by the Department of Homeland Security, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).”.

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today to call upon the rational and reasonable thinking of my colleagues on both sides of the aisle and really discuss an amendment that speaks the obvious.

The underlying bill puts into process a regulatory scheme that delays the implementation of regulations. Whether you agree or disagree with that approach, we all recognize that securing the homeland continues to be a top priority for this Nation.

I'm standing alongside some of our first responders looking over one of the Nation's major ports. Many who live in those areas recognize the vulnerability of America through her ports or aviation or mass transit or highways or bridges or dams.

Every moment after 9/11 is a new moment in this Nation. My amendment simply says to waive the provisions of this bill, H.R. 527, when it deals with homeland security.

I hold in my hand the National Security Threat List that lists the issues that our Homeland Security Department and intelligence communities have to address. The listing is not classified, so I will mention the many tasks that they have to address: terrorism, espionage, proliferation, the moving forward on the question of economic espionage, targeting the national information structure, cybersecurity. Why would we want to interfere with the movement of regulations to protect the homeland under the premise of this bill?

I ask my colleagues to support the Jackson Lee amendment that would waive the bill's provisions in light of protecting the homeland.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I will reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentlewoman is recognized for 3 minutes.

Ms. JACKSON LEE of Texas. Let me again appeal to the bipartisanship of my colleagues. This is a very troublesome bill, and this bill interferes with the normal process, if you will, of dealing with the regulatory scheme. Although it's called the Regulatory Flexibility Act, I can assure you that the purpose of this legislation is, one, not to create jobs, and certainly not to help us secure the homeland.

The bill would add new review requirements to an already long and complicated process allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation. This is what Homeland Security regulations would have to go through.

Since the creation of the Department of Homeland Security in 2002 and since my membership on the committee that was a select committee, we've overhauled the government in ways we've never done before. Steps have been taken to ensure that the communication failures that led to 9/11 are corrected.

More than 220 million tons of cargo moved, for example, through the Port of Houston in 2010. That cargo has to be inspected. And the port ranked first in foreign waterborne tonnage for the 15th consecutive year. Just imagine a regulation dealing with the scanning or the security of that tonnage to be interfered with by H.R. 527.

If Coast Guard intelligence had evidence of a potential attack on the Port of Houston and they wanted the Department of Homeland Security to address it or they used a regulation or there was a regulation in process, then it would have to be stopped by this legislation.

It is important to recognize that homeland security is not security by appointment. It is not security by “let me address regulations by having them vetted by H.R. 527.”

This is a commonsense amendment that simply says, as it deals with the homeland security or the securing of our Nation as we look to be better than what occurred in 9/11 where agencies were not communicating with each

other, where the fault of the cybersecurity system did not work, and we had the heinous tragedy of losing 3,000-plus of our souls in New York City. As we see the franchising of terrorism where there is the shoe bomber and the Christmas Day bomber and the Times Square bomber, it's important not to have a fettered Homeland Security Department in a regulatory process that is stopped by overlying legislation.

This legislation is a job-killer, we already know. Let's not let it be a killer of Americans because it gets in the way of Homeland Security efforts doing the work that is necessary.

I ask my colleagues to support the Jackson Lee amendment that asks simply for a waiver of this legislation as it addresses the question of securing the homeland and the regulatory scheme that is needed by intelligence agencies, our Border Patrol agencies, our TSOs that deal with aviation security, our cargo inspectors. As it relates to that work, our front line, let us waive this legislation.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the Regulatory Flexibility Improvements Act of 2011. This bill would amend the Regulatory Flexibility Act, RFA. The bill would expand the number of rules covered by the RFA and requires Federal agencies to perform additional analysis of regulations that affect small businesses.

As a senior member of the Homeland Security and ranking member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency, which is why the Department of Homeland Security, DHS, should be exempt from this legislation.

This bill delays the promulgation of federal regulations, and delays a Federal agency's ability to issue regulations when responding to an emergency and grants the Small Business Administration's, SBA, Office of Advocacy additional authority to intervene in agency rule-making, without providing additional funding. Further, H.R. 527 repeals an agency's authority to waive regulatory analysis during an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations “do not tend to significantly impede job creation”, and furthermore, over the course of the last several decades, the benefits of Federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to

protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our Nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how we protect our Nation. Continuing to make advances in homeland security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. The Coast Guard, under the directive of the Department of Homeland Security, is tasked with protecting our ports of entry. Of the 350 major ports in America, the Port of Houston is one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our Nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and

territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing rules to include an evaluation of the "indirect" costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenge those rules in court.

Under current law, the process already takes as long as eight years to complete. Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups also have expressed concern that by extending the rulemaking process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

□ 1610

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The bill only requires agencies to do what common sense and current laws dictate they should be doing right now. The Department of Homeland Security is not exempt from the Regulatory Flexibility Act. Like other agencies, the Department should analyze how a new regulation will affect small businesses before issuing the regulation. If the Department needs to issue a regulation in a true emergency situation, such as one involving national security, it can already do so under the "good cause" exception to notice-and-

comment rulemaking in the Administrative Procedure Act. This good cause exception would allow the agency to bypass the analysis required by the Regulatory Flexibility Act as well.

As written, the amendment would exempt the Department from H.R. 527 but not from the Regulatory Flexibility Act, itself. The result of this would be two versions of the Regulatory Flexibility Act at play in the Federal Government—one for the Department and one for everyone else.

Small businesses do not need any more confusion and uncertainty when they are trying to participate in the Federal regulatory process.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112-296.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 613. Exemption for certain rules

"Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

"613. Exemption for certain rules."

Page 24, line 13, insert after "5" the following: "(other than rules to which section 613 of title 5 applies)".

Page 27, lines 5 and 6, strike "The agency shall" and insert the following:

"(A) IN GENERAL.—Subject to subparagraph (B), the agency shall".

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

“(B) TREATMENT OF CERTAIN RULES.—In the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).”.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. I yield myself such time as I may consume.

My amendment would exempt from this particular bill the rules it has when it relates to food safety, workplace safety, consumer product safety, air quality, and water quality—things we all hold dear, things that will be jeopardized if this bill passes.

As I noted in my opening remarks, this threatens to halt agencies' ability to promulgate rules by adding analytical requirements and numerous opportunities for industry to challenge agency rulemaking. Yet you should be able to challenge agency rulemaking, but courts shouldn't be able to summarily throw them out based on a lack of knowledge that they have of an area in which the agencies are really expert, but that's what would happen.

The societal cost of enacting H.R. 527 would be to place public health and safety at risk. As we enter this holiday season, it would be well to remember that the reason we take for granted that the food we eat and the water we drink—and the drinks we drink—at all our holiday dinners and receptions won't kill us or sicken us is because of effective rulemaking. Likewise, because of strong regulations, we can take for granted that toys given to our children or grandchildren won't poison them; but the consequences of failing to regulate can be dire.

In 2006 24-year-old Jillian Castro became gravely ill after eating spinach tainted with *E. coli* bacteria. Her organs were rapidly deteriorating; her kidneys were failing; her red blood cells and platelets were dropping rapidly; and she nearly died.

According to the best available estimates by public health and food safety experts, millions of illnesses and thousands of deaths each year in this country can be traced to contaminated food.

The Centers for Disease Control and Prevention estimates that foodborne microorganisms have caused 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths. Many of these could be avoided with the proper regulations of food and drug. That's why I ask that food safety be eliminated from this

bill, because it will be expensive to treat these people, let alone the fact that they will die. The CDC estimates that salmonella alone affects a million people a year. Just today, the Food and Drug Administration issued a recall of grape tomatoes because of potential salmonella contamination.

Other recent examples of regulatory failure include the *Listeria*-tainted cantaloupes that killed 29 people across the country in October. Pedal entrapment issues that cause cars to accelerate unexpectedly resulted in Toyota's recall of nearly 2 million vehicles. There was Mattel's recall of nearly a million toys in 2007 because the toys were covered in lead paint. There are other examples of this.

Public health and safety precautions have been on the books for a long time and were passed with bipartisan support. The fact is there were more regulations during President Bush's term than there were overall in President Obama's when you calculate the time they've been in office. Yet there was no call to cut back when President Bush was in office. It's only since President Obama has been in office.

The Pure Food and Drug Act was enacted in 1906 by Teddy Roosevelt, then the Food, Drug and Cosmetics Act in 1938. The Clean Air Act and the Occupational Safety and Health Act were enacted in 1970 when Richard Nixon was President. The Clean Water Act was enacted in 1977. They've served our country well for many years.

If H.R. 527 is enacted without adopting this amendment, we can no longer take protections from these harms for granted because, in the future, agencies will be hamstrung from passing regulations to protect the public.

I would urge us to pass this amendment and to protect our workers, our consumers, our small businesses, and our small business people when they eat their breakfasts, their lunches and their dinners, when they buy toys for their children and their grandchildren, when they drive their cars, and when they work in their workplaces.

I yield back the balance of my time and ask for a positive vote.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, even the President and his regulatory czar, Professor Cass Sunstein, admit that over-regulation hampers job creation. The Regulatory Flexibility Act of 1980 is based on the fact that regulatory compliance is especially costly for small businesses, which are America's main job creators. In this economy, we have no room for error when it comes to over-regulation.

The bill ensures that all agencies follow the Regulatory Flexibility Act. H.R. 527 does not ask agencies to do anything that they should not be doing already right now.

There is no reason to create the blanket exemptions proposed by this amendment. There are no such exemptions currently in the Regulatory Flexibility Act for the categories of rules described in the amendment. Further, the amendment would create tremendous confusion among agencies and small businesses regarding which version of the law would apply to a future rulemaking. We need less confusion and uncertainty, not more, in the regulatory process.

If the amendment stems from a concern about the ability of agencies to make rules in emergency situations, I would note once again that agencies may avail themselves of the “good cause” exception to the notice-and-comment rulemaking process already in the Administrative Procedure Act. If an agency justifiably invokes this exemption, it will not have to conduct the analysis required under the Regulatory Flexibility Act.

For these reasons, I oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112-296.

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, insert after line 18 the following:
SEC. 12. EXCEPTION FOR CERTAIN RULES.

Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as amended by this Act, shall not apply in the case of any proposed rule, final rule, or guidance that the Director of the Office of Management and Budget determines will result in net job creation. Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as in effect before the enactment of this Act shall apply to such proposed rules, final rules, or guidance, as appropriate.

Page 1, in the matter preceding line 6, insert after the item relating to section 11 the following:

Sec. 12. Exception for certain rules.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Michigan (Mr. PETERS) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I yield myself such time as I may consume.

There is no question that Congress must act immediately to help our Nation's small businesses succeed, create jobs and boost our economy. Unfortunately, instead of moving common-sense legislation to extend the payroll tax cuts for middle class families and enacting the American Jobs Act to help small businesses afford new hires and investments, we are today considering H.R. 527, the Regulatory Flexibility Improvements Act.

This legislation, while well intentioned, is a step in the wrong direction. In addition to making it more difficult for agencies to take action to protect workers and the public, it will also slow down agency guidance that could help create certainty and spur job creation. This bill will create "paralysis by analysis" by subjecting any action an agency proposes to a lengthy regulatory process. Even agency guidance issued to small businesses clarifying how well they can comply with existing rules will be slowed down considerably.

This is why I've put forward an amendment to improve this bill and to cut through the additional red tape that it creates when it matters most, which is when new jobs are on the line. My amendment simply says that the new administrative hurdles that this bill creates will not apply to any rule, final rule or guidance that the Director of OMB determines will result in net job creation.

□ 1620

While my Republican colleagues keep repeating the story that new regulations are slowing down our economic growth, this simply isn't the case. A recent study by the National Federation of Independent Businesses of its members found that "poor sales," and not regulation, is the biggest problem facing businesses today.

Effective regulations can promote job growth and put Americans back to work. As someone living in southeast Michigan, I have seen firsthand the way increased fuel economy standards have made American autos more competitive while also saving drivers money on gas and helping our environment. According to the United Auto Workers and the National Resources Defense Council, these new standards have already led to the creation of more than 100,000 jobs.

Whether it is providing small businesses with the guidance they need so that they can have the certainty while making investment and hiring decisions or enacting environmental reforms to help bring about the next generation of green technology, the Fed-

eral Government cannot waste any more time dragging its feet when it comes to job creation.

For years, my friends on the other side of the aisle have repeatedly railed against government red tape. But let's be clear: If they oppose this amendment, they will, in fact, be voting to create more red tape and stymie small business job creation.

I urge my colleagues to support this commonsense, pro-jobs amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2 minutes remaining.

Mr. PETERS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Thank you, Mr. Chairman.

First of all, I would like to point out that the National Federation of Independent Business actually does support this legislation. I also would like for the record to show that a recent Gallup poll taken on October 24 of this year said that small business owners themselves cite "complying with government regulations" as their most important problem. Now, that's why we are here today.

Mr. Chairman, I oppose this amendment because it puts the cart before the horse. The reason we require agencies to conduct regulatory flexibility analysis is so the agencies and the public will know how a new regulation will affect small businesses before the agency issues the regulation.

The amendment would exempt from the Regulatory Flexibility Act any rule that would result in net job creation. We certainly know that regulations can destroy jobs. Even the administration acknowledges that.

Whether regulations can ever truly create jobs is another question all together. Assuming that a regulation could create jobs, an agency will not know this without analysis first, which is what the bill requires agencies to do.

There is no good reason to transfer this responsibility to conduct this analysis from the agency, themselves, to the Office of Management and Budget, as the amendment proposes.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON

LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112-296.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 12. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the cost effectiveness of the amendments made by this Act. Such report shall include the following:

(1) A list of all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by this Act.

(2) The effect of this Act and the amendments made by this Act on the efficiency of the rule making process (including the amount of time required to make and implement a new rule).

(3) To what extent this Act or the amendments made by this Act will impact the making and implementation of new rules in the event of an emergency.

(4) The overall effectiveness of this Act or the amendments made by this Act (including the extent to which agencies are in compliance with the Act or the amendments to the Act).

The Acting CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to think that our colleagues are in their offices communicating with their constituents and doing much of the work that we do and writing probably other great legislative initiatives, and they are paying attention to this debate and they keep hearing the words "small businesses" and they want to know why would any of us have a disagreement about small businesses when we have, I think, a consensus that small business are in fact the backbone of America; they are the job creators of America.

I recall many of us have initiatives. I have an initiative of visiting small businesses. Just a couple of weeks ago, I donned the clothing of a medical practice. I went to a beauty school and tried to do a little bit of hair design. I went to an energy company. I went on to a small export-import company, and I stood out as a safety officer for a construction company owned by a single mother.

So we all speak the language of small businesses. And you would think that my good friends on the other side of the aisle would have looked more closely at how damaging H.R. 527 is because, for those who may be listening in their offices and others, right now you have a three-agency framework of reviewing regulations dealing with small businesses.

Now you're going to include that all the agencies have to get into the act in stifling small businesses' activities and their growth and opportunity. Remember now, right now we have three, and then we're going to open up the lot so that every agency now has to go through a regulatory process to determine its impact on small businesses. It expands the use of small business review panels to review rules promulgated by all agencies to include all major rules, and some of these, of course, having the positive impact on our small businesses.

What is the significant economic impact? Nobody knows. It forces agencies to engage in wasteful, speculative analysis. It imposes an absurd and wasteful requirement on those agencies.

So I have a simple amendment. Ask the question beforehand: What is the economic impact of all of this vast new inclusion of other agencies to come down on our small businesses? It requires my amendment, a GAO study, to determine the cost of carrying out this bill and the effect it will have on Federal agency rulemaking. Simple, bipartisan amendment, I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Let me just continue looking for bipartisanship. I am hoping that I can convince my friend from Texas to not desire to have a can of worms, a potpourri of agencies coming out with the hand of oppression on small businesses.

This is a simple question that I'm asking. The GAO, the Government Accountability Office, simply would be asking the question: What is the significant economic impact on a substantial number of small entities which will greatly slow down the rulemaking process and substantially empower other competitors to small business to throw sand in the gears of rulemaking that will help small businesses, women-owned businesses, minority-owned businesses, disabled veterans?

What is the reason for not agreeing to an important study? It forces agencies to again engage in wasteful, specu-

lative analysis, including an assessment of all reasonably foreseeable indirect economic effects.

We can do it ahead of time. Will this kill jobs is the question. It expands judicial review to include all agency actions and not just final agency action.

Mr. Chairman, can we not find an opportunity to come together on this? I would much rather have a report to tell me how many small businesses will shut down waiting for agency review of the rules that would be helpful to them.

Have we engaged with the Small Business Committee? Has anyone asked the ranking member of that committee, even the chairman of that committee, who are champions of small business? I don't think I have seen the chairperson, but I have seen the ranking member, who listens to small businesses across the country. If there is a regulation that is going to help a small business, this bill kills it.

The small businesses are hanging on for dear life. Pass the rule. Pass the rule. Now you have put in all these agencies, dilly-dallying around trying to be able to find a way to stifle the growth of the small business.

Mr. Chairman, common sense tells Members that it doesn't hurt to have just this one bipartisan effort to get the answer of the economic impact beforehand. Down in Texas we say, close the barn door before the cow gets out, or the cart before the horse, the horse before the cart. We've got all of that. We've got confusion.

I am simply having a simple amendment that would allow the GAO to report on how we can better serve our small businesses and create the jobs that are necessary. I ask my colleagues, including Mr. SMITH, to support this amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the "Regulatory Flexibility Improvements Act of 2011." My amendment would require a GAO study to determine the cost of carrying out this bill and the effect it will have on federal agency rulemaking. In addition, the report must contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency.

This bill would amend the Regulatory Flexibility Act of 1980 in such a manner that it would result in significant delays in the agency rule-making processes by mandating multi-agency analyses of both direct and indirect costs for rules proposed or finalized by a single agency.

My amendment simply requires that the Comptroller General, within 2 years after the enactment of the legislation, issue a report to Congress on the cost effectiveness of the changes implemented by this Act.

The report would list all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by the Act.

It would also show the effect of this Act and its amendments on the efficiency of the rule

making process, including the amount of time required to make and implements a new rule.

This study would report on any impact that this Act or its amendments would have on the ability to implement new agencies in the event of an emergency. Lastly, this study would examine the overall compliance of agencies with the Regulatory Flexibility Improvement Act (RFIA).

By requiring that multiple agencies conduct detailed economic analyses of a rule proposed by a single agency, each agency will have to expend time and resources to uncover the indirect economic effects of the proposed rule. This is unduly burdensome on a process that is already sufficient in length, as rules currently require a 30 day period after publication prior to effectiveness.

There is one overarching problem with H.R. 527. Although it claims to make improvements, one thing it does not do is provide the needed clarification that the GAO has repeatedly pointed out, and that the agencies have asked for.

In the past, there have been GAO reports showing incidents of agency noncompliance with the current regulatory flexibility rules for rule making. The reports cited that this noncompliance is due largely to confusion surrounding the meaning of "significant economic impact on a substantial number of small entities." Agencies have expressed the need to better clarification of this clause to aide them in determining when rule making analysis and review is necessary.

Another part of this expanded review and analysis called for in H.R. 527 that concerns me is the potential it has to impede upon emergency rulemaking. Every so often, there are instances when an agency has to implement a new rule or regulation in response to an emergency. Under the current law, there is an exception allowing agencies to bypass the review process in the event of an emergency. The provisions of this bill cloud that exception.

Furthermore, the rule-making process is made more cumbersome and expensive by requiring multi-agency review. If the purported reason for amending the Regulatory Flexibility Act with this bill is to save the American taxpayers money by including provisions requiring analyses of direct and indirect effects of proposed rules, then it should follow that the costs of implementing such provisions should not outweigh the benefits they provide.

My amendment will ensure just that by requiring the Comptroller General to issue a report to Congress that includes (1) the additional costs and resources that each agency must expend to maintain compliance with this Act, (2) an analysis of the effect that this Act has on the efficiency of the rule-making process, and (3) an analysis of the potential difficulties that may arise in an emergency situation in which an agency must implement new rules.

If the process by which government agencies create rules is changed to require the disclosure of all costs associated with a proposed rule, then shouldn't the Act that makes such changes have its own costs to the American taxpayers disclosed? My amendment will ensure that this disclosure is made to the public upon this legislation's enactment.

I yield back the balance of my time.

□ 1630

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it is unnecessary and would result in a biased study by the Government Accountability Office.

The study proposed by the amendment focuses excessively on costs to agencies to comply with the Regulatory Flexibility Act, and how the bill would affect agencies' abilities to pass new regulations. The study would not focus enough on how the bill would benefit small businesses and lead to better regulations, which is where our focus should be.

It is worthwhile to require agencies to finally comply with the law. That is especially true if it means that agencies will reduce unnecessary regulatory burdens and free small businesses to create jobs.

In the future, I certainly would like to know whether agencies comply with the Regulatory Flexibility Act as amended by this bill, or whether they remain disobedient. This amendment, however, favors the idea that the bill places too heavy of a burden on regulators.

Fundamentally, the purpose of the Regulatory Flexibility Act is to reduce the regulatory burden on small businesses, not on agencies. Job creators, not job regulators, are the key to our economic recovery.

Mr. Chairman, for these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112-296.

Mr. JOHNSON of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 12. APPLICATION WITH REGARD TO CERTAIN STATUTE.

None of the amendments made by this Act shall apply to any rule making to carry out the FDA Food Safety Modernization Act (21 U.S.C. 2201 note).

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Georgia (Mr. JOHNSON) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of my amendment to this hazardous and radioactive bill called the Regulatory Flexibility Improvements Act.

Now, I want this body to consider my amendment to the bill for the following reason: The FDA Food Safety Modernization Act became law in January of this year, January 4, 2011. It was necessitated by a continuing series of incidents, such as the October 2009 Stephanie Smith incident, which I will tell you a little bit about. She's a children's dance instructor from Minnesota. She became partially paralyzed from E. coli. According to a New York Times article, "The frozen hamburgers that the Smiths ate, which were made by the food giant Cargill, were labeled 'American Chef's Selection Angus Beef Patties.' Yet confidential grinding logs and other Cargill records show that the hamburgers were made from a mix of slaughterhouse trimmings and a mash-like product derived from scraps that were ground together in a plant in Wisconsin. The ingredients came from slaughterhouses in Nebraska, Texas, and Uruguay, and from a South Dakota company that processes fatty trimmings and treats them with ammonia to kill bacteria." Stephanie has sued Cargill, and I know that many of my colleagues on the other side of the aisle would want to limit her ability to recover for this injury through misguided so-called tort reform.

But getting back to this matter, this amendment is simple. It would ensure that Americans have access to safe and untainted food. It would create an exception for any rulemaking that seeks to carry out the FDA Food Safety Modernization Act.

Every year one in six Americans gets sick from foodborne diseases. The FDA Food Safety Modernization Act enables the FDA to better protect public health by strengthening the food safety system.

This bill would make it virtually impossible for Federal agencies to protect public health and safety. Nobody likes to be tied up in redtape, but this bill would bring regulations to a halt and make it virtually impossible to enact new regulations. Currently, rule-making agencies must make an analysis for every new rule that would have significant economic impact on a substantial number of small entities, such as small businesses.

However, agencies have the authority to waive or delay this analysis in emergency situations. Now, this bill, Mr. Chairman, would require agencies to determine the indirect costs a rule has on a business, and repeal the authority of an agency to waive or delay this analysis in response to an emergency

that makes timely compliance impractical or imprudent.

This summer there was a listeria outbreak linked to cantaloupes that sickened 139 people and killed 29. Just today, The Washington Post reports that Consumer Reports released an alarming study that found high levels of arsenic in samples of apple juice. Consumer Reports is now calling on the FDA to set standards for arsenic levels for apple and grape juices.

The Consumer Reports Group is now suggesting that parents restrict juice consumption to children up to 6 years old to no more than 6 ounces per day. For older children, it recommends no more than 8 to 12 ounces a day.

Now is not the time to hamper agencies, such as the FDA, that are charged with keeping the American public safe. If there is a legitimate concern that our food supply may be tainted, the FDA needs the authority to act quickly and without delay. It's essential that the FDA have the ability to conduct inspections as well as prevention programs without having to go through speculative paralysis of analysis of a proposed rule, nor should the FDA be forced to justify existing rules.

Mr. Chairman, I urge support for my amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I oppose this amendment because it carves out an exception to the bill for regulations under the Food and Drug Administration.

If agencies were doing the depth of pre-regulatory analysis they are supposed to be doing under the Regulatory Flexibility Act, then we wouldn't be here today.

Small businesses create jobs, and jobs are the key to economic recovery. To help small businesses—like minority-owned restaurants, for example—create jobs, we need to reduce, not increase, the regulatory burden on them.

The FDA is not currently exempt from the Regulatory Flexibility Act, so it makes no sense to exempt the FDA from the bill, either.

This amendment also would create confusion within the FDA by exempting only its responsibilities under the Food Safety Modernization Act from this bill. There should not be two versions of the Regulatory Flexibility Act in play at the FDA.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1640

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112-296 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. COHEN of Tennessee.

Amendment No. 4 by Mr. PETERS of Michigan.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mr. JOHNSON of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 16, as follows:

[Roll No. 874]

AYES—173

Ackerman	Conyers	Higgins
Altmire	Costello	Himes
Andrews	Courtney	Hinchey
Baca	Critz	Hinojosa
Baldwin	Crowley	Hirono
Bass (CA)	Cummings	Hochul
Becerra	Davis (CA)	Holden
Berkley	Davis (IL)	Holt
Berman	DeFazio	Honda
Bishop (NY)	DeGette	Hoyer
Blumenauer	DeLauro	Inslie
Boswell	Dicks	Israel
Brady (PA)	Dingell	Jackson (IL)
Braley (IA)	Doggett	Jackson Lee
Brown (FL)	Donnelly (IN)	(TX)
Butterfield	Edwards	Johnson (GA)
Capps	Ellison	Johnson, E. B.
Capuano	Engel	Kaptur
Cardoza	Eshoo	Keating
Carnahan	Farr	Kildee
Carney	Fattah	Kind
Carson (IN)	Fudge	Kissell
Castor (FL)	Garamendi	Kucinich
Chandler	Gibson	Langevin
Cicilline	Green, Al	Larsen (WA)
Clarke (MI)	Green, Gene	Larson (CT)
Clarke (NY)	Gutierrez	Lee (CA)
Clay	Hahn	Levin
Clyburn	Hanabusa	Lewis (GA)
Cohen	Hastings (FL)	Lipinski
Connolly (VA)	Heinrich	Loebsack

Lofgren, Zoe	Pelosi	Sherman
Lowey	Perlmutter	Shuler
Lujan	Peters	Sires
Lynch	Pingree (ME)	Slaughter
Maloney	Polis	Smith (WA)
Markey	Price (NC)	Speier
Matsui	Quigley	Stark
McCarthy (NY)	Rahall	Sutton
McCollum	Rangel	Thompson (CA)
McDermott	Reyes	Thompson (MS)
McGovern	Richardson	Tierney
McIntyre	Richmond	Tonko
McNerney	Rothman (NJ)	Towns
Meeks	Roybal-Allard	Tsongas
Michaud	Ruppersberger	Van Hollen
Miller (NC)	Rush	Velázquez
Miller, George	Ryan (OH)	Visclosky
Moore	Sánchez, Linda T.	Walz (MN)
Moran	Sanchez, Loretta	Wasserman
Murphy (CT)	Sarbanes	Schultz
Nadler	Schakowsky	Waters
Napolitano	Schiff	Watt
Neal	Schwartz	Waxman
Oliver	Scott (VA)	Welch
Pallone	Scott, David	Wilson (FL)
Pascarella	Serrano	Woolsey
Pastor (AZ)	Sewell	Yarmuth
Payne		

NOES—244

Adams	Emerson	Latta
Aderholt	Farenthold	Lewis (CA)
Akin	Fincher	LoBiondo
Alexander	Fitzpatrick	Long
Amash	Flake	Lucas
Amodei	Fleischmann	Luetkemeyer
Austria	Fleming	Lummis
Bachus	Forbes	Lungren, Daniel E.
Barletta	Portenberry	Mack
Barrow	Fox	Manzullo
Barton (TX)	Franks (AZ)	Marchant
Bass (NH)	Frelinghuysen	Marino
Benishek	Galleghy	Matheson
Berg	Gardner	McCarthy (CA)
Biggert	Garrett	McCaul
Bilbray	Gerlach	McClintock
Bilirakis	Gibbs	McCotter
Bishop (GA)	Gingrey (GA)	McHenry
Bishop (UT)	Gohmert	McKeon
Black	Goodlatte	McKinley
Blackburn	Gosar	McMorris
Bonner	Gowdy	Rodgers
Bono Mack	Granger	Meehan
Boren	Graves (GA)	Mica
Boustany	Graves (MO)	Miller (FL)
Brady (TX)	Griffin (AR)	Miller (MI)
Brooks	Griffith (VA)	Miller, Gary
Broun (GA)	Grimm	Mulvaney
Buchanan	Guinta	Murphy (PA)
Bucshon	Guthrie	Myrick
Buerkle	Hall	Neugebauer
Burgess	Hanna	Noem
Burton (IN)	Harper	Nugent
Calvert	Harris	Nunes
Camp	Hastings (WA)	Nunnelee
Campbell	Hayworth	Olson
Canseco	Heck	Owens
Cantor	Hensarling	Palazzo
Capito	Herger	Paulsen
Carter	Herrera Beutler	Pearce
Cassidy	Huelskamp	Pence
Chabot	Huizenga (MI)	Peterson
Chaffetz	Hultgren	Petri
Coble	Hunter	Pitts
Coffman (CO)	Hurt	Platts
Cole	Issa	Poe (TX)
Conaway	Jenkins	Pompeo
Cooper	Johnson (IL)	Posey
Costa	Johnson (OH)	Price (GA)
Cravaack	Johnson, Sam	Quayle
Crawford	Jones	Reed
Crenshaw	Jordan	Rehberg
Cuellar	Kelly	Reichert
Culberson	King (IA)	Renacci
Davis (KY)	King (NY)	Ribble
Denham	Kingston	Rigell
Dent	Kinzinger (IL)	Rivera
DesJarlais	Kline	Roby
Diaz-Balart	Labrador	Roe (TN)
Dold	Lamborn	Rogers (AL)
Dreier	Lance	Rogers (KY)
Duffy	Landry	Rogers (MI)
Duncan (SC)	Lankford	Rohrabacher
Duncan (TN)	Latham	Rokita
Ellmers	LaTourette	

Rooney	Shimkus	Turner (OH)
Ros-Lehtinen	Shuster	Upton
Roskam	Simpson	Walberg
Ross (AR)	Smith (NE)	Walden
Ross (FL)	Smith (NJ)	Walsh (IL)
Royce	Smith (TX)	West
Runyan	Southerland	Westmoreland
Ryan (WI)	Stearns	Whitfield
Scalise	Stivers	Wilson (SC)
Schilling	Stutzman	Wittman
Schock	Sullivan	Wolf
Schrader	Terry	Womack
Schweikert	Thompson (PA)	Woodall
Scott (SC)	Thornberry	Yoder
Scott, Austin	Tiberi	Young (AK)
Sensenbrenner	Tipton	Young (FL)
Sessions	Turner (NY)	Young (IN)

NOT VOTING—16

Bachmann	Filner	Hartzler
Bartlett	Flores	Paul
Chu	Frank (MA)	Schmidt
Cleaver	Giffords	Webster
Deutch	Gonzalez	
Doyle	Grijalva	

□ 1707

Messrs. CANSECO, McCLINTOCK, BILBRAY, GERLACH, and CUELLAR changed their vote from “aye” to “no.”

Messrs. CROWLEY and McDERMOTT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. CHU. Mr. Chair, on rollcall vote 874, on the Jackson Lee Amendment to H.R. 527, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. FILNER. Mr. Chair, on rollcall 874, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 248, not voting 14, as follows:

[Roll No. 875]

AYES—171

Ackerman	Butterfield	Cohen
Altmire	Capps	Connolly (VA)
Andrews	Capuano	Conyers
Baca	Carnahan	Costello
Baldwin	Carney	Courtney
Bass (CA)	Carson (IN)	Critz
Becerra	Castor (FL)	Crowley
Berkley	Chandler	Cummings
Berman	Chu	Davis (CA)
Bishop (NY)	Cicilline	Davis (IL)
Blumenauer	Clarke (MI)	DeFazio
Boswell	Clarke (NY)	DeGette
Brady (PA)	Clay	DeLauro
Braley (IA)	Cleaver	Dicks
Brown (FL)	Clyburn	Dingell

Doggett
 Edwards
 Ellison
 Engel
 Farr
 Fattah
 Frank (MA)
 Fudge
 Garamendi
 Gonzalez
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hahn
 Hanabusa
 Hastings (FL)
 Heinrich
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kaptur
 Keating
 Kildee
 Kind
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)

NOES—248

Adams
 Aderholt
 Akin
 Alexander
 Amash
 Amodei
 Austria
 Bachus
 Barletta
 Barrow
 Barton (TX)
 Bass (NH)
 Benishkek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Chabot
 Chaffetz
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cooper
 Costa

Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McNerney
 Meeks
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Olver
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Perlmutter
 Peters
 Pingree (ME)
 Polis
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Richmond

Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Shuler
 Sires
 Slaughter
 Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Wilson (FL)
 Woolsey
 Yarmuth

McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Owens
 Palazzo
 Paulsen
 Pearce
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle

Bachmann
 Bartlett
 Deutch
 Donnelly (IN)
 Doyle

Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schock
 Schrader
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuster
 Simpson

NOT VOTING—14

Eshoo
 Filner
 Flores
 Giffords
 Hartzler
 Markey
 Paul
 Pelosi
 Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 1712

Mr. BISHOP of Georgia changed his
 vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 875, I was
 away from the Capitol due to prior commit-
 ments to my constituents. Had I been present,
 I would have voted “aye.”

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Michigan (Mr. PETERS)
 on which further proceedings were
 postponed and on which the noes pre-
 vailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 179, noes 243,
 not voting 11, as follows:

[Roll No. 876]

AYES—179

Ackerman
 Altmire
 Andrews
 Baca

Baldwin
 Bass (CA)
 Becerra
 Berkley

Berman
 Bishop (NY)
 Blumenauer
 Boswell

Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Critz
 Crowley
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Dent
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Edwards
 Ellison
 Engel
 Eshoo
 Farr
 Fattah
 Frank (MA)
 Fudge
 Garamendi
 Gibson
 Gonzalez
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hahn
 Hanabusa
 Hastings (FL)
 Heinrich

Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kaptur
 Keating
 Kildee
 Kind
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McNerney
 Meeks
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Olver
 Owens
 Pallone

NOES—243

Adams
 Aderholt
 Alexander
 Amash
 Amodei
 Austria
 Bachus
 Barletta
 Barrow
 Barton (TX)
 Bass (NH)
 Benishkek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco

Cantor
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cooper
 Cravaack
 Crawford
 Crenshaw
 Cuellar
 Culberson
 Davis (KY)
 Denham
 DesJarlais
 Diaz-Balart
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Fortenberry

Pascrell
 Pastor (AZ)
 Payne
 Perlmutter
 Peters
 Pingree (ME)
 Polis
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Richmond
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Sires
 Slaughter
 Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Wilson (FL)
 Woolsey
 Yarmuth

Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Hanna
 Harper
 Harris
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt

Issa	Miller (MI)	Scalise	[Roll No. 877]	Griffin (AR)	Marino	Ros-Lehtinen
Jenkins	Miller, Gary	Schilling		Griffith (VA)	Matheson	Roskam
Johnson (IL)	Mulvaney	Schock	AYES—172	Grimm	McCarthy (CA)	Ross (AR)
Johnson (OH)	Murphy (PA)	Schrader		Guinta	McCaul	Ross (FL)
Johnson, Sam	Myrick	Schweikert		Guthrie	McClintock	Royce
Jones	Neugebauer	Scott (SC)		Hall	McCotter	Runyan
Jordan	Noem	Scott, Austin		Harper	McHenry	Ryan (WI)
Kelly	Nugent	Sensenbrenner		Harris	McIntyre	Scalise
King (IA)	Nunes	Sessions		Hastings (WA)	McKeon	Schilling
King (NY)	Nunnelee	Shimkus		Hayworth	McKinley	Schock
Kingston	Olson	Shuler		Heck	McMorris	Schrader
Kinzing (IL)	Palazzo	Shuster		Hensarling	Rodgers	Schweikert
Kline	Paulsen	Simpson		Herger	Meehan	Scott (SC)
Labrador	Pearce	Smith (NE)		Herrera Beutler	Mica	Scott, Austin
Lamborn	Pence	Smith (NJ)		Huelskamp	Miller (FL)	Sensenbrenner
Lance	Peterson	Smith (TX)		Huizenga (MI)	Miller (MI)	Sessions
Landry	Petri	Brown (FL)		Hultgren	Miller, Gary	Shimkus
Lankford	Pitts	Butterfield		Hunter	Mulvaney	Shuler
Latham	Platts	Capps		Hurt	Murphy (PA)	Shuster
LaTourette	Poe (TX)	Capuano		Issa	Myrick	Simpson
Latta	Pompeo	Carnahan		Jenkins	Neugebauer	Smith (NE)
Lewis (CA)	Posey	Carney		Johnson (IL)	Noem	Smith (NJ)
LoBiondo	Price (GA)	Carson (IN)		Johnson (OH)	Nugent	Smith (TX)
Long	Quayle	Castor (FL)		Johnson, Sam	Nunes	Southerland
Lucas	Reed	Chu		Jones	Nunnelee	Stearns
Luetkemeyer	Rehberg	Cicilline		Jordan	Olson	Stivers
Lummis	Reichert	Clarke (MI)		Kelly	Palazzo	Stutzman
Lungren, Daniel	Renacci	Clarke (NY)		Kind	Paulsen	Sullivan
E.	Ribble	Clay		King (IA)	Pearce	Terry
Mack	Rigell	Cleaver		King (NY)	Pence	Thompson (CA)
Manzullo	Rivera	Clyburn		Kingston	Peterson	Thompson (PA)
Marchant	Roby	Cohen		Kinzing (IL)	Petri	Thornberry
Marino	Roe (TN)	Connolly (VA)		Kissell	Pitts	Tiberi
Matheson	Rogers (AL)	Costello		Kline	Platts	Tipton
McCarthy (CA)	Rogers (KY)	Courtney		Labrador	Poe (TX)	Turner (NY)
McCaul	Rogers (MI)	Critz		Lamborn	Pompeo	Turner (OH)
McClintock	Rohrabacher	Crowley		Lance	Posey	Upton
McCotter	Rokita	Cuellar		Landry	Price (GA)	Walberg
McHenry	Rooney	Cummings		Lankford	Quayle	Walden
McKeon	Ros-Lehtinen	Davis (CA)		Latham	Reed	Walsh (IL)
McKinley	Roskam	Davis (IL)		LaTourette	Rehberg	Webster
McMorris	Ross (AR)	DeFazio		Latta	Reichert	West
Rodgers	Ross (FL)	DeGette		Lewis (CA)	Renacci	Westmoreland
Meehan	Royce	DeLauro		LoBiondo	Rigell	Whitfield
Mica	Runyan	Dingell		Long	Rivera	Wilson (SC)
Miller (FL)	Ryan (WI)	Doggett		Lucas	Roby	Wittman
		Donnelly (IN)		Luetkemeyer	Roe (TN)	Wolf
		Edwards		Lummis	Rogers (AL)	Womack
		Ellison		Lungren, Daniel	Rogers (KY)	Woodall
		Engel		E.	Rogers (MI)	Yoder
		Eshoo		Mack	Rohrabacher	Young (AK)
		Farr		Manzullo	Rokita	Young (FL)
		Fattah		Marchant	Rooney	Young (IN)
		Fitzpatrick				
		Frank (MA)				
		Fudge				
		Garamendi				
		Gerlach				
		Gibson				
		Gonzalez				
		Green, Al				
		Green, Gene				
		Gutierrez				

NOT VOTING—11

Akin	Doyle	Paul
Bachmann	Filner	Pelosi
Bartlett	Giffords	Schmidt
Deutch	Hartzler	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1716

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 876, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

AMENDMENT NO. 5 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Texas (Ms. JACKSON
LEE) on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 172, noes 250,
not voting 11, as follows:

Ackerman	Hahn	Pascrell
Andrews	Hanabusa	Pastor (AZ)
Baca	Hanna	Payne
Baldwin	Hastings (FL)	Pelosi
Bass (CA)	Heinrich	Perlmutter
Becerra	Higgins	Peters
Berkley	Himes	Pingree (ME)
Berman	Hinchey	Polis
Bishop (NY)	Hinojosa	Price (NC)
Blumenauer	Hirono	Quigley
Brady (PA)	Hochul	Rahall
Braley (IA)	Holden	Rangel
Brown (FL)	Holt	Reyes
Butterfield	Honda	Ribble
Capps	Hoyer	Richardson
Capuano	Inslee	Richmond
Carnahan	Israel	Rothman (NJ)
Carney	Jackson (IL)	Johnson (IL)
Carson (IN)	Jackson Lee	Johnson (OH)
Castor (FL)	(TX)	Johnson, Sam
Chu	Johnson (GA)	Jones
Cicilline	Johnson, E. B.	Jordan
Clarke (MI)	Kaptur	Kelly
Clarke (NY)	Keating	Kind
Clay	Kildee	King (IA)
Cleaver	Kucinich	King (NY)
Clyburn	Langevin	Kingston
Cohen	Larsen (WA)	Kinzing (IL)
Connolly (VA)	Larson (CT)	Kissell
Costello	Lee (CA)	Kline
Courtney	Levin	Labrador
Critz	Lewis (GA)	Lamborn
Crowley	Lipinski	Lance
Cuellar	Loeb sack	Landry
Cummings	Lofgren, Zoe	Lankford
Davis (CA)	Lowe	Latham
Davis (IL)	Lujan	LaTourette
DeFazio	Lynch	Latta
DeGette	Maloney	Lewis (CA)
DeLauro	Markey	LoBiondo
Dingell	Matsui	Long
Doggett	McCarthy (NY)	Lucas
Donnelly (IN)	McCollum	Luetkemeyer
Edwards	McDermott	Lummis
Ellison	McGovern	Lungren, Daniel
Engel	McNerney	E.
Eshoo	Meeks	Mack
Farr	Michaud	Manzullo
Fattah	Miller (NC)	Marchant
Fitzpatrick	Miller, George	
Frank (MA)	Moore	
Fudge	Moran	
Garamendi	Murphy (CT)	
Gerlach	Nadler	
Gibson	Napolitano	
Gonzalez	Neal	
Green, Al	Olver	
Green, Gene	Owens	
Gutierrez	Pallone	

NOES—250

Adams	Bucshon	Dicks
Aderholt	Buerkle	Dold
Akin	Burgess	Dreier
Alexander	Burton (IN)	Duffy
Altmire	Calvert	Duncan (SC)
Amash	Camp	Duncan (TN)
Amodei	Campbell	Ellmers
Austria	Canseco	Emerson
Bachus	Cantor	Farenthold
Barletta	Capito	Fincher
Barrow	Cardoza	Flake
Barton (TX)	Carter	Fleischmann
Bass (NH)	Cassidy	Fleming
Benishek	Chabot	Flores
Berg	Chaffetz	Forbes
Biggart	Chandler	Fortenberry
Bilbray	Coble	Fox
Bilirakis	Coffman (CO)	Franks (AZ)
Bishop (GA)	Cole	Frelinghuysen
Bishop (UT)	Conaway	Gallegly
Black	Cooper	Gardner
Blackburn	Costa	Garrett
Bonner	Cravaack	Gibbs
Bono Mack	Crawford	Gingrey (GA)
Boren	Crenshaw	Gohmert
Boswell	Culberson	Goodlatte
Boustany	Davis (KY)	Gosar
Brady (TX)	Denham	Gowdy
Brooks	Dent	Granger
Broun (GA)	DesJarlais	Graves (GA)
Buchanan	Diaz-Balart	Graves (MO)

NOT VOTING—11

Bachmann	Doyle	Hartzler
Bartlett	Filner	Paul
Conyers	Giffords	Schmidt
Deutch	Grijalva	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1719

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 877, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF
GEORGIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Georgia (Mr. JOHNSON)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 250, not voting 13, as follows:

[Roll No. 878]

AYES—170

Ackerman	Hahn	Pascarell
Altmire	Hanabusa	Pastor (AZ)
Andrews	Hastings (FL)	Payne
Baca	Heinrich	Pelosi
Baldwin	Higgins	Perlmutter
Bass (CA)	Himes	Peters
Becerra	Hinche	Pingree (ME)
Berkley	Hinojosa	Polis
Berman	Hirono	Price (NC)
Bishop (NY)	Hochul	Quigley
Blumenauer	Holden	Rahall
Boswell	Holt	Rangel
Brady (PA)	Honda	Reyes
Braley (IA)	Hoyer	Richardson
Brown (FL)	Inslee	Richmond
Butterfield	Israel	Rothman (NJ)
Capps	Jackson (IL)	Roybal-Allard
Capuano	Jackson Lee	Ruppersberger
Carnahan	(TX)	Rush
Carney	Johnson (GA)	Ryan (OH)
Carson (IN)	Johnson, E. B.	Sánchez, Linda
Castor (FL)	Kaptur	T.
Chu	Keating	Sanchez, Loretta
Cicilline	Kildee	Sarbanes
Clarke (MI)	Kind	Schakowsky
Clarke (NY)	Kucinich	Schiff
Clay	Langevin	Schwartz
Cleaver	Larsen (WA)	Scott (VA)
Clyburn	Larson (CT)	Scott, David
Cohen	Lee (CA)	Serrano
Connolly (VA)	Levin	Sewell
Conyers	Lewis (GA)	Sherman
Costello	Lipinski	Sires
Courtney	Loeb sack	Slaughter
Critz	Loftgren, Zoe	Smith (WA)
Crowley	Lowey	Speier
Cummings	Lujan	Stark
Davis (CA)	Lynch	Sutton
Davis (IL)	Maloney	Thompson (CA)
DeFazio	Markey	Thompson (MS)
DeGette	Matsui	Tierney
DeLauro	McCarthy (NY)	Tonko
Dicks	McCollum	Towns
Dingell	McDermott	Tsongas
Doggett	McGovern	Van Hollen
Donnelly (IN)	McNerney	Velázquez
Edwards	Meeks	Visclosky
Ellison	Michaud	Walz (MN)
Engel	Miller (NC)	Wasserman
Eshoo	Miller, George	Schultz
Farr	Moore	Waters
Fattah	Moran	Watt
Frank (MA)	Murphy (CT)	Waxman
Fudge	Nadler	Welch
Green, Al	Napolitano	Wilson (FL)
Green, Gene	Neal	Woolsey
Grijalva	Olver	Yarmuth
Gutierrez	Pallone	

NOES—250

Adams	Boren	Conaway
Aderholt	Boustany	Cooper
Akin	Brady (TX)	Costa
Alexander	Brooks	Cravaack
Amash	Broun (GA)	Crawford
Amodei	Buchanan	Crenshaw
Austria	Buerkle	Cuellar
Bachus	Burgess	Culberson
Barletta	Burton (IN)	Davis (KY)
Barrow	Calvert	Denham
Bartlett	Camp	Dent
Barton (TX)	Campbell	DesJarlais
Bass (NH)	Canseco	Diaz-Balart
Benishek	Cantor	Dold
Berg	Capito	Dreier
Biggert	Cardoza	Duffy
Bilbray	Carter	Duncan (SC)
Bilirakis	Cassidy	Duncan (TN)
Bishop (GA)	Chabot	Elmers
Bishop (UT)	Chaffetz	Emerson
Black	Chandler	Farenthold
Blackburn	Coble	Fincher
Bonner	Coffman (CO)	Fitzpatrick
Bono Mack	Cole	Flake

Fleischmann	Lankford	Rivera
Fleming	Latham	Roby
Flores	LaTourette	Roe (TN)
Forbes	Latta	Rogers (AL)
Fortenberry	Lewis (CA)	Rogers (MI)
Fox	LoBiondo	Rohrabacher
Franks (AZ)	Long	Rokita
Frelinghuysen	Lucas	Rooney
Gallegly	Luetkemeyer	Ros-Lehtinen
Gardner	Lummis	Roskam
Garrett	Lungren, Daniel	Ross (AR)
Gerlach	E.	Ross (FL)
Gibbs	Mack	Royce
Gibson	Manzullo	Runyan
Gingrey (GA)	Marchant	Ryan (WI)
Gohmert	Marino	Scalise
Goodlatte	Matheson	Schilling
Gosar	McCarthy (CA)	Schock
Govdy	McCauley	Schrader
Granger	McClintock	Schweikert
Graves (GA)	McCotter	Scott (SC)
Graves (MO)	McHenry	Scott, Austin
Griffin (AR)	McIntyre	Sensenbrenner
Griffith (VA)	McKeon	Sessions
Grimm	McKinley	Shimkus
Guinta	McMorris	Shuler
Guthrie	Rodgers	Shuster
Hall	Meehan	Simpson
Hanna	Mica	Smith (NE)
Harper	Miller (FL)	Smith (NJ)
Harris	Miller (MI)	Smith (TX)
Hastings (WA)	Miller, Gary	Southerland
Hayworth	Mulvaney	Stearns
Heck	Murphy (PA)	Stivers
Hensarling	Myrick	Stutzman
Herger	Neugebauer	Sullivan
Herrera Beutler	Noem	Terry
Huelskamp	Nugent	Thompson (PA)
Huizenga (MI)	Nunes	Thornberry
Hultgren	Nunnelee	Tiberi
Hunter	Olson	Tipton
Hurt	Owens	Turner (NY)
Issa	Palazzo	Turner (OH)
Jenkins	Paulsen	Upton
Johnson (IL)	Pearce	Walberg
Johnson (OH)	Pence	Walden
Johnson, Sam	Peterson	Walsh (IL)
Jones	Petri	Webster
Jordan	Pitts	West
Kelly	Platts	Westmoreland
King (IA)	Poe (TX)	Whitfield
King (NY)	Pompeo	Wilson (SC)
Kingston	Posey	Wittman
Kinzinger (IL)	Price (GA)	Wolf
Kissell	Quayle	Womack
Kline	Rehberg	Woodall
Labrador	Reichert	Yoder
Lamborn	Renacci	Young (AK)
Lance	Ribble	Young (FL)
Landry	Rigell	Young (IN)

NOT VOTING—13

Bachmann	Garamendi	Reed
Bucshon	Giffords	Rogers (KY)
Deutch	Gonzalez	Schmidt
Doyle	Hartzler	
Filner	Paul	

□ 1724

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 878, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. GARDNER). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. GARDNER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under con-

sideration the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, and, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LORETTA SANCHEZ of California. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Loretta Sanchez of California moves to recommit the bill H.R. 527 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

SEC. ____ . PROTECTING INCENTIVES FOR SMALL BUSINESSES TO HIRE VETERANS.

This Act and the amendments made by this Act shall not apply to rule makings or revisions of rules, if such rule makings or revisions are for purposes of providing incentives to small businesses (as such term is defined in chapter 6 of title 5, United States Code) for hiring veterans (as such term is defined in section 101(2) of title 38).

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. I rise today to offer a final amendment to H.R. 527 that, if passed, will allow the bill to be brought back promptly to take a vote for final passage. Mr. Speaker, this final amendment is noncontroversial and aims to do one simple thing: to protect the incentives that assist small businesses to hire veterans. This amendment comes at a very critical time for our small businesses and for our veterans.

Several weeks ago, this House did something that most of America doesn't believe we do anymore. We came together, all of us—Republicans and Democrats. We voted on a bill, and we passed a bill together, unanimously, the VOW to Hire Heroes Act of 2011.

The bill pushes key provisions, like providing small businesses with incentives so that they will hire veterans who have been unable to find employment. As a new law, the tax credits that we offer in that VOW bill would require additional regulations to be implemented in order for small businesses to begin to hire our veterans. Our veterans need jobs—not tomorrow, but now. Yet this bill, the one we are considering right now, sets up many new hurdles and delays for new regulations, like those needed for the implementation of the VOW to Hire Heroes Act.

In a little more than 2 weeks, we went from a 422-0 vote with that VOW Act to now potentially hindering our small businesses from hiring veterans.

□ 1730

However, we have a chance to fix that. We have a chance to fix that right now, and we have a chance to fix it and to bring back this vote promptly, to bring this bill and vote it today.

So I ask my colleagues, especially those on the other side, what are your priorities? I know what my priorities are. My priorities are to small businesses and my priorities are to our veterans who have fought for this Nation.

Mr. Speaker, if my colleagues on the other side truly believe that small businesses are what create the jobs in America, then we can fix this bill by voting for my amendment. If you believe that our veterans should not have to fight for a job after having fought for our country, then we can fix this bill by voting for my amendment.

If my colleagues believe that the over 250,000 unemployed veterans under the age of 35 deserve a job, then we can fix this bill by voting for my amendment.

I know what this side of the aisle believes. We know what the choice is. It's about small businesses creating jobs and hiring these brave men and women.

We want our small businesses to have those incentives so that they can hire our veterans now, not next year or the following year—now. We need jobs now.

The bill itself raises a lot of regulations and hurdles to new implementation, but now we can fix the bill, and we can help our veterans and our small businesses. It's our duty here in Congress to look after those who have looked after the people of this country.

My final amendment does this by ensuring that we allow those regulations that are needed to protect these incentives for the small businesses who want to hire veterans. I would have no doubt—I would never think that my colleagues on any side of the aisle would want to intentionally hinder the hiring of veterans, especially after I saw that unanimous vote right before Thanksgiving. Remember that—we finally did something together.

So I ask all of you, let's do the right thing. Will you stand with our veterans

and small businesses and protect those incentives that we voted for 2 weeks ago? If you believe it's the right thing to do, then you will vote for this amendment.

If you believe that a 21 percent unemployment rate for our young male veterans between the ages of 18 and 24 is too high, then you will vote for my amendment to ensure those incentives to hire our veterans will be in place.

I want to make clear once more to my colleagues on the other side of the aisle; a "yes" vote on my amendment will not prevent this bill from being voted on today.

If adopted, it will be incorporated into the bill and voted on for final passage.

I ask my colleagues to do the right thing, to fight for protecting the incentives that will allow our veterans to be hired by small businesses.

Regardless of how either aisle feels about the underlying bill, I know this chamber can make the right choice by voting "yes" on my amendment.

Mr. GOWDY. Mr. Speaker, I rise in opposition to the motion to recommit.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. The President in this very Chamber said we should have no more regulation than is necessary for the health, safety, and security of the American people. Mr. Speaker, the President in this very Chamber conceded overregulation has stifled innovation and chilled growth and jobs. Professor Cass Sunstein, hardly a conservative acolyte, said we must take aggressive steps to eliminate unjustified regulatory burdens, especially in today's economic environment.

Mr. Speaker, 43 percent of the payroll in this country comes from small business, two-thirds of all the jobs created in the last two decades come from small business. Small business, Mr. Speaker, is the backbone of this economy and the single best way for all Americans, veterans included, but all Americans, to experience the majesty of the American Dream.

So one would think that our colleagues would storm the aisle to join us in providing relief to small business, including veterans. One might think our colleagues would help us rush to form a phalanx against an overreaching regulatory apparatus.

So, Mr. Speaker, let's stop using veterans as political footballs and start helping all Americans, including veterans. The Regulatory Flexibility Improvement Act of 2011 is a logical reform. It simply asks agencies to do the kind of pre-regulatory analysis they should have been doing anyway. Frankly, the bill seeks to enact much of what the President claims he wants with respect to regulatory reform, since small business creates most of our jobs.

Since regulatory compliance costs are higher for them than for larger

competitors, Congress passed the RFA of 1980 requiring agencies to analyze regulations in advance. Hardly a revolutionary idea, Mr. Speaker. Know the consequences of your actions before you act, especially when it comes to having a chilling effect on job creation.

But the experience over the last 15 years has shown the law needs to be reformed, Mr. Speaker, and updated because agencies aren't getting the message.

This bill requires agencies to do what they should be doing anyway, which is to calculate the impact of their regulations on job creators beforehand, to make sure all agencies follow the rules, not some of the time, not when they feel like it, but all of the time.

Mr. Speaker, our fellow citizens want to work. They want to meet the needs of their families. They want to meet their societal obligations, and we should be doing everything in our power to make sure regulatory agencies "measure twice and cut once." And our job requires and this bill ensures that they get the message.

For this reason, Mr. Speaker, I urge my colleagues to oppose the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 527, if ordered; and suspension of the rules with regard to House Resolution 364.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 12, as follows:

[Roll No. 879]

AYES—188

Ackerman	Cardoza	Cuellar
Altmire	Carnahan	Cummings
Andrews	Carney	Davis (CA)
Baca	Carson (IN)	Davis (IL)
Baldwin	Castor (FL)	DeFazio
Barrow	Chandler	DeGette
Bass (CA)	Chu	DeLauro
Becerra	Cicilline	Deutch
Berkley	Clarke (MI)	Dicks
Berman	Clarke (NY)	Dingell
Bishop (GA)	Clay	Doggett
Bishop (NY)	Clyburn	Donnelly (IN)
Blumenauer	Cohen	Duncan (TN)
Boren	Connolly (VA)	Edwards
Boswell	Conyers	Ellison
Brady (PA)	Cooper	Engel
Braley (IA)	Costa	Eshoo
Brown (FL)	Costello	Farr
Butterfield	Courtney	Fattah
Capps	Critz	Frank (MA)
Capuano	Crowley	Fudge

Garamendi	Lynch	Ruppersberger	Miller, Gary	Roby	Stivers	Cuellar	Kelly	Reed
Gonzalez	Maloney	Rush	Mulvaney	Roe (TN)	Stutzman	Culberson	Kind	Rehberg
Green, Al	Markley	Ryan (OH)	Murphy (PA)	Rogers (AL)	Sullivan	Davis (KY)	King (IA)	Reichert
Green, Gene	Matheson	Sánchez, Linda	Myrick	Rogers (KY)	Terry	DeFazio	King (NY)	Renacci
Grijalva	Matsui	T.	Neugebauer	Rogers (MI)	Thompson (PA)	Denham	Kingston	Ribble
Gutierrez	McCarthy (NY)	Sanchez, Loretta	Noem	Rohrabacher	Thornberry	Dent	Kinzinger (IL)	Rigell
Hahn	McCollum	Sarbanes	Nugent	Rokita	Tiberi	DesJarlais	Kissell	Rivera
Hanabusa	McDermott	Schakowsky	Nunes	Rooney	Tipton	Diaz-Balart	Kline	Roby
Hastings (FL)	McGovern	Schiff	Nunnelee	Ros-Lehtinen	Turner (NY)	Dold	Labrador	Roe (TN)
Higgins	McIntyre	Schrader	Olson	Roskam	Turner (OH)	Dreier	Lamborn	Rogers (AL)
Himes	McNerney	Schwartz	Palazzo	Ross (FL)	Duffy	Duncan (SC)	Lance	Rogers (KY)
Hinche	Meeks	Scott (VA)	Paulsen	Royce	Duncan (TN)	Landry	Lankford	Rogers (MI)
Hinojosa	Michaud	Scott, David	Pearce	Runyan	Duncan (TN)	Latham	Rohrabacher	Rokita
Hirono	Miller (NC)	Serrano	Pence	Ryan (WI)	Ellmers	LaTourette	Ros-Lehtinen	Roskam
Hochul	Miller, George	Sewell	Petri	Scalise	Emerson	Lewis (CA)	Ross (AR)	Ross (FL)
Holden	Moore	Sherman	Pitts	Schilling	Farenthold	Loeb	Royce	Runyan
Holt	Moran	Shuler	Platts	Schweikert	Fincher	Long	Ryan (WI)	Scalise
Honda	Murphy (CT)	Sires	Poe (TX)	Scott (SC)	Fitzpatrick	McCarthy (CA)	Schilling	Schock
Hoyer	Nadler	Slaughter	Pompeo	Scott, Austin	Flake	Manzullo	Schrader	Schweikert
Inslee	Napolitano	Smith (WA)	Posey	Sensenbrenner	Fleischmann	Marchant	Scott (SC)	Scott, Austin
Israel	Neal	Speier	Price (GA)	Sessions	Fleming	Matheson	Sensenbrenner	Sessions
Jackson (IL)	Oliver	Stark	Quayle	Shimkus	Flores	McCaul	Shimkus	Shuler
Jackson Lee	Owens	Sutton	Reed	Shuster	Forbes	McClintock	Shuster	Simpson
(TX)	Pallone	Thompson (CA)	Rehberg	Simpson	Fortenberry	McHenry	Smith (NE)	Smith (NJ)
Johnson (GA)	Pascrell	Thompson (MS)	Reichert	Smith (NE)	Fox	McIntyre	Smith (TX)	Southerland
Johnson, E. B.	Pastor (AZ)	Tierney	Renacci	Smith (NJ)	Franks (AZ)	Gosar	Stearns	Stivers
Jones	Payne	Tonko	Ribble	Smith (TX)	Frelinghuysen	Gowdy	Stutzman	Sullivan
Kaptur	Pelosi	Towns	Rigell	Southerland	Gallegly	Granger	Sutton	Terry
Keating	Perlmutter	Tsongas	Rivera	Stearns	Gardner	Graves (MO)	Thompson (PA)	Thornberry
Kildee	Peters	Van Hollen			Garrett	Griffin (AR)	Tiberi	Turner (NY)
Kind	Peterson	Velázquez	Bachmann	Filner	Gerlach	Griffith (VA)	Turner (OH)	Upton
Kissell	Pingree (ME)	Visclosky	Black	Giffords	Gibbs	Grimm	Walberg	Walden
Kucinich	Polis	Walz (MN)	Cleaver	Hartzer	Gibson	Guinta	Walsh (IL)	Walz (MN)
Langevin	Price (NC)	Wasserman	Doyle	Heinrich	Gingrey (GA)	Guthrie	Webster	West
Larsen (WA)	Quigley	Schultz			Gohmert	Hall	Westmoreland	Whitfield
Larson (CT)	Rahall	Waters			Goodlatte	Hanna	Wilson (SC)	Wittman
Lee (CA)	Rangel	Watt			Gowdy	Harper	Wolf	Womack
Levin	Reyes	Waxman			Granger	Harris	Woodall	Yoder
Lewis (GA)	Richardson	Welch			Graves (MO)	Hastings (WA)	Young (AK)	Young (FL)
Lipinski	Richmond	Wilson (FL)			Griffin (AR)	Hayworth	Young (IN)	
Loeb	Ross (AR)	Woolsey			Grimm	Heck		
Lofgren, Zoe	Rothman (NJ)	Yarmuth			Guinta	Hensarling		
Lowey	Roybal-Allard				Guthrie	Herger		

NOES—233

Adams	Dent	Huelskamp
Aderholt	DesJarlais	Huizenga (MI)
Akin	Diaz-Balart	Hultgren
Alexander	Dold	Hunter
Amash	Dreier	Hurt
Amodei	Duffy	Issa
Austria	Duncan (SC)	Jenkins
Bachus	Ellmers	Johnson (IL)
Barletta	Emerson	Johnson (OH)
Bartlett	Farenthold	Johnson, Sam
Barton (TX)	Fincher	Jordan
Bass (NH)	Fitzpatrick	Kelly
Benish	Flake	King (IA)
Berg	Fleischmann	King (NY)
Biggert	Fleming	Kingston
Bilbray	Flores	Kinzinger (IL)
Bilirakis	Forbes	Kline
Bishop (UT)	Fortenberry	Labrador
Blackburn	Fox	Lamborn
Bonner	Franks (AZ)	Lance
Bono Mack	Frelinghuysen	Landry
Boustany	Gallegly	Lankford
Brady (TX)	Gardner	Latham
Brooks	Garrett	LaTourette
Broun (GA)	Gerlach	Latta
Buchanan	Gibbs	Lewis (CA)
Buchon	Gibson	LoBiondo
Buerkle	Gingrey (GA)	Long
Burgess	Gohmert	Lucas
Burton (IN)	Goodlatte	Luetkemeyer
Calvert	Gosar	Lummis
Camp	Gowdy	Lungren, Daniel
Campbell	Granger	E.
Canseco	Graves (GA)	Mack
Cantor	Graves (MO)	Manzullo
Capito	Griffin (AR)	Marchant
Carter	Griffith (VA)	Marino
Cassidy	Grimm	McCarthy (CA)
Chabot	Guinta	McCaul
Chaffetz	Guthrie	McClintock
Coble	Hall	McCotter
Coffman (CO)	Hanna	McHenry
Cole	Harper	McKeon
Conaway	Harris	McKinley
Cravack	Hastings (WA)	McMorris
Crawford	Hayworth	Rodgers
Crenshaw	Heck	Meehan
Culberson	Hensarling	Mica
Davis (KY)	Herger	Miller (FL)
Denham	Herrera Beutler	Miller (MI)

NOT VOTING—12

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1755

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 879, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 159, not voting 11, as follows:

[Roll No. 880]

AYES—263

Adams	Bishop (UT)	Canseco
Aderholt	Black	Cantor
Akin	Blackburn	Capito
Alexander	Bonner	Carney
Altire	Bono Mack	Carter
Amash	Boren	Cassidy
Amodei	Boswell	Chabot
Austria	Boustany	Chaffetz
Barletta	Brady (TX)	Chandler
Barrow	Brooks	Coble
Bartlett	Broun (GA)	Coffman (CO)
Barton (TX)	Buchanan	Cole
Bass (NH)	Buchon	Conaway
Benish	Buerkle	Cooper
Berg	Burgess	Costa
Biggert	Burton (IN)	Cravack
Bilbray	Calvert	Crawford
Bilirakis	Camp	Crenshaw
Bishop (GA)	Campbell	Critz

NOES—159

Ackerman	Clarke (NY)	Farr
Andrews	Clay	Fattah
Baca	Clyburn	Frank (MA)
Baldwin	Cohen	Fudge
Bass (CA)	Connolly (VA)	Garamendi
Becerra	Conyers	Gonzalez
Berkley	Costello	Green, Al
Berman	Courtney	Green, Gene
Bishop (NY)	Crowley	Grijalva
Blumenauer	Cummings	Gutierrez
Brady (PA)	Davis (CA)	Hahn
Braley (IA)	Davis (IL)	Hanabusa
Brown (FL)	DeGette	Hastings (FL)
Butterfield	DeLauro	Heinrich
Capps	Deutch	Higgins
Capuano	Dicks	Himes
Cardoza	Dingell	Hinche
Carnahan	Doggett	Hinojosa
Carson (IN)	Donnelly (IN)	Hirono
Castor (FL)	Edwards	Holt
Chu	Ellison	Honda
Cicilline	Engel	Hoyer
Clarke (MI)	Eshoo	Inslee

Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kaptur
 Keating
 Kildee
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Lofgren, Zoe
 Lowey
 Luján
 Lynch
 Maloney
 Markey
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McNerney
 Meeks
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Pallone
 Pascarell
 Pastor (AZ)
 Payne
 Pelosi
 Peters
 Pingree (ME)
 Polis
 Price (NC)
 Quigley
 Rangel
 Reyes
 Richardson
 Richmond
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes

NOT VOTING—11

Bachmann
 Bachus
 Cleaver
 Doyle
 Filner
 Giffords
 Hartzler
 Oliver
 Paul
 Schmidt
 Tipton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACHUS. Mr. Speaker, on rollcall No. 880 on final passage of H.R. 527, I was on the House floor, but inadvertently missed the vote. Had I been recorded, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 880, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

GABRIEL ZIMMERMAN MEETING ROOM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 881]

YEAS—419

Ackerman
 Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amodei
 Andrews
 Austria
 Baca
 Bachus
 Baldwin
 Barletta
 Barrow
 Bartlett
 Barton (TX)
 Bass (CA)
 Bass (NH)
 Becerra
 Benishke
 Berg
 Berkley
 Berman
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Black
 Blackburn
 Blumenauer
 Bonner
 Bono Mack
 Boren
 Boswell
 Boustany
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Brooks
 Broun (GA)
 Brown (FL)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Campbell
 Cantor
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castor (FL)
 Chabot
 Chaffetz
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Cravaack
 Crawford
 Crenshaw
 Critz
 Crowley
 Cuellar
 Culberson
 Cummings
 Davis (CA)
 Davis (IL)
 Davis (KY)
 DeFazio
 DeGette
 DeLauro
 Denham
 Dent
 DesJarlais
 Deutch
 Diaz-Balart
 Dicks
 Dingell
 Doggett
 Dold
 Donnelly (IN)
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Edwards
 Ellison
 Ellmers
 Emerson
 Engel
 Eshoo
 Farenthold
 Farr
 Fattah
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Forbes
 Fortenberry
 Foxo
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Green, Al
 Green, Gene
 Griffin (AR)
 Griffith (VA)
 Grijalva
 Grimm
 Guinta
 Guthrie
 Gutierrez
 Hahn
 Hall
 Hanabusa
 Hanna
 Harper
 Harris
 Hastings (FL)
 Hastings (WA)
 Hayworth
 Heck
 Heinrich
 Hensarling
 Herger
 Herrera Beutler
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson (OH)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan
 Kaptur
 Kelly
 Kildee
 Kind
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Kucinich
 Labrador
 Lamborn
 Lance
 Landry
 Langevin
 Rangel
 Reed
 Rehberg
 Reichert
 Renacci
 Reyes
 Ribble
 Richardson
 Levin
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Lucas
 Luetkemeyer
 Luján
 Lummis
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maloney
 Manzullo
 Marchant
 Marino
 Markey
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKeon
 McMorris
 Heck
 Rodgers
 McNerney
 Meehan
 Meeks
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Moore
 Moran
 Mulvaney
 Murphy (CT)
 Murphy (PA)
 Myrick
 Nadler
 Napolitano
 Neal
 Neugebauer

Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Olver
 Owens
 Palazzo
 Pallone
 Pascarell
 Pastor (AZ)
 Paulsen
 Payne
 Pearce
 Pelosi
 Pence
 Perlmutter
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis
 Pompeo
 Posey
 Price (GA)
 Price (NC)
 Quayle
 Quigley
 Rahall
 Rangel
 Reed
 Rehberg
 Reichert
 Renacci
 Reyes
 Ribble
 Richardson
 Levin
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Roybal-Allard
 Royce
 Runyan
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schiff
 Schilling
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (SC)
 Scott (VA)
 Scott, Austin
 Scott, David
 Sensenbrenner
 Serrano
 Sessions
 Sewell
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Speier
 Stark
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tierney
 Tipton
 Tonko
 Towns
 Tsongas
 Turner (NY)
 Turner (OH)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Webster
 Welch
 West
 Westmoreland
 Whitfield
 Wilson (FL)
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Woolsey
 Yarmuth
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—14

Bachmann
 Canseco
 Doyle
 Filner
 Flores
 Frank (MA)
 Garamendi
 Giffords
 Hartzler
 Keating
 McKinley
 Miller (FL)
 Paul
 Schmidt

□ 1808

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 881, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-311) on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes,

which was referred to the House Calendar and ordered to be printed.

SOUTHERN MISSISSIPPI GOLDEN EAGLES TAKE ON HOUSTON COUGARS

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, this weekend the 10-2 University of Southern Mississippi Golden Eagles are going to be traveling to Houston, Texas, to win the Conference U.S. Championship Game. As a fourth generation Golden Eagle, I would like to place a friendly wager with my colleague from Houston, Texas—a gallon of Mary Mahoney's famous seafood gumbo—that we will walk away victorious.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. PALAZZO. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I am a proud Cougar, and as you well know, Cougars are silent, fast, and deadly. We welcome Southern Miss to Houston, Texas, the 12-0 Cougars, and we plan to give you all the barbecue you can eat as we celebrate the victory of the great Cougars, University of Houston, academic and athletic champions. It's a pleasure to place this wager with you tonight. Cougars—ready to pounce on you.

Mr. PALAZZO. Well, our Golden Eagles' talons are going to be out. They're going to be ready. They're going to be sharp, and we're going to rip you all to shreds. I accept your wager.

Ms. JACKSON LEE of Texas. Peace in the valley. Victory for the Cougars.

□ 1810

POSTAL REFORM LEGISLATION

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, in fiscal year 2011, the United States Postal Service brought in \$65.7 billion in revenue but spent \$70.6 billion. When counting a \$5.5 billion mandatory payment to fund retiree health benefits, which they would have defaulted on already were it not for the extensions on the payment, the postal service ran a deficit of \$10.6 billion.

In an attempt to cut costs, the postal service has announced that it's considering closing over 3,600 post offices, the large majority of which are rural. By the postal service's own numbers, they would only save \$200 million annually if they were to close each of these post offices.

This is kind of like asking a family of four that makes \$65,700 a year and adds \$10,600 in credit card, and then only cuts \$200 from their annual budget to get their finances under control.

Last month I visited the Grubbs and Sedgwick post offices, two of the 100 post offices that are being considered for closure in my rural district. Residents in both towns told me about the important role that their post office plays in their communities.

In order to prevent the post office from unfairly targeting rural communities, I recently introduced H.R. 3370, the Protecting our Rural Post Offices Act of 2011. The legislation would prevent the postal service from closing any post office that does not have an alternate post office within 8 miles driving.

VOTER SUPPRESSION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, it's bad enough that the people who control this body aren't interested in creating jobs for the American people. But now, if people want new leadership in the House, if they want a Congress that will finally focus on job creation, they're foiled by restrictive election laws designed to suppress the vote.

Guess which populations are disenfranchised by strict photo ID requirements and other barriers to political participation?

It's not the wealthiest 1 percent. It's not the affluent and the comfortable. It's not, frankly, the base of the Republican Party. It's disproportionately communities of color and low-income families who are having their rights undermined and even stripped away.

These laws, passing in State after State, are underhanded. They're an attempt to consolidate political power. They are unfair, undemocratic. And voting rights are among the most precious privileges that we have as citizens, and they must be protected.

LARRY MUNSON

(Mr. AUSTIN SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, as a University of Georgia graduate and lifelong Bulldog fan, I'd like to pay tribute to a fallen legend in the Bulldog Nation. Last week, Larry Munson passed away at the great age of 89.

From an announcer for Major League Baseball to a U.S. Army medic during World War II, Larry Munson was a leader and a hero. However, he'll best be known for his time spent as a radio football announcer for the Georgia Bulldogs.

For over 40 years, his passionate and authentic sportscasting set him apart from every other sports broadcaster. In fact, many of his phrases have become a part of Bulldog fan lore. From Her-

schel Walker running over people, to Kevin Butler's 100,000-mile field goal, Larry Munson's radio calls will live as some of the most memorable in college football.

Georgia Bulldog fans will never forget the sugar falling out of the sky and the hobnail boot. Thus, with the Georgia Bulldogs and the LSU Tigers to square off this weekend in the SEC championship, I end with the words Bulldog fans are used to hearing from Mr. Munson each and every game day:

"As we prepare for another meeting between the hedges, let all the Bulldog faithful rally behind the men who now wear the red and black with two words, two simple words which express the sentiments of the entire Bulldog Nation: Go Dawgs."

DEMANDING RELEASE OF ALAN GROSS FROM CUBAN PRISON

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, today is the second anniversary of the unfair and brutal incarceration by the Cuban regime of Alan Gross, an American citizen; and I urge his immediate release.

Alan Gross is 62 years old and, in a trumped-up trial, was given 15 years in prison. Alan Gross has worked in international development in over 50 countries through the past several years and was in Cuba to aid the tiny Jewish community with telecommunications and Internet services when he was arrested and accused of being an American spy. This is a new low even for the Cuban regime. This is a new low even for the Castro brothers.

Alan Gross's wife and family need him. His mother was just diagnosed with inoperable cancer, and his daughter was also diagnosed with cancer. They need him back.

We demand him back. He is an American citizen, and we are watching and the whole world is watching. Alan Gross should not be incarcerated for doing nothing except trying to help a very tiny community in Cuba. And I demand his immediate release.

ECONOMIC RECOVERY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I think there are four things the United States of America needs to do to turn the economy around.

Number one, we need to balance the budget. We can do this on a bipartisan basis just by reducing the duplications in government and the overlap between State functions and Federal functions; also getting through the waste, and then trimming off 1 percent over time

to bring revenues and spending at the same level. Right now spending is at 23 percent. Revenues historically have been at 18 percent. Common sense says you need to balance those out.

Number two, we need to get rid of the regulatory overload on businesses that are creating the jobs right now. Change regulations from an "I gotcha" mentality to one that "we're here to help because we're in it together," for worker safety, environmental protection or whatever. We can do a lot just by changing the attitude of the regulators.

Number three, we need tax reform, tax simplification so that taxes are fair. The Tax Code needs to be a half an inch deep and miles and miles wide so that everyone is participating. Let's get rid of the underbrush, all the loopholes.

Number four, and finally we need to drill our own oil. We cannot keep importing 65 percent of our oil. We need to have an all-of-the-above energy policy.

FIXING MEDICARE REIMBURSEMENT RATE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to speak on behalf of the 600,000 Medicare beneficiaries in Connecticut and the thousands of physicians who care for them. We need to take up a bill in this Congress over the next several weeks to finally fix the flawed Medicare sustainable growth rate formula.

Since 2003, for almost a decade, physicians have been dealing with the uncertainty that comes with scheduled annual rate reductions. They're staring at a 28 percent reduction right now. That means about \$28,000 per year per Connecticut physician.

If this were to happen, it would happen at the worst possible time. With all the baby boomers coming on to the Medicare rolls, there would be a lot of physicians who just couldn't take Medicare patients any longer. They'd likely have to lay off workers at a time when we already have 9 percent unemployment in Connecticut and across the Nation.

This is unacceptable and we have to do something about it. So over the next several weeks, let's fix this once and for all. Let's stand together as a Congress and put an end to this outdated system and provide some certainty and security for America's seniors and America's physicians.

□ 1820

URGING SENATE ACTION ON JOBS LEGISLATION

(Mr. MICA asked and was given permission to address the House for 1 minute.)

Mr. MICA. Mr. Speaker and my colleagues, it's time for the other body to act.

The Republican-controlled House of Representatives has a plan for putting Americans back to work. We've moved on more than 20 pieces of legislation that now sit idly in the other body. We have provisions that will empower small businesses—the great job creators of America. We have provisions that will fix the Tax Code to help create jobs. We have provisions that will help manufacturing to have jobs in America, not overseas. We have provisions that will encourage entrepreneurship and growth and maximize American energy production. And all of these measures sit over in the other body.

I call on the leadership of the other body and all Members to get this legislation moving forward. There are millions of people without jobs, and they need us to act not later but now.

And finally, I call on them to help finalize a 4½-year-old, with more than 21 extensions, FAA bill that still languishes. It's time to stop the nonsense and get America back to work.

Let's pass these bills held hostage.

CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore (Mr. MEEHAN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, thank you.

My name is KEITH ELLISON, cochair of the Progressive Caucus, and I do hereby claim this Special Order hour on behalf of the Progressive Caucus.

Right away, I'd like to introduce my good friend from the great State of Georgia, Congressman HANK JOHNSON, who has served with distinction along with me since 2007. Congressman JOHNSON is the whip of the Progressive Caucus. Tonight we're going to be talking about jobs, income inequality, and we're going to be talking about this issue on behalf of the Congressional Progressive Caucus.

Our Web page is right here at the bottom of this document that I'm showing, Mr. Speaker. So we do encourage people to sign up and get ahold of us.

In the very beginning of this hour, I want to recognize my friend from Georgia so that he can make some introductory remarks about the importance of jobs, just as soon as he's ready to take it on.

If the gentleman is prepared to make some opening and preliminary remarks about the importance of jobs, economic justice in the American middle class, I would like to yield to the gentleman to take it away there.

Congressman JOHNSON.

Mr. JOHNSON of Georgia. I thank the gentleman from Minnesota, my junior in the House. When I say that, I mean we're both juniors, having served now in our third terms. We will be officially recognized, I guess if we're fortunate to make it back for the 113th Congress, that will be our fourth term. We will be seniors, and we will be permanent seniors as long as the voters allow us to be. And we certainly want to do what the voters want us to do here.

What the voters of the Fourth Congressional District of Georgia tell me over and over and over again, day in and day out, 24-7, is that jobs is the issue, and they want us to pass the President's job creation bill. They don't understand why simple proposals that will create jobs and reinvigorate our economy are something that we can't come to grips with here on the House floor. And I tell them to keep the faith, but I also tell them where the problem lies. It is not with the President. It's not with the Democrats in the House of Representatives. It's with my friends on the other side of the aisle, the Tea Party-Grover Norquist Republicans who want to balance the budget. Their main issue is balancing our budget. And certainly our budget needs to be balanced, and that's something that we should do. It's not our first priority.

Our priority right now, and I agree with the people of the Fourth District, it should be jobs. And if we don't create jobs, if we leave people on unemployment or unemployment having expired, that means less money circulating in the economy. If there's less money circulating, less economic activity, less job creation. And so there's a lot that we can do, Congressman ELLISON, to help the people, especially during this holiday season.

Mr. ELLISON. I thank the gentleman.

I just want to say this is the holiday season. We should have a spirit of charity in looking out for our fellow Americans during this time of year. But unfortunately, we have seen a no-jobs agenda from the party opposite. From the majority party, we have been here 11 months, we haven't seen any jobs bills out of them.

They say that tearing apart the EPA is a jobs bill. It is not a jobs bill. They say that damaging the National Labor Relations Board is somehow going to bring forth jobs. It will not.

Everything they say is a jobs bill basically boils down to two things—I think you might agree, Congressman—is deconstructing health and safety rules and cutting taxes for people who

already are rich; and this is not a jobs bill.

A jobs bill is taking care of our Nation's infrastructure, putting our veterans back to work, as we tried to do today. The Democratic Caucus offered a motion to recommit to help support jobs for our veterans, get small businesses to hire them, and we didn't get any Republican support, which is quite amazing to me.

The fact is that, yes, here we are nearing the end of this year, nearing the end of 2011, and we're seeing unemployment insurance perhaps about to run out. We're seeing payroll tax cuts about to run out. Therefore, some people will see the end of their unemployment insurance and other people will see an increase in their payroll taxes.

And it shocks me that our Republican friends are all for tax cuts, can't wait to vote for a tax cut, dying to vote for a tax cut whenever the recipient of the tax cut is rich. But if the tax cut happens to go to somebody who works hard for a living, who goes to work, gets their hands dirty and comes home, they don't want to see a tax cut for that person. They just want to see tax cuts for only some people.

I think that you're right to describe our colleagues as the Tea Party-Grover Norquist Republican Party because that seems to be who's running things over there.

You know, my father was a Republican. He is a Republican. He hasn't voted that way in a while. But he says, I remember you guys could go down there and talk. You could debate the issues. Some of us wanted to pinch a penny a little harder, some of us wanted to emphasize pulling yourself up by your bootstraps a little more. You liberals want to help everybody.

That's what he says about me. But the point is we could find a way to get along.

Today the moderate Republican, I'm looking for him. I can't wait to have him show up, because I cannot see anybody who has the spirit of cooperation that we could cut a deal with that could balance fiscal discipline on the one hand and the need to help and respond to the needs of Americans on the other hand. We see people who are carrying forth an extreme ideological agenda that is all around tax breaks only for the rich people, that revolves around unemployment being ignored, that revolves around all of these things.

They say "jobs." People shouldn't be confused, Congressman JOHNSON. You will hear Republicans say "jobs." You just won't see them do anything about jobs, because if they want to do something about jobs, we could pass the American Jobs Act right away.

□ 1830

We could help make sure those payroll tax deductions are extended, and

we could make sure unemployment benefits are extended, but we're just not seeing any of that.

What we are seeing is described on this board right here, which is the Republican no-jobs agenda. They've got a no-jobs program. They're saying, Get rid of the EPA, the Environmental Protection Agency, which protects the water and our lungs; make sure we are subject to toxic, hazardous waste and pollution; and cut taxes for rich people. Then somehow, magically, we'll end up with jobs. That's not going to give anybody a job.

Mr. JOHNSON of Georgia. It certainly will not create any jobs. There is a false perception that has been bought into wholesale, unanimously, by my Tea Party-Grover Norquist Republican friends, and that is that deregulation somehow creates jobs.

Now, I know what kind of jobs are created when you deregulate the health and safety of food, water, air quality, drugs, Wall Street. I know what happens when you don't have any regulations. It means you're going to have more people going to the doctor because of unsafe and unhealthy conditions—adulterated food, water. It means that you will have more—

Mr. ELLISON. Asthma.

Mr. JOHNSON of Georgia. People in the mortuary business who are trying to determine the cause of death for people. You will have more cleanup workers, workers who are dispatched to clean up toxic sites. You'll create those kinds of jobs. Yet, as for the kind of high-level, 21st century jobs that America needs in order to be the leader of the world economy in this global environment that we're in, there is not one measure that the Republicans have introduced that will stimulate the creation of those kinds of jobs.

So what we're doing, Congressman ELLISON, is just creating conditions of great suffering so that people will vote against President Obama next November. The stated goal of my friends on the other side of the aisle—their main, central goal—is to make sure that President Obama is a one-term President. They don't care about how much pain they inflict on the American people, on the 99 percenters—and 47 percent of them are millionaires, so they don't have to worry. It's just to serve a political purpose.

Mr. ELLISON. The gentleman mentioned that the stated goal of the Republicans was to make President Obama a one-term President. This is not just political rhetoric. MITCH MCCONNELL—and anybody sitting in front of a computer can Google it and look it up—said that was his goal, which was to make President Obama a one-term President.

I think the goal of a Member of Congress ought to be to look after the welfare of the American people. I think a Member of Congress ought to be trying

to figure out how to look after the best interests of the congressional districts that they represent. I think that ought to mean jobs, health, safety, education.

Trying to defeat the President should never be anyone's goal. I can guarantee you it was not my goal. Even though I did not think that his administration was the best administration for America, my first goal was not to get rid of President Bush. It was never my top goal. My goal was to try to promote peace and justice, economic opportunity and prosperity, not to try and defeat somebody else. The fact is that the Republicans have neglected the economy, and they've neglected the middle class. It really is too bad.

So, on this issue of paying for the extension of the payroll tax deduction, I just want to say that there is \$1,000 that Americans don't have to pay in their paychecks when they get them every 2 weeks or every month, which is because of the payroll tax cut. If that expires, they'll see 1,000 more bucks over the course of a year that they'll have to pay.

Mr. JOHNSON of Georgia. Starting January 1.

Mr. ELLISON. Starting January 1, it's going to come out of their checks.

Now, Democrats have said, Let's ask the most well-to-do Americans—

Mr. JOHNSON of Georgia. The top 1 percent.

Mr. ELLISON. And they don't have to pay based on their first \$1 million; it's just after their first \$1 million—to toss a little back to the American people so that we can extend the payroll tax cuts for working class people.

Mr. JOHNSON of Georgia. But Grover Norquist doesn't want them to do it.

Mr. ELLISON. Grover Norquist said no. They signed a pledge.

Mr. JOHNSON of Georgia. They signed it 20 years ago.

Mr. ELLISON. They signed it. They signed a pledge, not to the American people, but to Grover Norquist.

Mr. JOHNSON of Georgia. Who does he represent?

Mr. ELLISON. Do you represent him?

Mr. JOHNSON of Georgia. I don't represent him, and he doesn't represent me or the folks that predominate my district. I've got a 99er district.

Mr. ELLISON. I've got a 99er district as well.

The thing that really gets me is that, if Grover Norquist lived in my district, I would feel duty-bound to at least listen to him because I listen to everybody in my district. But to sign a pledge to him to subvert the interests of the 99 percent is an outrageous thing.

Mr. JOHNSON of Georgia. All the while, Congressman ELLISON, pitting Americans against each other, trying to stoke hatred and anger amongst the 99 percenters on any issue they can.

Mr. ELLISON. Right, divide and conquer.

Mr. JOHNSON of Georgia. That's the way it is.

So right now, Congressman ELLISON, I feel like I have to say this because you're such a great example of a true American patriot, one who lives life in accordance with your inner ideals. We have the freedom in this country to do so, but there are those right here in this Congress who would try to turn the American people against you and people like you because of the religion that you have chosen to follow.

Mr. ELLISON. That's right.

Mr. JOHNSON of Georgia. They don't have any idea that your dad is a Republican.

Mr. ELLISON. Yes.

Mr. JOHNSON of Georgia. They don't have any knowledge of how you grew up and what kind of values you were taught and what kind of family you had. They just want to condemn you because you are a Muslim. They want to make you a threat to America, a threat to our military, and make a threat of those engaged in the military who happen to practice the faith of Islam. It plays into this decision to put Americans through this suffering so that they will then vote against President Obama and the Democrats so that the Republicans can then throw the welcome mat out like they have done for the large corporate interests and wealthy individuals in order to control public policy in America.

Mr. ELLISON. The gentleman makes an excellent point. I mean, let me put it like this:

How are you going to get the 99 percent to vote for the exclusive interests of the 1 percent? Or a better question: How are you going to get 50 percent plus one to vote for the interests of the 1 percent? You've got to keep them divided. You've got to keep them confused. You've got to keep them asleep. You've got to keep them disliking each other for no legitimate reason.

Mr. JOHNSON of Georgia. So you hold hearings on issues that are false issues.

Mr. ELLISON. Yes.

Mr. JOHNSON of Georgia. You create controversy where there is none.

Mr. ELLISON. Right.

Mr. JOHNSON of Georgia. This is a game that, certainly, many people see is being played, but I wish far more people saw and understood what is actually taking place in their House of Representatives. I believe that it's one reason we have two groups of 99ers—the Occupy Wall Street and the Tea Party movement, those who are dissatisfied with how things are going in America.

Mr. ELLISON. I do hope that we can help the people understand that their interests lie with each other, right? So whether or not you're a Muslim, Christian, Jew, Buddhist, Hindu, Bahai, a person who doesn't practice any faith but is just spiritual, an atheist—or

whatever you may happen to be—the fact is we all breathe the same air; we all occupy this same small planet; and we have to find a way to live here. Whether you are black, white, Latino, Asian, no matter whether you're from the South or from the North, no matter whether you were born in America or you came here, no matter whether you're straight or gay, or no matter who you may be, you're an American.

□ 1840

When you and I stand up in this very room every morning and we say the Pledge of Allegiance, we, in that Pledge of Allegiance, with these very simple words, "and liberty and justice for all," all, liberty and justice for all, all Americans, I urge Americans to look for the common good, the things we all share.

How can we come together around a common narrative of a shared reality as Americans so we don't look at each other as you're a this and I'm a that, and I don't like you because of this historical thing and all of this kind of stuff. Let's find a way to unite our people; because if we can unite our people, Congressman JOHNSON, we can stand up and advocate for policies that are to the best good of the American people.

The American people will be wide awake and clear that our economic interests lie with each other, and we will not vote a program to give tax cuts to millionaires simply because we have been convinced that people of a different—people who pray on a different day that we do or pray in a different way than we do, or have a different appearance than we do are somehow our enemy.

You know, we've got to build human solidarity. This is what we've got to do. And the one thing I like about the Occupy movement is you go there and you see people of all colors, all cultures, all faiths. You go there and you see people, even people of different income groups.

There was a group that we had at our hearing, which we had just a few days ago, which there is a videotape on, on our Web site, USCongress.org, and they were calling themselves the Patriotic Millionaires. Now these are people who used the American free enterprise system, came up with a great idea, sold it, people bought it, and they did well in the marketplace.

Now, this is a good thing, but their attitude is not, yes, America, you have public schools which educated my workers, you had publicly funded roads which allowed me to drive here, to drive there. You have the police department, which protects my business. You have the military, which protects our whole country.

Yes, America, you've done all this stuff for me, but all this money is just mine, and I'm not giving any to anyone. They didn't say that. They say,

you know what, to whom much is given, much is expected and they don't mind doing their fair share for America. That's the Patriotic Millionaires; that's the spirit that helped this country become a great country; and it's a spirit we need today.

Mr. JOHNSON of Georgia. I do believe that you are 100 percent correct on that, and I want to give a shout out to those millionaires who are socially conscious. There are so many people who are afflicted and who are just eaten up with greed, and they already have more money than they can possibly spend in this lifetime; yet they have an insatiable quest for more and more and more.

They are the ones who are supporting people like Grover Norquist and like Dick Armey—

Mr. ELLISON. FreedomWorks.

Mr. JOHNSON of Georgia. Who is a proponent of the Tea Party movement; and those are the people, the Koch brothers, those kinds of interests that benefit from our system of government but then, ironically, they would support and encourage those who want to do away with government. They want to strip government of its power to regulate. They want to strip government of its power to protect and to create fairness and prosperity. And it is just basic. I don't care how rich you are, but if you're riddled with envy and with the need for more, you know, you just can't be satisfied, you are going to be unhappy.

And the person who is unemployed but doing their best to find a job and take care of their family and despite all obstacles is willing to do with half a crumb that they have extended to their neighbor because their neighbor is in the same shape, we're all in this together. Those are the types of ideals that we used to have in this country, we used to exemplify. But now it's this culture of greed and avarice and self-satisfaction. Reminds me of the old days of the Roman Empire.

Mr. ELLISON. Or even the old days of the robber barons, like the 1890s, you know, 1900. This was a time when industry in America was young, and there were no right—labor unions, there were no environmental protections and people would, if you lost your hand on a punch press, you just were out.

Mr. JOHNSON of Georgia. So be it.

Mr. ELLISON. And if you actually tried to get a fair wage from your boss, you just could be arrested or thrown into jail or whatever. And if you got sick based on the smog that the smokestack was pumping out, then you just died young, I guess.

But then America went through some changes; and we said, you know what, workers are going to have the right to organize. That's a good thing. Our air is going to be clean. Companies are going to have to abide by some of our environmental regulations.

And there became an American consensus where we said, yeah, you know, we're a mixed economy, which means that we have a strong public sector, but we have a strong private sector too. And the private sector, you be innovative, you come up with good products, services that people need, and by all means we hope you do well, but after you do well we need you to toss something back—

Mr. JOHNSON of Georgia. Give back.

Mr. ELLISON. For the common good. And what we have now is we have people who say, I don't care about the common good. And here is the thing—

Mr. JOHNSON of Georgia. Every man for himself.

Mr. ELLISON. Every man for himself.

Mr. JOHNSON of Georgia. Only the strong survive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must ask that the Members yield and reclaim their time in a more orderly fashion so that the court reporters are able to make the appropriate transitions.

Mr. JOHNSON of Georgia. Fair enough.

Mr. ELLISON. Thank you, sir.

And so we are now at a time, we have now approached the time where there are some people who become well-to-do whose attitude is that they want to shrink government to the size you can drown it in a bathtub. This is what Mr. Norquist has said. That's a quote from him.

His vision of America, like the Koch brothers, they do oil refineries and stuff; and you drive by some of these plants and they smell awful, and you know that nothing good can be coming out of those smokestacks, but they want a condition in America. Their vision is that if a person from the government says, you know what, there's a lot of people getting sick around here, you can't just spew that stuff out of that smokestack, we're going to regulate that stuff and some of that stuff you're going to pay for the costs and the harm that you've caused to people as you go making money on that factory you have.

They have a vision where that factory owner will say, Mr. Government, you get out of here. I'm going to call your boss. I gave a campaign donation to your boss, and we're going to just make you leave us alone.

And if we can't get your boss to back up off of us, we're just going to sue you back and dump a ton of paperwork on you, and you don't have enough lawyers working for your government agency to defend the public interest; so we'll just drown you, and we're just going to be able to do whatever we want to do.

This is the kind of condition they want to create. They want an environ-

ment where the government is too small to tell them, you cannot pollute the air. You cannot abuse people's civil rights. You cannot hurt people's interests, the public interest this way. And that's the kind of condition they are creating.

I yield to the gentleman.

Mr. JOHNSON of Georgia. I could not have said it better; and I will say, so that I don't repeat what you've said, that when we do have a strong government, then government is there to protect the interest of all of the people, those who are the so-called job creators, who haven't been creating a lot of jobs here lately, by the way. I don't know why they still have that title, because all the jobs have been moving offshore, out of America and leaving these workers here without jobs.

We're doing ourselves a disservice by cutting government and cutting our ability to clean up the mess that has been created through decades, now, of deregulation. It has caused us to be a society where we spend more money on health care, but we're the sickest people in the industrialized world, among the industrialized nations.

□ 1850

We've got a financial system that nearly collapsed because of lack of regulation. And the same people who profited so mightily back during those winner-take-all days want to keep the winner-take-all days, make the big bonuses, the obscene bonuses at year end that they're getting ready to publicize now, and they would rather collect those bonuses than create jobs for Americans to clean up the environment, to reregulate Wall Street. They want to cut those jobs, so job creation, it will actually result in the job creators, or the 1 percent, being able to experience even more profit.

People should understand that if you help someone else, it comes back to you. These are just simple concepts of living that we have gotten away from as a society.

Mr. ELLISON. What you're describing is a win-win situation. But some people have a psychology of a win-lose. They think in order for me to do well, you have to do poorly. But the truth about the universe we live in and a strong economy is that if I do well and I'm creating prosperity in the world through good products and services, and then I give you some of my money by hiring you, then you have some money and you will bring me value and we will see the economy grow and we all can be a little more prosperous. But some people think, well, if you get something, then that means I don't have something, so they just hoard. This is a very, very poor strategy to pursue.

Mr. JOHNSON of Georgia. If the gentleman would yield, what we do when we create job growth and when we

spread the wealth, it means that we're able to pay down that deficit, that debt that we have. We are able to clear that out. America is certainly not in a crisis as far as debt is concerned. We borrow money at 2 percent. You can't get it much cheaper than that. And while that cheap money is available, we should be borrowing that money and investing it in our own economy, in our infrastructure, in our research and development for medical care, health care delivery, energy production, our education system from the buildings on down to the lowest piece of equipment that's in there, the teachers who teach our children. We should be investing in those areas. We'll see this economy turn around rather quickly, and we'll see that debt disappear quicker than most people believe that it will.

Mr. ELLISON. I just would like to say something very important here.

It's common for our colleagues on the other side of the aisle to say we're broke, we're broke. They get up and say we're broke all the time. It's like one of their favorite things to say. The truth is we're not broke. America is not broke. This is designed to create a certain sense of crisis and urgency to scare people into favoring a program of austerity which they propose.

But I think it is important to note that two-thirds—two-thirds—of American corporations don't pay any taxes at all. Two-thirds pay none. And I just want to point out to Americans, Bank of America doesn't pay any taxes. They got a bailout from the government. The American people got a call from Bank of America: Oh, my God, we bought Merrill Lynch; we bought Countrywide. It's not a good deal. We're going down. Save us, please. Through the Congress, which is the people's House, they got their bailout.

Now, the assumption was that Bank of America would then turn around and pay the money back and then help people with their mortgages and help improve the economy. What they actually did is they didn't pay any taxes and they laid off 30,000 people. Bank of America didn't pay a single penny of Federal taxes. I've got more money in my pocket right here than they paid in taxes.

Boeing, despite receiving billions of dollars from the Federal Government in taxpayer giveaways, Boeing didn't pay a dime in U.S. Federal taxes.

Citigroup. Citigroup deferred income tax for a third quarter in 2010, amounting to a grand total of zero. At the same time, Citigroup has continued to pay its staff lavishly. John Havens, head of Citigroup's investment bank, is expected to be the bank's highest paid executive for the second year in a row with compensation of \$9.5 million. They paid no taxes at all.

ExxonMobil, they paid no taxes. In fact, I think we give them money. Big Oil tax dodgers use offshore subsidiaries in the Caribbean to avoid paying

their fair share. Although ExxonMobil paid \$15 billion in taxes in 2009, not a penny of it went to the American Treasury. It went elsewhere. This is the same year that the company overtook Walmart as a Fortune 500 company. Meanwhile, the total compensation of ExxonMobil's CEO is about \$29 million.

We say we're broke. What we're doing is we're not collecting enough revenue because we think that corporations are job creators. And, of course, they're not creating any jobs, as you pointed out. But we're operating on some faulty assumptions.

General Electric. In 2009, General Electric, the world's largest corporation, filed more than 7,000 tax returns and still paid nothing to the government in taxes. GE managed to do this with aid of a rigged Tax Code that essentially subsidizes companies for losing money and allows them to set up tax havens overseas. With the Republicans' aid in Congress whose campaigns they finance, they exploit our Tax Code to avoid paying their fair share.

And who do Republicans blame? The middle class. They say that the middle class is the problem. They say tax breaks for billionaires, which is the GOP plan, tax breaks for huge corporations, which is the GOP plan, huge bonuses for big CEOs; but who is it who our friends in the Republican caucus think is responsible for all of the problems? Well, it's public employees.

I just want to point out something very important before I yield to the gentleman.

The Republicans now have said they will support a plan to extend the payroll taxes by cutting the Federal Government workforce 10 percent. And by giving—get this, Congressman—a means testing for Medicare, food stamps, and unemployment insurance benefits. That ought to get a lot of money. But public employees are who they think should bear the brunt of the refusal of the corporate elite from paying taxes.

They say that teachers should pay, that cops should pay, firefighters should pay, job training programs should be cut. Small business investment, no. Investment in the National Institute of Health and Research, we should cut back on that. Schools, they should have to pay. Clean energy, we can't afford that. That's what they say. Health care, can't afford that. Infrastructure investment; I come from a city where I-35, the Interstate 35 bridge over the Mississippi River fell into the river and 13 Minnesotans died, 100 got severe back injuries, all because of deferred, delayed maintenance. Infrastructure investment is not just a job creator; it is a public safety issue. And, of course, college affordability. They want to cut programs that make it more affordable to go to college.

The brunt and the burden of balancing the budget is not and should not be on our public employees, our everyday heroes, the people who take care of our kids, the people who look after our younger people, the folks who look after us, the police department. Who are you going to call? Firefighters.

I thank the gentleman for allowing me to elaborate on this point because I want to say that, on the one hand, they say we're broke. We're not. What we are is we don't ask the wealthiest among us to help out. And what they offer as a solution is to cut the people who give a good quality of life to the average Americans—our public employees.

I yield to the gentleman.

□ 1900

Mr. JOHNSON of Georgia. Thank you.

Many Americans watched in horror as the drama unfolded on the I-35 bridge, the aftermath of crashing into the waves of water below and taking out a multitude of cars and taking lives and causing people to be injured, and also resulting in an economic detriment to that area that needed that bridge in order to continue to conduct business. We can look at it sterily on the TV from a distant location, but we should realize that the same thing that happened to you guys in Minnesota can happen to us in Georgia with our own bridges that are in disrepair due to deferred maintenance.

This is something that can happen not just in Georgia, not just in Minnesota, but all across the land. And it doesn't have to be that way, because as President Obama has proposed in the American Jobs Act—or as a part of the American Jobs Act—there is money—a small amount, but any amount is better than none—for infrastructure. I think it's \$50 billion. That infrastructure, in addition to helping with our public safety issues—health, safety, and well-being of the people—would also create jobs. So we're killing more than one bird with one stone by passing the American Jobs Act.

Not one of my friends on the other side of the aisle has been able to put forth any rationale for not considering any part of that Jobs Act. We did, I'll give them credit, pass something last week having to do with veterans. They just could not find it within their hearts to avoid voting for that. But if there was some way that they could, they would have.

They are insisting that the tax cuts to the working people of this country, the payroll tax, they want that to be paid for. But nobody said anything last year about paying for the extension of the Bush tax cuts.

Mr. ELLISON. Right.

Mr. JOHNSON of Georgia. Nobody said anything and nobody is saying anything because they want those tax

cuts to become permanent while they at the same time would vote to impose a balanced budget amendment, which really would just simply lock in an unfair tax rate or a tax system that is unfair, would lock it in and make it much more difficult to change it.

So, Congressman, these are issues that I'm pleased to sit here and discuss with you. I look forward to further dialogue from both people on this side of the aisle, along with my friends on the other side of the aisle, because when it's all said and done, we're all in the same boat together.

Mr. ELLISON. I want to say that it's been a real pleasure to spend this last hour with you, Congressman JOHNSON. We in the Progressive Caucus believe in one America—all colors, all cultures, all faiths. We believe in promoting human solidarity, not making Americans fear each other. We believe in economic prosperity and justice for working and middle class people. We believe in environmental sustainability, and we absolutely believe in peace with our Nation and other nations. We are always going to promote diplomacy and dialogue and development over war.

We are the Progressive Caucus. I will allow the gentleman to offer a final word. If I could just say, my name is Congressman KEITH ELLISON, the co-chair of the Progressive Caucus. Look us up on the Web.

The final word will go to Congressman JOHNSON. After that, we will yield to the Republican side.

Mr. JOHNSON of Georgia. I just want everyone to know that even though I stand up and talk about the Grover Norquist-Tea Party Republicans, I admire the Tea Partiers because they got up off of their duffs because they were upset about how things were going. They were misled in terms of thinking that the health care reform was not going to be good for them. It's good for them. And they will soon find out—they will continue to find out—that the things that we have done are good for them and their attention will be diverted from this President to their pocketbook. And so I look forward. I admire them for their activism. I love them. Don't take it personally when I talk about you being a Dick Armey-Tea Party Republican of the Grover Norquist ilk.

With that, I will close. I believe that my friends on the other side of the aisle are ready to delude you with some information.

Mr. ELLISON. Mr. Speaker, I yield back the balance of my time.

GOP DOCTORS CAUCUS: MEDICARE SENIORS AND OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. FLEMING) is recognized for

60 minutes as the designee of the majority leader.

Mr. FLEMING. Thank you, Mr. Speaker.

I come before this House tonight to talk about a very important issue—it's been important for years, and it's going to be increasingly important and increasingly a part of the debate—and that is health care, and particularly health care for our seniors. We've got lots going on. ObamaCare, of course, was passed in 2010, and we're running into all sorts of problems. Of course, I and my Republican colleagues here tonight voted against it.

I'm joined tonight, by the way, by two of my colleagues, Dr. PHIL ROE, an obstetrician from the great State of Tennessee, and Dr. SCOTT DESJARLAIS, who is, like me, a family physician.

I thought I would just give a brief introduction about Medicare and how that fits into the budget. I know that Dr. ROE is going to talk in more detail about that.

No speaker would be complete without a chart, and I have several tonight. This is one I think that's important for everybody to understand. This pie chart breaks up spending for the Federal budget. If you will notice, the vast majority of this pie is in what we call permanent mandatory or so-called entitlement spending and interest. What makes up a large part of mandatory spending is Social Security, Medicare, and Medicaid. The size of this pie, this section of the pie, is growing. In fact, if you recall, back in the nineties we actually balanced the budget. The last time we balanced it, I think was in the late nineties. It was a lot easier to do back then because entitlement spending, permanent spending, was not in place to the extent that it is today. It was growing, but not as big.

What is the difference between mandatory spending and discretionary spending, which is the other two pieces of this pie? Mandatory means that if you qualify for a certain type of service or payment, whether you're on Medicare, Medicaid, whether you earned it or not, if you qualify for it, the government must pay. No matter who shows up or how many people show up, the government must pay. So, therefore, the government cannot per se control that cost.

Discretionary cost, on the other hand, is split into two: defense, which is around \$600 billion to \$700 billion a year; and nondefense discretionary, which is what we run the government on. That we can adjust, although we've not done a good job in controlling this. In fact, that's increased probably 25 percent just in the last 2 years under President Obama.

But I want to illustrate for you what the problem is, and that is that the entitlement spending, which we don't control, with an aging population and the fact that it's dependent on govern-

ment spending, is growing at a much faster rate than our revenues and inflation.

□ 1910

This is a chart that outlines where we are today with Social Security, Medicaid and Medicare, the part of entitlement spending. Now, let me say, first of all, Social Security is down here in the purple, and you notice that it slants upward and then it flattens out. Social Security is not our problem. Let me repeat that: Social Security is not our problem.

And people who are on it or will be on it, in my opinion, have nothing to worry about. Now, we may have to tweak it, we may have to adjust it, but you'll notice that the cost really rises relatively slowly, and that's just a matter of demographics. And we can adjust this, as we have in the past, and make this sustainable. There are other ways to do it, in terms of allowing Social Security recipients to invest some of their money and so forth, but that's beyond the scope of discussion tonight.

The next group in green is Medicaid and other health care. You'll notice it's going up faster. And Medicaid is health care for the poor. And then finally in red you see Medicare, and you see how that explodes and it goes up continuously. Medicare alone will completely displace all the budgetary spending eventually if we don't bring that under control. And that would mean we'd have to give up on government itself, we'd have to give up on a national defense—everything—unless we begin to control that.

Now, at the rate things are going, Medicare will run out of money, become insolvent by 2020. And that is straight from the CBO, the Congressional Budget Office. Another way to look at it is that our spending is now equal to 15 percent of the total Federal spending is Medicare, blowing out of control. What has made this worse is ObamaCare actually cut \$500 billion, that is, half a trillion dollars, out of Medicare to use for subsidies for middle class health care plans.

So let me repeat: Medicare is running out of money; it's exploding through the roof. And what does ObamaCare do, the Members who voted for it, it actually cuts money out of it and depletes it of money in the future so that it becomes insolvent. And here's where the cuts are: \$135 billion for Medicare Advantage, which is the private health care version of Medicare, \$112 billion, which was taken from hospitals, \$39.7 billion from home health, \$14.6 billion from nursing homes, and \$6.8 billion from hospice care. These are very real cuts.

And the only explanation that the other side gave us, our Democrat friends, is that somehow we'll cut out fraud, waste and abuse. Well, let me warn you, any time a politician tells

you he's capable of doing that, watch out, because I've never seen it done and I don't expect to see it done in the future. Because, you see, in order to cut out the massive fraud, waste and abuse, you have to spend even more money to find all the bad actors. The best way to do away with fraud, waste and abuse is to make the system much smaller, perhaps even privatize it, and make the system accountable rather than a Big Government bureaucracy, which wastes money, whether we're talking about the Department of Defense or Medicare. So that should give you kind of a beginning of where we are with Medicare.

Let me just close my opening remarks by saying that there's basically two options when it comes to making Medicare again solvent and available for us in the future. There is a Republican plan, which would allow you, if you are currently on Medicare or 10 years from becoming on Medicare, to keep Medicare as it is. And it is sustainable, as far as the CBO tells us, indefinitely.

However, we would have to reform that for younger adults today who will be senior citizens by opening up the insurance system, creating a marketplace for seniors to buy insurance, and then let government help them with what we call "premium support," and allowing competition in private care to drive the cost down and raise the level of service. In fact, what we in Congress have today is the very same thing.

The Democrats, their plan is this: goose egg, no plan whatsoever. Under their plan—or non-plan—Medicare runs out of money in 8 years. And they've failed to present an idea, much less a bill, as we have, that would even solve that. Well, that gives you an idea of some of our opening discussion.

First tonight, I want to introduce my good friend, PHIL ROE. Dr. PHIL ROE, as I said, is an obstetrician. I think he has some comments about the financing of Medicare and other things as well.

Mr. ROE of Tennessee. I thank you, Dr. FLEMING, and I appreciate you hosting this hour tonight and a chance for us to discuss in detail the health care of this Nation.

You know, about 4 or 5 years ago I made a decision, after 31 years of practice, to think about running for Congress. And one of the reasons was I knew that the health care issue was going to be huge in the debate in this Nation's future. And, boy, has that turned out to be prophetic.

Secondly, the thing that I noticed in my patients when I practiced, the single biggest factor for both Medicare patients and my other private patients and patients without health insurance, was it was too expensive; it cost too much money to go see the doctor and go to the hospital. If it were more affordable, more of us would have health care coverage.

Thirdly, we had a group of patients in my practice that couldn't afford expensive health insurance premiums. They both worked. Let's say it was a carpenter, perhaps his wife worked at a local diner or at a local retailer that may not provide health insurance coverage, and they make \$35,000 or \$40,000 a year, but they could not afford \$1,000 a month for health insurance coverage. And, lastly, we have a liability crisis in this country.

The other thing that we're going to get into a little later in this discussion today—and this is the absolute sacrosanct in health care—is that health care decisions—and I'm going to say this a couple of times—health care decisions should be made between a patient and the doctor and that patient's family. It should not be made by an insurance company, and it should not be made by the Federal Government. And we're going to talk a little bit later about the Independent Payment Advisory Board that will be making those decisions in the future.

Do we need health care reform in America? Absolutely. Do we need this type of health care reform? Absolutely not. It's a disaster. And we'll go into that a little later about what my major concern is for my patients that I left in Johnson City, Tennessee, which was how are they going to access a Dr. JOHN FLEMING, how are they going to access a Dr. SCOTT DESJARLAIS, who are family practice primary care physicians. And the group I have at home that I'm in that I left to come here had over 80 primary care providers. How are they going to access those?

Well, let's go look at where we were in the sixties when I was a young college student, which was that we had a group of people, my grandparents and so forth, who would be retiring. And at that point in time, because their insurance was tied to their employment—if they had health insurance coverage—there was no way for them to get any coverage. They couldn't buy it; there was no way it could be provided for. So the Federal Government then got involved in this by forming Medicaid and Medicare in 1965.

Our Medicare program in 1965 was a \$3 billion program. There was no Congressional Budget Office at that time, but the estimates were that in 25 years—so in 1990—this program was going to be a \$15 billion program. The actual number was \$110 billion. They missed it by seven times. And in your initial graph right here, if you had placed in that graph, Dr. FLEMING, interest on the national debt—the one you showed with Medicare, Medicaid and Social Security—by 2020 or 2022, even at current interest rates, it will absorb the entire Federal budget. And that is why we're having this discussion today, to save Medicare.

I want to mention just briefly, because we'll kick this off later, in the

current health care bill there have been many changes to Medicare. There are increased taxes on medical devices. The President said the other day—and we're going to talk about it next week, I think, and debate the payroll tax—about how he was a tax cutter. Well, I would suggest that the President read his own health care bill because there are massive tax increases in that bill.

The Independent Payment Advisory Board is a bureaucratically appointed board, 15 people appointed by the President—and I don't want a Republican President appointing them and I don't want a Democrat President appointing them—approved by the Senate to do what? To look at this Medicare, as we've pointed out, with millions of Medicare recipients each day and—as Dr. FLEMING pointed out—\$500 billion to \$550 billion less going into the system. More people going in, people living longer—much longer, which is a very good thing—we're looking at a catastrophe for our Medicare program if we don't make some proactive changes now.

□ 1920

And how can you talk about how can you fix a system that everybody in this Chamber knows is broken—all 435 of us know it—if you can't even discuss it, if you're accused of dumping Grandma off a cliff if you even talk about a system that—I personally am on Medicare. Right now I'm a Medicare recipient, so I have a vested interest in seeing that this program works for current seniors.

I was at Furman University Monday night speaking to a group of college students on health care. It was a privilege to be there. It's a great college. A big turnout of young people. And it was embarrassing for me to look at those young people who are just beginning their careers and to think that we're going to not leave them the same access to care that I have available to me right now.

If you look at these numbers, Dr. FLEMING, you see that it is not sustainable, so we have to have this conversation. I want to thank you for holding this 1-hour.

I see we have numerous other colleagues here tonight.

Mr. FLEMING. I thank the gentleman.

We have also been joined, in addition to Dr. SCOTT DESJARLAIS, by Dr. PHIL GINGREY, also an OB-GYN; Nurse ANN MARIE BUEKLE; and NAN HAYWORTH, an ophthalmologist from New York. So we've got a full cadre. If anybody here has a headache or, certainly, a heart attack, I think they would be very well taken care of on the floor of the House.

With that, I'm going to ask Dr. DESJARLAIS to talk to us a little bit. I think you have an interest in some of this discussion on IPAB and perhaps other things, so I'd love to hear what you have to say, sir, on that.

Mr. DESJARLAIS. Thank you, Dr. FLEMING. And I, like Dr. ROE, appreciate you holding this tonight because I think there's so much fear, frustration, and confusion among our Nation's seniors right now about what's really going on. There's a lot of misinformation out there. And I think it's good that we, as health care providers, can get together and help clear up some of the misinformation because, as Dr. ROE said, we should never let the government or bureaucrats get between the doctor and the patient. That's a very important relationship, and I think most all patients would agree.

How did we get into this mess?

It's really kind of mind boggling that it has come this far. And as you stated earlier, the Democrat plan is doing nothing; and we know that the consequences of that as, per the CBO, the actuary of CMS, Mr. Foster, has said Medicare will be bankrupt by 2020. So we cannot afford to do nothing. And we got into this mess really just by kind of the head-in-the-sand approach that sometimes occurs here in Washington.

As Dr. ROE mentioned, Medicare was initiated in 1965, and at that time the life expectancy for a male was 68. Well, thankfully, through good medicine, good follow-up, good care, better drugs, better techniques, the life expectancy has gone up at least by a dozen years. But that being said, there really wasn't any planning for that increase. A program that was designed for, on average, 3 years of coverage is now 12 years more, and so that's part of the problem.

A second big factor is we all knew about the baby boomers. Everyone knows about them. And the bottom line is they have started hitting the system at an alarming rate. Ten thousand new members every day are entering the Medicare system. Again, something that we've all seen coming, but it wasn't accounted for in terms of cost; and Dr. ROE explained how it was underestimated greatly what it would cost in the first place.

We know that people pay into Medicare because that is going to be their health care plan when they retire. That's what was promised to them. So we can't do nothing.

In the Paul Ryan plan, we laid out that those 55 and older won't have to worry about it. We know that we can't do nothing, so those 55 and under will have to make changes, as you discussed, and I'm sure we'll discuss more.

But for those seniors out there that are concerned that the Republican plan is cutting them off or killing Medicare as we know it simply isn't true. We're trying to preserve, protect, and save it for future generations as well as take care of them.

Right now you can take an average couple who makes \$80,000 a year and they pay, over a lifetime, about \$109,000 in Medicare taxes into the program.

But with health care costs the way they are now, the average extraction for that same couple is \$343,000.

Mr. FLEMING. If the gentleman will yield on that point, I want to be sure that that's not missed, and that may be the most important statement made tonight. I believe you said that, through a lifetime, a Medicare recipient will pay in an average of 100,000 or so dollars but will take out, on average, \$300,000.

So what we really have with Medicare is somewhat of a subsidy system which does not subsidize according, necessarily, to need. My point in saying that is: Warren Buffett, today, because he's over 65, qualifies for Medicare, and if he gets care, I assume would get the same subsidized care, subsidized by whom? Taxpayers—middle-class, working-class people who pay the private insurance rates.

In some ways, Medicare has become not just help for the poor and the elderly, but just subsidy for people over 65. And so we're going to have to look at: Is there a way in the future that we can even this out, where we're not necessarily subsidizing for those who are capable of paying some of their own costs?

Mr. DESJARLAIS. Right.

As you say, it's clear that \$1 in for \$3 out doesn't add up by anybody's math, even Washington's math. So those factors make it very clear that Medicare is on an unsustainable path.

I find it very frustrating that so many people are living in fear right now with this misinformation. And if any of the other Members—I'm sure they experienced, as my office did, the AARP here, a few weeks ago, had seniors calling Congressmen to say, you know, Don't cut our Medicare. They're referring to the SGR cuts, which actually pertains to the doc fix. But the seniors are confused thinking that their Medicare was actually going to be cut 30 percent or 29, 27 percent, whatever it is. And so when they were calling my office, I was glad to tell them, Yes, we get it. That actually is a cut to physician reimbursement.

But what it does to seniors, more concerning, is that it's going to limit their access to care, because physicians right now are in a position where they can't afford the overhead to even keep their practices open.

I think it was good that the AARP brought that to their attention, but it certainly is great that we have the opportunity tonight to clear that up for our seniors, that it's not a cut, a direct cut to their Medicare benefits, but it is going to directly impact their access to care.

Mr. FLEMING. Absolutely. I thank you for the wisdom of your experience, Dr. DESJARLAIS.

I'd like to turn to Dr. GINGREY here. He's joined us and, of course, has conducted a number—I can't even count

the number that I've participated in with Dr. GINGREY with respect to Special Orders that we've had.

And before doing that, just to follow up on what Dr. DESJARLAIS said about the 100,000 in, 300,000 back, I can recall one day in my own practice sitting there and thinking about the three patients that I just saw. In Room 1, I saw a little lady who's on Medicare who could barely scrape by by the end of the month, and she's on Medicare and getting the benefits of Medicare, and God bless her, she was getting them. And then I thought about the second room where there was a gentleman who's a multimillionaire. But you know what? My charge to both of them and what Medicare did for both of them was precisely the same.

I just couldn't quite understand that, especially when I thought about the little mother in Room 3 who's on private insurance, two-paycheck family, baby, barely scraping by, paying far more in their premiums than someone in Medicare and having to raise children. It was her insurance premiums that were subsidizing both the little old lady who was poor and the multimillionaire.

We're going to have to do something about that to make the economics of this system work. It is unsustainable, as we know.

Dr. GINGREY, I would like to ask you if you could give us a few words, sage wisdom on what your perspective of where we are with health care, ObamaCare, Medicare, and all the other cares that we're talking about.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana, Dr. FLEMING, for yielding, Mr. Speaker, and I thank our leadership for giving us this hour to focus in on Medicare and ObamaCare, formally, I guess, called Patient Protection and Affordable Care Act. We all know it to be the Unaffordable Care Act.

But I think it's very important, Mr. Speaker, and instructive for the folks back home, especially our seniors, to look at this body and the other Chamber as well, Congress as a whole, and you look at the Members who are health care providers. In this House of Representatives, there are 435 Members, and 21 of them on the Republican side are health care providers: nurses, doctors, psychologists, dentists.

□ 1930

On the Democratic side of the aisle, three. You look at the other body, at the Senate, and you see four doctors on the Republican side. None on the Democratic side.

So as we get into this season, this political season, of course the Presidential election cycle, Mr. Speaker, you know, we all know, that we're already seeing the ads. I think Dr. DESJARLAIS referred to this add about cutting Medicare 30 percent. Don't let

Congress cut Medicare 30 percent. And who cares more about seniors.

And I think those statistics are pretty darn telling in regard to who cares more about our seniors. Many of us, in fact, have practiced so long that we're seniors. Thank God we've got good health and vigor and enthusiasm for giving up what has been a wonderful profession, whether we were nurses or doctors or whatever, but caring for people and the compassion that goes with it, to come to Congress, come here inside the Beltway and really work on behalf of our seniors, work on behalf of getting the health care policy right. But particularly in regard to our senior citizens and the millions that depend on Medicare either because of a disability or their age.

So it's the Republican Party, Mr. Speaker. It is the Republican Party that is really working on behalf of our seniors.

What did the Democrats do when they were in control for that brief period of time and Ms. PELOSI was the Speaker? They brought the country a whole new entitlement program, ObamaCare. It had nothing to do with seniors. It had nothing to do with the poor, who are covered by Medicaid and the Children's Health Insurance Program, the SCHIP program. In Georgia it's called PeachCare. They did nothing to strengthen Medicare.

In fact, to pay for this new entitlement program, health insurance for all, young and healthy people, they gutted the Medicare program.

Mr. Speaker, the gentleman from Louisiana has a poster before us right now, the first slide, if you will, and we need every one of us on both sides of the aisle to focus on that. And as he points to the first bullet point, cutting \$575 billion from the Medicare program. And most of it, in the next bullet, is from the Medicare Advantage program. And of the 40 to 45 million people that are on Medicare, most of them, because they're 65, maybe 10 million of them because they're disabled and younger, but so many of them, Mr. Speaker, get their health care on the Medicare program through something called Medicare Advantage. And that's the key word.

Why is it Advantage? Because it gives them comprehensive care, it gives them an emphasis on wellness, prevention. It's not just treating disease. It gives them a drug benefit even before Medicare Part D was enacted by a Republican Congress back in 2003. And what do the Democrats do? They took—what was it, Dr. FLEMING?—\$135 billion out of the Medicare Advantage program over a 10-year period. That is a 14 percent cut.

And President Obama says if you like what you have you can keep it. Well, you can keep it if it's still available, but it won't be.

We're here tonight to let the American people know and let our colleagues know, and if we have to hit them over the head with a 2-by-4 to get their attention, we're going to do it. Because they are ruining a great program. And we're health care providers. It breaks our heart. We know. We see the patient. We are at their bedside in sickness and in health when they come to our office for routine checkups.

But we're here now I guess as policy wonks. It's our colleagues back home—we want to keep them in the Medicare program, particularly primary care doctors seeing those patients. It just breaks my heart to see what's happening.

I thank the gentleman from Louisiana for managing the hour tonight on behalf of our leadership to make sure that these points are made and made very clear to the American people, particularly our seniors.

Mr. FLEMING. I thank the gentleman. Dr. GINGREY serves on the House Energy and Commerce Committee, a committee that has oversight and jurisdiction in this area, very important, looking at a lot of legislation.

Next, I want to turn to another of our freshmen. We've had a wonderful cadre of freshmen we appreciate so much and a wealth of physicians and dentists as well bringing in their years of experience, training, and education.

Next I would like to recognize Dr. HAYWORTH, NAN HAYWORTH from New York, and would be very interested to hear what you have to say this evening.

Ms. HAYWORTH. Thank you, Dr. FLEMING, and I add my thanks to our distinguished colleague from Georgia in gratitude for your hosting and managing this session tonight.

We just had a Medicare telephone town hall today with our constituents in the beautiful Hudson Valley. We had a Medicare administrator with us because it's open enrollment season for Medicare throughout the country, I believe, up through December 7. So we were very grateful to have a Medicare administrator with us who helped answer some of the questions about some of the complexities of Medicare because there are a number of them, as you might imagine.

But we did get one question that was conspicuous because the gentleman asked me, and it's one that we've all been asked, as Dr. DESJARLAIS was saying not long ago, "NAN, why are you against Medicare?" I explained to my constituent that gosh, sir, it's exactly the opposite. I want to preserve and protect Medicare. I want to make it secure and sound. This is very important to all of us, to me as a doctor. I had the privilege of practicing for 16 years. I'm an ophthalmologist. So many of my patients were seniors. I'm the daughter of two elderly parents, both of whom rely on their Medicare benefits. So the last

thing that I would want to do, the last thing that any of us want to do is to harm Medicare. We know how important it is.

More specifically, this nice gentleman was asking about our vote on the budget this past spring. And as all of us here know and as our listeners may not be fully aware, we did pass a budget in the House of Representatives this past April. They may not have heard quite as much about it as they otherwise should have, if you will, because the Senate did not pass a budget. They did give ours 47 more votes than the one proposed by the President. Nonetheless, that was not enough to pass a budget so we've been waiting now, the American public, for at least 2½ years for the Senate to pass a budget.

But in our budget, and Dr. GINGREY and Dr. FLEMING have just been referring to the \$575 billion that was removed from Medicare by the massive 2010 health care overhaul. In our budget, we restore those funds to Medicare. That is a very, very important fact.

We all voted here as doctors, as caring legislators, as representatives of our districts to restore funding to Medicare, to strengthen Medicare, not to weaken it. That's the last thing we want to do and the last thing we can afford to do.

So I think it's very important for the American people to understand that as things stand now, the Medicare benefits that people are counting on are threatened in ways that they don't have to be.

So that's something that people should think about, people who cherish Medicare, who receive Medicare and who have loved ones who depend on Medicare; that Medicare is, unfortunately, as our colleagues have discussed, running out of funds.

When we think about payroll taxes, and we hear a lot about payroll taxes in the news these days, payroll taxes go to pay for Social Security and for Medicare. And the way these programs were set up, as we all know but just so that everybody understands, they were supposed to be, people would contribute from their paychecks, and the money would be kept by the Federal Government and then returned to them in their benefits in their senior years, when they would need them.

□ 1940

That could be a very helpful thing; but as Dr. DESJARLAIS has pointed out, thank the good Lord, people are living much, much longer than they were when Medicare was first made law.

So we are facing a challenge because, for several decades, contributions to Medicare from the payroll taxes were built up. People weren't taking out as much in their Medicare benefits as they were paying in. The baby boomers were not part of the Medicare-eligible

senior group yet, and now they are. Now our seniors are living many years longer, thank the good Lord—and I wouldn't trade a day with my parents nor with any of our seniors—and our health care is wonderful in the United States, but it is costly for a number of reasons.

The Medicare funds that were built up have now started to be depleted, and they're going to run out, it's projected, anywhere from 2024 to now 2021. What we all know is that the estimates are probably off the mark. So, to take an extra \$575 billion out of Medicare is the last thing we want to do.

It's very important for everybody to understand that because, although there are workers in this country who are contributing their payroll taxes now—and those are going to help fund Medicare—when those folks become retirees, Medicare is going to be very different in terms of the funds it has. That Medicare trust fund is going broke.

So folks have been thinking about—Dr. DESJARLAIS in particular mentioned it, I think—and may have heard three letters, SGR, about the doc fix. What is that? What does that mean?

When patients go to visit their doctors and when they receive Medicare, as Dr. FLEMING was saying, our Medicare patients have a certain fee schedule that we are obligated to follow. In a lot of cases, depending on their insurance and other factors, that fee schedule is far less than the fee schedule that is set up for our other patients. So Medicare pays doctors and other providers, and it generally pays less than other programs do. We accept that when we participate in the Medicare program, but to provide Medicare in the United States is very expensive. We have staff that we have to pay. We have overhead. Everybody who has a business—and I had my own practice, a small business—has rent and supplies and staff and insurance to pay.

One of the unique aspects of America in terms of our medical care is that we do have what's called a "liability system," which is very costly, to cover lawsuits for malpractice. We should, indeed, do everything we can to prevent malpractice, but lawsuits in this country are very expensive.

Mr. FLEMING. If the gentlelady would yield, I think Dr. GINGREY has something he would like to add.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana for allowing me to take up a little time—maybe just a minute—to interrupt the gentlelady from New York.

Ms. HAYWORTH. Absolutely.

Mr. GINGREY of Georgia. She has made such great points.

The thing that I wanted to mention to my colleagues is that if we do nothing—and I think Representative HAYWORTH pointed this out—it is really not an option. She talked about those

dates—2024, maybe, but probably closer to 2021—when part A becomes fiscally insolvent. If we do nothing, then what would happen is our seniors under the Medicare program would take a 22 percent cut in their benefits package, or else we would have to raise the payroll tax 22 percent.

I'll yield back after making this comment as I think this is important.

Medicare was enacted as an amendment to the Social Security Act in 1965. I guess it's title XVIII. We didn't have all of the information we needed back then. As Representative HAYWORTH points out, situations were different. Back then, people were not reliant so much on medication. It was more surgery and that sort of thing. Now we have Medicare part D. The point is that things change; and if we hadn't changed with the times, we would still be watching analog television. It's just as clear and as simple as that.

For people to criticize what the Republican budget called for in regard to making changes to Medicare so that it remains solvent for our children and grandchildren—and, as Dr. HAYWORTH pointed out, to protect it, preserve it and strengthen it for those who are already on it—it would not do anything in regard to them but would be a phased-in change for our children and grandchildren so they'll have it like we've had it.

I thank the gentlelady for letting me interrupt briefly.

Mr. FLEMING. Since we are beginning to run a little short on time—and I want to make sure we get to all of our doctors and nurses—I'm going to recognize Ms. BUERKLE, a very excellent nurse and a wonderful addition to our freshman class.

Ms. BUERKLE. I thank my colleague from Louisiana.

Mr. Speaker, I just want to say what an honor it is to be here tonight on the floor with my colleagues and the members of the Doctors Caucus.

I do stand here as a nurse and also as the daughter of a 90-year-old mother. So Medicare for her, I know how she depends on the system.

One of the things we didn't talk about and one of my roles in life was as an attorney, as an attorney who represented a large teaching hospital. About 2 weeks ago, I joined with some of my colleagues on the House floor, and we talked about what this health care law is going to do to our hospitals. When our hospitals and our doctors are affected by reimbursements, by Medicare cuts, that really affects our seniors. That reduces their access to care.

So the first thing I want to do tonight as a health care professional and as someone who cares deeply—and I think that's the beauty of this tonight, of our getting together as people who have invested their lives in health care, who love people, who care about people.

This isn't a Republican or a Democratic issue. This is an American issue because health care affects all of us. This is a group of people who really believe that there is a better way, that there is a much better way to provide access to health care in our country without jeopardizing that access and without jeopardizing the quality of care that our country has to offer.

So the first thing I want to do tonight is reassure our seniors that we are talking about protecting and allowing the Medicare system to continue on. What they need to understand is that the health care law has changed Medicare forever. Medicare is different now than it was before the health care law passed. The health care law cuts, Mr. Speaker, \$500 billion from Medicare.

I just want to make clear on this graph what happens to Medicare reimbursements from 2012. You can see where we are. It's a minus, a cut of 9.7 percent; but here in 2018, the cuts to Medicare and the reimbursements to our hospitals are down 28.6 percent. I've had all the hospitals in my district come to me, and they were proponents of the health care law. They wanted reform. They've come to me and they've said, This health care law is going to bankrupt us because not only is the health care law affecting their Medicare reimbursements; it's affecting their disproportionate share reimbursements, which keeps many hospitals afloat that treat indigent patients and that treat Medicaid patients. It also affects their GME and their IME, which we talked about in the last Special Order we had in regards to how we're going to keep our teaching hospitals and keep all of our hospitals viable.

So I just want to leave the message tonight with the American people that we care about preserving Medicare for our seniors. We are not proposing anything in our budget proposal that would affect our seniors and those back to age 55. We want to assure the American people that we care so deeply about health care and about the quality of health care; but we are very concerned about this health care law, and it's why we voted to repeal it several months ago. One of the first things we did when we came to Washington was to repeal the health care law because we know what it will do to our seniors and to our health care providers.

I thank my colleague for organizing our time here tonight on the floor. Again, we just want to reassure the American people that we care about our seniors. We want to make sure they have access to quality care, to good health care.

□ 1950

Mr. FLEMING. I thank the gentlelady for a very compelling discussion, both as a health care provider and nurse, but also as a daughter of an el-

derly mother. Those words are very heartfelt, and obviously it means as much to you that we protect Medicare and health care in general as it would anybody. There's no reason why, just because you're a Member of Congress, that you would love your mother any less, so I think those are important words.

We're going to move now from a nurse to a surgeon. Dr. BENISHEK from Michigan has joined us this evening, and let's hear from you, Doctor, and see what you have to tell us.

Mr. BENISHEK. Thank you, Mr. Speaker, it's my pleasure to be here this evening to join my colleagues to talk about Medicare.

As you may know, before coming to Congress, I served as a general surgeon in my district for the last 30 years, and many of my patients were on Medicare. And as a practicing physician, I often expressed to my patients—and my understanding wife—about our broken health care system here in America. In fact, that's one of the reasons I decided to get more involved in the political process and actually run for Congress.

Most Americans don't understand that Medicare will be bankrupt within the decade if we don't do something to fix it. I didn't make this up. The actuary for the Centers for Medicare and Medicaid Services actually provided this number. You know, I think if you ask most 65-year-olds just beginning to use Medicare, most would be very worried to learn that their primary health care provider was projected to be bankrupt within the decade.

In fact, according to a recent Social Security Trustees report, Medicare seniors should expect to see a 22 percent benefit cut or workers should expect to see a 22 percent hike in their payroll taxes unless some action is taken. The bottom line is, if action isn't taken today, seniors in the program today, not to mention those looking to retire in the near future, begin to lose their benefits.

Despite these facts, the other side of the aisle has spent the last 6 months attacking us, often saying that House Republicans' attempt to protect and preserve Medicare was, in fact, destroying it.

Are you kidding me? Accusing myself and my fellow physicians in the House of wanting to end Medicare? We spent our careers caring for Medicare patients and are proud now to call them constituents.

The real truth of the matter is that President Obama was elected in 2008 with the promise of hope and change. He did accomplish change in America's health care system, but I don't think it's the kind of change that Americans bargained for.

Mr. Obama's health care law cut \$575 billion from an already ailing Medicare system. The name of Mr. Obama's health care bill is the Patient Protection and Affordable Care Act. Mr.

Speaker, I ask you: What type of patient protection cuts \$14.6 billion from nursing homes, \$112 billion from hospitals, and \$135 billion from Medicare Advantage?

While I'm on the record extensively for balancing the budget, I do not believe that our health care system should be made affordable on the backs of America's seniors.

If the \$500 billion in cuts made by ObamaCare were not bad enough, this bill did nothing to address the nearly 28 percent cuts to physician payments scheduled for January 1 of 2012. I believe in providing access for America's seniors, not taking it away.

I am happy to announce here tonight that I'm working with members of the Doctors Caucus, House leadership, and Members across the aisle to develop legislation that will solve this issue once and for all. Mr. Speaker, tonight I call on all my colleagues to work together to ensure America's seniors that America will continue to be there for them in their time of need.

I have made a pledge to seniors in my district that I will not support any changes to Medicare benefits for those 55 years of age or older. It is my belief that for those age 54 years of age or younger, some reforms will be necessary to guarantee that Medicare remains solvent in the long term for our children and our grandchildren. Mr. Speaker, we are here tonight to show that, as physicians, we want to preserve Medicare for the future.

I thank Dr. FLEMING for organizing this Special Order hour.

Mr. FLEMING. I thank the gentleman from Michigan.

Again, we're getting a world of experience here tonight, all the way from OB-GYNs, ophthalmologists, family physicians, nurses, so much in the way of words of wisdom, and we have so much on our side of the aisle with Republicans, as my friend points out, a dearth of available physicians, health care workers on the other side of the aisle. It seems a shame that we were completely closed out of the creation of and passage of the health care reform act, which certainly suggests that we need to go back and do it.

We also are joined tonight by our colleague from Arizona, Dr. GOSAR, who is a dentist and a very valued member, as well, of the conference. I would love to hear from you this evening.

Mr. GOSAR. Dr. FLEMING, thank you so very much for organizing this hour and being able to have a fireside chat with the American public about health care and what really is coming about and what actually is going on with a broken health care system. I also want to take the time to educate, to understand—have the American people understand what it is about a vibrant economy that actually helps our Medicare system.

Now, I know the holidays are coming up and we're going to be discussing giv-

ing a continuation of a tax holiday for many Americans, about the thousand dollars for an individual on their FICA, on their withholding tax, and to employers; but I also want to take the time to explain to the American public that there is a cost involved here. And part of that cost when a withholding tax is taken out goes into Social Security and partly to Medicare, and part of this is particularly Medicare part A, the hospitalization act, which is the closest one to insolvency of all parts of Medicare.

Now, we lost 5 years, particularly on Medicare part A, the hospitalization act, just from the years of 2010. We have yet to start looking at the disastrous parts of the economy to 2011 to be added into the insolvency. But what ends up happening is this takes a further hit in the numbers and amount of money that is actually part of the equation for our seniors in Medicare, so it's going to get worse before it gets better. And when you couple that with this administration taking—I call it stealing—over \$500 billion away from the current Medicare program to build another entitlement, that's just not right.

I came into Congress because I was concerned about health care. As a dentist, I love seeing a smiling face, because a smiling face tells me something about vibrancy, about health, and participating in the greatest things that this life gives us. But it also tells me that it has to be a participating sport and that what we have to have is a patient taking care of and being involved actively in the choices and decision processes in their health care, and that's what I want to see.

I'm flabbergasted, to be honest with you, that we see a program rectifying Medicare, or attempting to, through ObamaCare, but then we leave the SGR fix or the physician fix completely separate. It doesn't make sense to the average person why these aren't all integrated and part of the same equation.

I also want to remind the American people, this is not an easy solution. We didn't get here overnight, because we didn't do our due diligence like we had talked about earlier. We didn't change with the times as we grew older. We changed our participation and age and the variables that we had.

We also enveloped technology, unbelievable things that no one in 1965 could have even imagined, they could have dreamed but couldn't have actually imagined. And that's what the other part is is that we also have to look—I come from a very rural district, and what is happening back in my neck of the woods is the primary care doc who was that gatekeeper, they're no longer around. They either are associated with a hospital or a federally qualified health center—if you can get them to see you. And that's the part that also makes me tell the American public we have got another problem.

You were involved in this Joint Committee that had Democrats and Republicans, 12 of them, trying to figure out some type of a debt solution for \$1.2 trillion.

I want to remind the American people there's another consequence in this, not only to our military, but to our health care providers as well, because the sequestration, when it goes through, is also going to tap, once again, the providers who are no longer being able to afford to see patients, and our hospitals, particularly those rural hospitals that will be going out of business. So there won't be an access to care. We won't have the ability to be a part of our own health care because there won't be a health care provider out there.

□ 2000

This is the dynamics that we have to look at. This is the equation that is so immense. What I have always said is start a little bit at a time. Make sure that the playing field is level and all of the participants are actually there, increasing the competition, making sure the public health and the private health are all in balance, and then making sure we have some tort reform.

We have to have that. That was absolutely missing within this health care system. That is what we are going to have to get back to. And we're going to have to have sunset clauses that we reactivate and reevaluate each of the process as our aging population gets older and as our technology gets better and there are new advances in medicine. We have to empower people to be part of their health care solution and empowering them to get back with their physician and their health care system. That's what we need to do.

And that's the most vibrant aspect that I can challenge our seniors with. We're here for Medicare. We're here to change Medicare in the right way. We're here to change it for you.

Mr. FLEMING. I thank the gentleman, Dr. GOSAR. I'm just going to make a couple of closing comments; and in the few moments we have left, I'm going to allow some of our other physicians to give closing comments.

One of the important things we have learned here tonight is under ObamaCare, \$575 billion was cut out of Medicare. Medicare is going broke, becoming insolvent, according to the actuary in 8 years. The Republicans passed a budget earlier this year that would have fixed that for good. And the Democrats have yet to even talk about it or even acknowledge that it exists. But they do know it. So I want to be sure that we leave here tonight with an understanding of the seriousness of the challenges that we have before us.

Now I would like to recognize Dr. ROE for some parting comments.

Mr. ROE of Tennessee. Dr. FLEMING, thank you. I was just looking here,

over 200 years of experience. What a diverse group. We have nursing, dentistry, family practice, OB-GYN, surgery, and so on. I think one of the greatest frustrations I had when I came to Congress, and Dr. GINGREY has been here longer than you and I have, and one of the things that I noticed in the health care debate that we had, now going on 3 years ago, was this: with nine physicians, M.D.s in the U.S. Congress, in the 111th Congress, not a single one of us was consulted about this health care bill. This was done on a completely partisan basis.

I have to kind of chuckle. I have never seen a Republican or a Democrat heart attack in my life. I have never personally operated on a Republican or a Democrat cancer in my life. These are people problems, as Congresswoman BUEKLE said a moment ago. These are people problems that affect all of us in this country.

What we wanted to do, as I stated when we started, was to make the cost of care go down. This is not going to do this. Look, this is very simple. When we talked about the IPAB, and I think we'll have to use a different time to discuss the Independent Payment Advisory Board because it is so detailed, but just very briefly, this is how this works.

Several of us have pointed out that \$575 billion was taken out. Three million seniors a year going into Medicare, reaching Medicare age, and this group, this group of bureaucrats up here appointed, and I don't want them appointed by a Republican or a Democrat. I think Congress ought to be accountable, and we ought to be accountable to the American people about what happens to Medicare, not push it off to some bureaucrats that are going to make these decisions, and then we say, oh, I'm sorry, we can't do anything when care is denied because when you have \$575 billion less, and 3 million more people added per year, that's 30-something million people in 10 years, you know what that leads to, Mr. FLEMING.

It leads to a rationing of care. Decreased access. And if you have decreased access to your primary care provider, it means decreased quality of your care and the cost is going up. That's what's going to happen with this plan. That's why it's imperative, not just Medicare, but that we overturn the Affordable Care Act because it's not good medicine for patients.

If we simply had been included in the debate, this would not be a plan that you had to run through and get rid of the 1099 form, the IPAB. It's a bipartisan bill now with 214 bipartisan cosponsors. Those folks realize it's a bad idea. I could go on and on and on.

One of the good parts of the Affordable Care Act, let's point it out, it costs more money, but allowing a 26-year-old to stay on their parents'

health care plan, that's a great idea unless your parents are not paying the bill. Currently, if a young person, 22 or 23 years old, gets health care, they'll pay one-sixth what I do. Now what happens with this, it has to be a three-to-one ratio, so their health insurance plan costs double.

We could go on and on about the inconsistencies. I think the previous Speaker, the current minority leader, had it right when she said let's pass it and then find out what's in it. Well, I read it, as most of us physicians did, and we found out all of the things that were in there that were not good for our patients. We're just now discovering it's going to be more costly for businesses out there, and we need to have an entire hour on that.

Mr. FLEMING. I thank the gentleman. Before I recognize another Member in the last minute or two that we have, I would just like to say that we are going to be having a lot more of these sessions. So we've just started. We've just scratched the surface. We're running out of time, so just to wrap things up, we have just barely scratched the surface. And these are not all the physicians or health care workers we have on our side. There are others here who could have been here, but had some other commitment tonight, but will be here next time.

I would love to talk more on IPAB. Even many Democrats see that was a very big mistake. It will be one way that you can get the door closed on your health care and getting the right sort of care in the future.

I thank everyone for being here tonight, and I look forward to doing it again very soon. God bless you all.

I yield back the balance of my time.

REPEAL OBAMACARE

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it's an honor to be recognized to address you here on the floor of the United States House of Representatives. And I want to say that I appreciate the presentation that came from just some of the great team of doctors that we have here, especially on the Republican side of the United States Congress. I occasionally sit with these learned individuals, and I learn a lot from them, and I'm grateful that the American people have been able to review their presentation here tonight, looking at the numbers and the dollars that have come out of the health care because of this great burden of ObamaCare.

You know, I was thinking of the necessity for us to continue to remind Americans, ObamaCare is right now the law of the land. It is the law of the land. And until such time as this Con-

gress repeals it or the Supreme Court should find it to be completely unconstitutional, it will remain the law of the land.

Mr. Speaker, the American people need to be reminded that even though it's creeping in on us, and people are realizing what ObamaCare is doing, a few people at a time, it is an insidious creep of a malignant tumor that is metastasizing and consuming American liberty, and it has to go.

If we look back at the special elections in Ohio 2 or 3 weeks ago, on it were several ballot initiatives. The second ballot initiative was one that rejected the collective bargaining initiative that had been initiated by Governor Kasich. It was a tough loss for Governor Kasich. I think he was right, but he lost in the ballot place because there was a liberal-heavy, union-heavy turnout in the State of Ohio for that special election night 2 or 3 weeks ago. And by 61 percent, the Kasich-initiated ballot initiative that limited collective bargaining was shot down by a union-heavy, liberal-heavy turnout. And they spent a lot of money in Ohio to turn out that type of a base.

But in the same ballot, the next item down, ballot initiative No. 2 was collective bargaining. No. 3 was a constitutional amendment to amend the Constitution of the State of Ohio to protect Ohioans from ObamaCare, to be able to reject the individual mandate and a whole series, about three different points there, to amend the constitution to protect Ohioans from the ObamaCare mandate.

□ 2010

And, with a union-heavy, liberal-heavy turnout in Ohio in which 61 percent said "no" to Governor Kasich on collective bargaining, sixty-six percent of that voting universe voted to protect Ohioans from ObamaCare and to reject ObamaCare by amending their State constitution. That's a serious step, to step forward and amend the State constitution. But they did so in an effort to reject ObamaCare in the State of Ohio.

Now, Mr. Speaker, that is a resounding rejection, that two out of every three people that went to the polls rejected ObamaCare. I will tell you that the American people are poised to do so if they're reminded that it exists out there. And there are two things that protect the American people, two stops along the way that can keep ObamaCare from becoming the perpetually institutionalized permanent law of the land, and that would be when the Supreme Court hears the case and yields a decision. I would remind you, Mr. Speaker, that there is no severability clause in all 2,600 pages of ObamaCare. No severability clause.

What that means to the lay person is this: If a component of ObamaCare is found unconstitutional by the Supreme

Court, then all of ObamaCare is thrown out by the Supreme Court. There's no provision that stipulates that if a component is unconstitutional, then the other components will stand on their own.

That is not just an ignorant omission on the part of the people that drafted and promoted and voted for ObamaCare. They knew it didn't have a severability clause in it. I knew it didn't have a severability clause in it. That means every Member of Congress had the opportunity to know that it didn't have a severability clause. So Congress willfully and intentionally passed an ObamaCare piece of legislation that didn't provide that if a part of it is found to be unconstitutional, the balance of it would be found to be constitutional. And the important component of that then, Mr. Speaker is this. If a part is found unconstitutional, it's all unconstitutional, and all 2,600 pages of ObamaCare then, by a Supreme Court decision, will be rendered null and void.

Yes, Mr. Speaker, there are exceptions to those types of decisions by the Supreme Court. But generally speaking, the court honors and respects a willful decision of the legislative branch. If that willful decision is that there be no severability clause, the Supreme Court should understand that that wasn't an accident. It was an unintentional omission. It was a willful omission because the drafters and the proponents of ObamaCare, of which I am not one, understood that if a part of it is found to be unconstitutional, the rest of it collapses anyway of its own weight.

The components of this that prop up ObamaCare are cutting that \$575 billion out of Medicare to fund other parts of ObamaCare and then ending Medicare Advantage. The individual mandate that's in there, all of this is delicately drafted to try to find a way to argue that it could be paid for. And of course, they discovered that the CLASS Act in ObamaCare couldn't sustain itself. The numbers that they had advanced to try to pass it aren't sustainable. And so the administration has decided they're not going to move forward with the CLASS Act, this piece that is, let's say, retirement home insurance funded out of ObamaCare. They thought that was going to save money; they found out that it was going to cost money. So they'll drop that.

This Congress has passed a couple of repeals of pieces of ObamaCare. One of them is, out of this House at least, is the 1099 squeal form piece of ObamaCare. So it's been taken apart to some degree. And the underpinnings of ObamaCare are starting to cause it to crumble. If the Supreme Court finds any part of it unconstitutional, Mr. Speaker, they will be well aware that no severability clause does not indicate

an omission by accident on the part of Congress; that somehow the Supreme Court would re-create on a decision by the Supreme Court. They need to know it was a willful decision, it was premeditated, it was thought out, and the decision was no severability clause because ObamaCare, if any part of it is taken out by it being found unconstitutional—and I believe there are about four areas where it is unconstitutional—then all parts of ObamaCare must go.

I appreciate the doctors that came to the floor tonight to educate the American people on the bad components of ObamaCare. I would like to encourage, Mr. Speaker, the American people to know that we are focused on repealing 100 percent of ObamaCare; ripping it all out by the roots and leaving not one vestige of it left behind, not one particle, not one sign of its DNA. Because if we leave any component of ObamaCare, it will grow back on us like the roots of a bad weed and/or the virus, or the malignant tumor, as I said. I would ask the doctors this. You take out a malignant tumor. If you leave part it, it will grow back. I don't want to leave one part of this malignant tumor of ObamaCare. I want American liberty to thrive. So ObamaCare must go.

Ohioans have rejected it by roughly a 2-1 margin—66 percent. And Ohio is middle America. If you're going to win the Presidency, you must win Ohio. President Obama knows that. That's why he visits Ohio as often as he does with Air Force One. Or, did we call that Fundraiser One. He visits these swing States—about 11 swing States—with the President of the United States flying in and out with Air Force One. Yes, just propping up public policy—no, not campaigning, according to his press secretary. We all know better.

The criticism that came from the Democrats because George Bush dropped into some States that were swing States on Air Force One now becomes the responsibility of Republicans to remind the Democrats that the next time this happens, you will be hypocrites. You actually should retract your statements now to prepare yourself for the incumbent President that will be campaigning around on Air Force One, dropping in some of these places and advancing policy in 2016. So prepare yourselves, gentlemen. Scrub it out of your history now. Recant the things you said about George W. Bush. That way you can defend the President today, and then you won't be such hypocrites in 2013, as I predict you will be. Sure, I would be happy to yield if you had an opinion on that, but I know that you know I'm right and accept that.

So, the job of this Congress, the job of the American people, is this: To maintain people here in the House of Representatives who are pledged to,

committed to, and will pass a repeal of ObamaCare again and send it over to the United States Senate, where I'm asking, Mr. Speaker, for the American people to put Senators over there that will also vote to repeal ObamaCare, pledge to do so, and pledge to drive it and push it and use every fiber of their being to rip that malignant tumor, ObamaCare, out of the Federal Register, out of the code, and give people back their American liberty. It's not enough to trust the Supreme Court to make a constitutional decision and sit back on our hands and think that somehow the court is going to save us.

I remember what happened when McCain-Feingold passed and then went to the President's desk. That was President Bush. And the word that came back—and this is rumor and conjecture, Mr. Speaker—was that the President had decided that he would sign the bill because it had such momentum when it got there and political support when it got there because he expected the Supreme Court would find McCain-Feingold to be unconstitutional.

Well, over time, and thanks to Citizens United and their lawsuit, parts were found to be constitutional—not all of it—and the limits that were put on free speech within that were freed up to the degree that they were litigated by Citizens United. I congratulate the people that had the vision to take it to the Supreme Court and win the case there. But no executive officer and no Member of this legislature, the House or the Senate—and, Mr. Speaker, I would send a message also to all legislators in the land, everyone in the statehouse in all 50 States, be you in the State house or the State senate, or in Nebraska in the unicameral, never vote for a bill because you believe that the court will find it to be unconstitutional and protect the citizens from a bad policy or an unconstitutional policy.

Mr. Speaker, we take an oath to uphold the Constitution of the United States. That oath that we take is to preserve, protect, and defend the Constitution of the United States to the words and the language that are in the Constitution, not as it would be reinterpreted by someone else—a court-to-be, let's say, appointed later by an executive-to-be elected later to amend by court decision the clear meaning of this Constitution.

I'd give an example of this. In fact, the discussion came up today in the Judiciary Committee with Congressman SENSENBRENNER of Wisconsin's bill that goes back to protect the property rights within the States and prohibits Federal funds going into certain programs of States that violate the intent and the literal language of the Fifth Amendment of the United States Constitution.

The famous Kelo decision, Mr. Speaker, I recall that unfolding here in

about 2004 or 2005, when I believe it was the city council of New London, Connecticut, had decided that they would condemn property that was owned privately through eminent domain and then hand that property over to another private interest to be developed for a shopping mall or a strip mall because they believed that they would get a better tax base and get a better return than they were from the individual that owned the land.

□ 2020

Now, it directly and clearly violated, in my opinion—and I'll put my opinion up against any Supreme Court Justice that disagrees with me on this issue in particular—the clear language in the Fifth Amendment of the Constitution that protects our property rights and is an essential pillar of American exceptionalism, the right to property.

It says: “Nor shall private property be taken for public use without just compensation.” “Nor shall private property be taken for public use without just compensation.” And the effect of the Kelo decision by the Supreme Court, which I believe was unjustly found, is to strike three words out of the Fifth Amendment in the Constitution of the United States, the words: “for public use.” So, now the effect, after this wrongly held Kelo decision, is for the Fifth Amendment to read this way: “Nor shall private property be taken without just compensation.” The “for public use” taken out of the Fifth Amendment.

This Constitution has to mean what it was understood to mean at the time of ratification. It has to mean what the clear words mean in this Constitution. It can't be anything else. We can't take an oath to anything else, and we can't be bound by a later interpretation to the Constitution that someone else makes unless there is a clarity that's added to the understanding of the plain meaning and the plain words and the original text of the Constitution and the amendments as they were ratified.

What did they mean when they were ratified? Mr. Speaker, we had a supreme court in the State of Iowa that concluded that they could find rights in the State constitution that were “up to this point unimagined.” Seriously, judges wrapped in black robes—no longer any wigs—sitting there saying that they had found rights in the constitution that were up to this point unimagined, and that somehow this contractual guarantee that gets passed down through the generations and the ages, this contract with American citizenship—with Iowan citizenship in that case—can be breached because they have found rights that were up to this point unimagined? Heretofore unimagined rights.

What kind of guarantee can there be, a court that can discover new rights out of their imagination and declare

that no one else had the imagination to discover those rights, but they had the vision to discover rights that were in this Constitution but not discovered before? That says there's no guarantee whatsoever. That says this Constitution becomes just only one of two things: it becomes an artifact of history with no meaning whatsoever, or it's a shield that the Justices can use to protect themselves from the criticism of the unwashed masses, those laypersons that think that they can't read this clear language and understand it.

Mr. Speaker, I'll say the people I represent can read the Constitution. They do understand it. They understand what it means. And they can make the argument with the Supreme Court Justices if they were not intimidated. If they would just read the language, go to the Fifth Amendment, read the language, “Nor shall private property be taken for public use without just compensation.”

What does “for public use” mean if a local government can confiscate private property and hand it over to another private entity for the purposes of private use? That means they have violated the Constitution. And the bill before the Judiciary Committee today, thanks to Chairman SMITH and former Chairman JIM SENSENBRENNER, fixes that to some degree; but it doesn't repair this Constitution that is so sacred to all of us that we take an oath to it.

And so I'll continue my oath and pledge to this Constitution, Mr. Speaker, and continue to make this point that we have to have constitutional legislation come before this Congress; that when someone brings a bill called ObamaCare to this floor—2,600 pages—that violates so many of the components of the constitutional guarantee, let alone sapping the vitality from this very vigorous American culture that we are, the American people rise up.

They rose up in tens of thousands, came to this Capitol and surrounded the place, jammed the place so heavily that people had trouble getting in and getting out. It was a glorious thing to see, Mr. Speaker, that the American people love their liberty enough that they would come from all 50 States to jam this Capitol to say to us, do not do this. Do not commit this affront to the Constitution. Do not usurp American liberty. These are God-given rights.

And who takes them away? This Congress that was led by then-Speaker PELOSI and HARRY REID in the Senate and Barack Obama. The ruling troika imposed ObamaCare on us, and the American people have rejected it resoundingly by sending now 89 freshman Republicans to the House of Representatives. And every one of them pledged to repeal ObamaCare. And all but two of them—because they haven't had a chance to do so yet, they're the special election two—every single Republican

in the House and every single Republican in the Senate voted to repeal ObamaCare. And it was bipartisan. Some of the Democrats in the House voted to repeal ObamaCare.

The message has been sent. It's been sent in the State of Ohio; it's been sent by the polling. It goes on and on and on: repeal ObamaCare. Now, every Presidential candidate on the Republican side is running on repealing ObamaCare. Every one of them will sign the repeal if they're elected President and sworn into office.

Now, I'd like to see us put the repeal of ObamaCare, if we can't get it passed before such time as we elect a new President, whom I believe will be inaugurated January 20, 2013, if we can't get ObamaCare completely repealed before then, and whether or not the Supreme Court finds it unconstitutional, honors that there is no severability clause, and throws all of ObamaCare out, it's still exists within the code and it still needs to be repealed.

And the next Congress, being an honorable Congress, needs to send a repeal to the next President to be signed. And even if the Supreme Court throws it out, and even if the current President is reelected, there needs to be a repeal that goes to second-term President Obama's desk—I perish the thought if it unfolds in that fashion. But this Congress needs to act and repeal ObamaCare thoroughly.

And I pray that we're able to put the repeal of ObamaCare on the podium, on the west portico of the Capitol, January 20, 2013, having passed the House and the Senate, not messaged to the White House, messaged to the podium on the west portico of the Capitol, moments—maybe the instant after the next President takes the oath of office. And at the words “so help me God,” I'd like to see the next President sign the repeal before he or she shakes the hand of Chief Justice Roberts, who will be delivering the oath of office to the next President of the United States. We have constitutional responsibilities that we have to live up to. We give an oath. ObamaCare violates that Constitution.

And we have some other things going on here in this government that violate the spirit of the statutes that the American people have pushed through here. And one of them is this. It's the advocacy, Mr. Speaker, of this: I've got a memo in my hand. It's dated 13 April, 2011 from the Chief of the Chaplains of the Navy to Chaplains and Religious Program Specialists. It says this: Go ahead, you Navy chaplains. You go ahead and conduct same-sex marriage services on our military bases anywhere where it's not otherwise illegal.

That's the summary of it. It says that facility usage is determined by local policies. And the Region Legal Service Office, the RLISO, should be consulted to ensure compliance with

existing laws and regulations, absent some existing statute, however. This is a change to previous training that stated same-sex marriages are not authorized on Federal property. This memo says they are now authorized on Federal property in direct contradiction with the Defense of Marriage Act, DOMA, that was passed by this Congress, signed into law, clearly is the law of the land.

I mean, we have, apparently, a directive from the Commander in Chief of the United States military, Barack Obama. He surely has to be the one that has ordered the Navy, you shall send out a memo here to direct the chaplains to conduct same-sex marriages on the bases unless there is some other law that gets in the way. I think that this kind of activity is an affront to the legislative authority that exists by the Constitution within the legislature. This is not an executive decision. This is a decision of the legislature.

□ 2030

We passed the Defense of Marriage Act. I testified to defend the Defense of Marriage Act over in the United States Senate a month or so ago. And if the Senate were able to pass a repeal of the Defense of Marriage Act, it still has to come to the House, where I'm confident it would not pass. And I don't think it'll pass the Senate either.

But in any case, we have a defiance of Federal policy set by the Congress, signed by the President of the United States, from the Office of the Chief of the Navy Chaplains, dated 13 April 2011, that says, don't be biased by sexual orientation when you're conducting weddings. Go ahead and marry same-sex people on these military bases anywhere where it doesn't otherwise violate a law.

That tells me that that goes worldwide, bases everywhere. I suppose it's probably not happening on a base in Kuwait. They might frown on such a thing, but I don't know, and it's hard to get the facts on this.

But it's hard for me also to imagine a Marine—a Navy chaplain marrying a couple of marines, let's say a same sex couple of marines, whichever sex it might be. And this is going on in the United States of America and on bases around the country, Mr. Speaker, and it needs to come to an immediate halt.

This Congress has acted on this. This House has sent the message, and of course you have the Senate on the other side, run by HARRY REID, one-third of the former ruling troika that now becomes a shield for the President of the United States and the person who carries the water for the President, protects him when he doesn't want to have the confrontation himself. They've gone the other way. Now they've stricken the language out of the code. If the Senate language passes the House, they've stricken the lan-

guage that prohibits bestiality in the military in their overzealous effort to try to advance same-sex marriage among our military and use it as a social experiment.

The military's job is to protect our freedom and our liberty. They take an oath to the Constitution. They put their lives on the line, and we give them something that defies the Federal law, the Defense of Marriage Act.

Now, this is bad enough, Mr. Speaker, and I'm going to ask to introduce this into the RECORD. I know that I have the, I guess I'll say the privilege to do that. I will go on to another subject matter here that's—I don't know if it's more egregious, but it's plenty bad.

This is a memo dated September 14, 2011, Department of the Navy, Walter Reed National Military Medical Center up on Wisconsin Avenue, Bethesda, Maryland. I visited up there and visited wounded a number of times. And this memo is from the Commander of Walter Reed National Military Medical Center. Subject: Wounded, Ill and Injured Partners in Care Guidelines. Policy Memo Number 10-015. And there's a bunch of other stamped numbers that do reference off of the Web site. And it gives some directive about the purpose, applicability, official of wounded, ill and injured partners visits, how they should be conducted, et cetera.

And policy, according to Patient and Family Centered Care, Mr. Speaker, children in good health under the age of 18 are encouraged to participate. It goes on. Here's how the families should conduct themselves in visiting the wounded. Here's the intensive care units, how we would do that.

Here are exceptions, visits before or after the established hours, how that might work. And then visitation for certain kind of patients, et cetera. Those visiting the WII in an official capacity will make their request 5 days in advance, getting to the goal line.

A number of these provisions, as I read through here, the family, the leadership, members of the executive—this memo directs towards the executive, the legislative, and the judiciary branches of government? Members of the executive, legislative, to include professional staff members, judiciary, active duty, general, flag and senior executive service personnel. It's telling all of us, Members of Congress, the President and all of his people, the judiciary, the judges, the judiciary branch and all of their staff—well, at least the legislative staff—what we can and can't do when we visit the wounded at Walter Reed, including active duty general, flag and senior executive services, celebrities, sports personnel, et cetera, members of the press. All these people that are listed, here's what you can and can't do.

Now, I'll get to my point here on the last page, Mr. Speaker, partners in care guidelines. That's all of us bound by

this memo, supposedly. All family visits must be scheduled 5 days in advance, as I said. Group size can't be over five. All partners under the age of 18 must be accompanied by an adult. Okay. Fine. I'm good enough with that. Can't take pictures unless the patient agrees. Fine with that.

Due to dietary restrictions and infectious disease protocols, the distribution of home-produced baked goods to the patients, families, and staff members is prohibited. You can't bring cookies to the patient. Ooh, that's tough.

But I wouldn't be standing here if that was the worst thing, Mr. Speaker. That's Item E. I went A, B, C, D, E.

Here's Item F, and I'll read it into the RECORD. "No religious items, (i.e., Bibles, reading material and/or artifacts) are allowed to be given away or used during a visit."

Mr. Speaker, these military men and women who are recovering at Walter Reed and Bethesda have given their all for America. They've given their all for America, and they've defended and taken an oath to the Constitution, and here they are. The people that come to visit them can't bring a religious artifact? They can't bring a Bible? They can't use them in the services? A priest can't walk in with the Eucharist and offer communion to a patient who might be on their deathbed because it's prohibited in this memo from the Department of the Navy, the Commander of Walter Reed and signed, Mr. Speaker, in conclusion, by C.W. Callahan, Chief of Staff.

I would also like to introduce this document into the RECORD.

OFFICE OF THE CHIEF
OF NAVY CHAPLAINS,
Washington, DC,

From: Chief of Chaplains (OPNAV N097)
To: Chaplains and Religious Program Specialists
Subj: Revision of Chaplain Corps Tier 1 Training

1. Chaplain Corps Tier 1 DADT repeal training has been revised. The current version, dated 11 April 2011, has been posted on the Navy and Marine Corps DADT repeal websites. This revised version supersedes all previous versions and should be reviewed in its entirety.

2. During the initial stages of curriculum development, several policy questions were raised related to same-sex marriages. Those questions were forwarded for legal counsel and approval was secured to commence Tier 1 training while awaiting further guidance. Additional legal review concluded that the curriculum did require modification of content related to same-sex marriage issues as found in Vignette 1 and FAQ 5.

a. Regarding the use of base facilities for same-sex marriages, legal counsel has concluded that generally speaking, base facility use is sexual orientation neutral. If the base is located in a state where same-sex marriage is legal, then base facilities may normally be used to celebrate the marriage. This is true for purely religious services (e.g., a chaplain blessing a union) or a traditional wedding (e.g., a chaplain both blessing and conducting the ceremony). Facility

usage is determined by local policies and the Region Legal Service Office (RLSO) should be consulted to ensure compliance with existing laws and regulations. This is a change to previous training that stated same-sex marriages are not authorized on federal property.

b. Regarding chaplain participation, consistent with the tenets of his or her religious organization, a chaplain may officiate a same-sex, civil marriage: if it is conducted in accordance with the laws of a state which permits same-sex marriages or union; and if the chaplain is, according to applicable state and local laws, otherwise fully certified to officiate that state's marriages. While this is not a change, it is a clearer, more concise and up to date articulation. Again, consult the Region Legal Service Office (RLSO) to ensure compliance with existing laws and regulations.

3. The revised Chaplain Corps Tier 1 training is posted on the Navy and Marine Corps DADT websites. Those websites are found at: Navy—<http://www.dadtrepal.navy.mil>; Marine Corps—<https://www.manpower.usmc.mil/portal/page/portal/M—RA—HOME/DADT>. All prior versions of the curriculum should be replaced by the current 11 April 2011 version.

4. If you have any questions or require additional information please contact Chaplain Doyle Dunn at (703) 614-4437/doyle@dunne@navy.mil or Chaplain Michael Gore at (703) 614-5556/michael.w.gore@navy.mil.

M.L. TIDD,
Rear Admiral, CHC, U.S. Navy.

DEPARTMENT OF THE NAVY, WALTER
REED NATIONAL MILITARY MEDICAL CENTER,
Bethesda, MD, September 14, 2011.

From: Commander, Walter Reed National
Military Medical Center
Subj: Wounded, Ill, and Injured Partners in
Care Guidelines
Ref: (a) NAVMED Policy Memo 10-015

1. Purpose. To provide guidelines with respect to the presence and participation of families and other partners in care. This document replaces the hospital's previous visitation policies for the Seriously Injured (SI), Very Seriously Injured (VSI), and Wounded, Ill, and Injured (WII) patients. The Walter Reed National Military Medical Center (WRNMMC), Bethesda promotes and supports a patient and family centered approach to care. For the purpose of this instruction, WII patients are those active duty individuals who are wounded, become ill, or who are injured while serving within a combat theater.

2. Applicability. To provide guidance for partners in care as defined by the family of SI, VSI, and WII patients at WRNMMC.

3. Official WII Visits. Other partners in care who wish to visit the WII population will arrange their visit through the Warrior Family Coordination Cell (WFCC) Office of Distinguished Visitation utilizing the "Gold Line" (855) 875-GOLD (4653) and will arrange their visit to fall between the hours of 1000-1500 daily unless other arrangements have been arranged through the WFCC. It is requested, to foster the "Patient and Family Centered Care" milieu within the inpatient environments, visitors refrain from scheduling visits during inpatient quiet hours of 1300-1400 daily.

4. Policy. In keeping with the "Patient and Family Centered Care" philosophy of WRNMMC, families are considered partners within the health care team and are encouraged to care for their loved ones while maintaining good personal health without constraint of set visiting hours.

a. Children. Children in good health under the age of 18 are encouraged to participate in the recovery process with their wounded family member under the direct supervision of an adult family member.

b. Family. WRNMMC uses a broad definition of "family" as defined by each patient. This concept is supported by the American Academy of Family Physicians.

c. Intensive Care Units. Primary next of kin (PNOK) may visit at any time. Other partners in care may visit if accompanied by the PNOK.

d. Exceptions. Visits before or after the established hours of 1000-1500 and during inpatient quiet hours of 1300-1400 for other partners in care will be reviewed on a case by case basis through the WFCC, attending physician, and charge nurse.

5. SI and VSI Patients. Visitation for the SI and VSI patients who are not WII will be managed at the discretion of the attending physician and respective charge nurse in consultation with the patient. Visitors should be limited to the immediate family or other individuals identified by the patient and/or immediate family. These visits will be coordinated through the appropriate charge nurse prior to being directed to the patient's room.

6. WII Patients. Those visiting the WII in an official capacity will make their request utilizing the WFCC "Gold Line" at (855) 875-GOLD (4653) and will be limited to the hours of 1000-1500 Monday through Friday. To encourage patient and family rest, foster a rehabilitative environment, and accommodate clinical necessities, it is requested visitors refrain from scheduling visits during inpatient quiet hours of 1300-1400 daily. In general, officials visiting the WII population outside the established visiting hours will need prior approval from the WFCC. To ensure an optimal experience, these visits will be scheduled five (5) days prior to the planned date; impromptu or last minute visits to the WII will not be entertained. WII visits include the following partners in care:

- a. Family
- b. Leadership of Title 36 Congressionally Chartered Organizations
- c. Members of the:
 - (1) Executive
 - (2) Legislative—to include Professional Staff Members (PSM)
 - (3) Judiciary
- d. Active duty General, Flag, and Senior Executive Service (SES).

e. Celebrities and sports personnel vetted through the Staff Judge Advocate (SJA).

f. Members of the press vetted through the Public Affairs Office (PAO).

g. Other partners in care who represent committees who wish to visit the WII from the Veterans of Foreign Wars, American Legion, Fleet Reserve Association, Marine Corps League, Army League, and other similar organizations shall be referred to the WFCC for WII visits.

h. Leadership of the Military Coalition and National Military Veterans Alliance.

i. Out of town visitors or visitors who cannot come during normal visiting hours shall be referred to the WFCC for patient visits.

j. Partners in care representing verifiable 501(c)(3) benevolent organizations wishing to interact with the WII and or provide goods or services will be directed to the WFCC. These organizations will not be allowed unfettered access to the inpatient environment for the purposes of information gathering, solicitation, or donation delivery.

(1) All donations of goods or services to the WII will be coordinated through the WFCC

utilizing approved processes, vetting methods, accountability, and delivery.

7. Exceptions. SI, VSI, and WII patients may refuse visitors at any time.

8. Partners in Care Guidelines

a. All non-family visits must be scheduled five (5) days in advance.

b. Group size will not exceed five (5).

c. All partners in care, under the age of 18, must be accompanied by an adult.

d. Photographs may not be taken before, during, or after the visit without express permission and signed Health Insurance Portability and Accountability Act documentation provided by the PAO and signed by the patient or PNOK if the patient is incapacitated. At no time will personal identifiable information (PII) or protected health information (PHI) be recorded, retransmitted, and or utilized in any manner without the express written consent of the patient or their PNOK if incapacitated.

e. Due to dietary restrictions and infectious disease protocols, the distribution of home produced baked goods to the patients, families, or staff members is prohibited.

f. No religious items (i.e. Bibles, reading material, and/or artifacts) are allowed to be given away or used during a visit.

9. Release of Patient Information. All patient information will be released in accordance with reference (a).

C.W. CALLAHAN,
Chief of Staff.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Ms. PELOSI) for after 4:30 p.m. today on account of medical reasons.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Friday, December 2, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4067. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of French Beans and Runner Beans From the Republic of Kenya Into the United States [Docket No.: APHIS-2010-0101] (RIN: 0579-AD39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments [FNS-2007-0023] (RIN: 0584-AD54) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4069. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities, Requirements, and Selection Criteria; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools [CFDA Number: 84.282M] (RIN: 1855-ZA08) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4070. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AC44) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4071. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water Quality Standard; Establishing an Allowable Level for di(2-ethylhexyl)phthalate [Docket No.: FDA 1993-N-0259 (Formerly Docket No.: 1993N-0085)] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems; Carrier Current Systems, including Broadband over Power Line Systems [ET Docket No.: 04-37] [ET Docket No.: 03-104] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Panama City, Florida) [MB Docket No.: 11-140] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No.: 00-168] [MM Docket No.: 00-44] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Anglers for Christ Ministries, Inc.; New Beginning Ministries; Petitioners Identified in Appendix A; Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility; [CGB-CC-0005] [CGB-CC-0007] [CG Docket No.: 06-181] [CG

Docket No.: 11-175] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision [CG Docket No.: 10-213] [WT Docket No.: 96-198] [CG Docket No.: 10-145] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Standards of Conduct [Notice 2011-16] (RIN: 3209-AA15) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4078. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Fee for Filing a Patent Application Other than by the Electronic Filing System [Docket No.: PTO-P-2011-0065] (RIN: 0651-AC64) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4079. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended (RIN: 1400-AC86) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4080. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4081. A letter from the Program Manager, Department of Homeland Security, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AQ15) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4082. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2011-90] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4083. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee; Guidance for the 2012 Fee Year [Notice 2011-92] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4084. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appleton v. Commissioner, 135 T.C. 461 received November 8, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

4085. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds — Request for Public Comment on Volume Cap Allocation Process and Optional Extension of Deadline to Issue Bonds (Announcement 2011-71) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4086. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information reporting of mortgage interest received in a trade or business from an individual (Rev. Proc. 2011-55) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4087. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Graduated Retained Interests [TD 9555] (RIN: 1545-BH94) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2845. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; with an amendment (Rept. 112-297, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (Rept. 112-298). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1158. A bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes; with an amendment (Rept. 112-299). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2172. A bill to facilitate the development of wind energy resources on Federal lands, with an amendment (Rept. 112-300, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2842. A bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation Law, and for other purposes; with an amendment (Rept. 112-301). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2803. A bill to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study

regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; with amendments (Rept. 112-302). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2578. A bill to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (Rept. 112-303). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2360. A bill to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes (Rept. 112-304). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2351. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (Rept. 112-305). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1556. A bill to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes (Rept. 112-306). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1461. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights (Rept. 112-307). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 991. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; with an amendment (Rept. 112-308). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 850. A bill to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; with an amendment (Rept. 112-309). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 306. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; with an amendment (Rept. 112-310). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 479. Resolution providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes (Rept. 112-311). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 2845 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 2172 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. DEFazio, Mr. COSTELLO, Ms. NORTON, Mr. NADLER, Ms. BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BOSWELL, Mr. HOLDEN, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. ALTMIRE, Mr. WALZ of Minnesota, and Mr. COHEN):

H.R. 3533. A bill to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANNA (for himself and Mr. MULVANEY):

H.R. 3534. A bill to amend title 31, United States Code, to revise requirements related to assets pledged by a surety, and for other purposes; to the Committee on the Judiciary.

By Mr. POLIS (for himself and Mrs. DAVIS of California):

H.R. 3535. A bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Georgia (for himself, Mr. BARLETTA, Mr. FILNER, Mr. HOLT, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. STARK, Mr. ALTMIRE, Mr. RANGEL, Ms. PINGREE of Maine, and Mr. BISHOP of New York):

H.R. 3536. A bill to direct the Secretary of Transportation to delay certain target compliance dates for minimum retroreflectivity level standards applicable to traffic signs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 3537. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. GIBBS, Mr. COBLE, Mr. JONES, Mr. BARLETTA,

Mr. GERLACH, Mr. PLATTS, Mr. CRAVAACK, Mr. DENHAM, Mr. SESSIONS, Mr. BUCSHON, Mr. RENACCI, Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. WEST, Mr. WEBSTER, Mr. BROWN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mr. GOWDY, Mr. TURNER of Ohio, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. AUSTIN SCOTT of Georgia, Mrs. LUMMIS, Ms. FOX, Mr. COLE, Mr. CRENSHAW, Mr. ADERHOLT, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALBERG, Mr. MACK, Mr. FARENTHOLD, Mr. GUINTA, Mr. CHAFFETZ, Mr. JORDAN, Ms. BUERKLE, Mr. GOSAR, Mr. ROSS of Florida, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. HERGER, Mr. CHABOT, Mr. DUNCAN of Tennessee, Mr. RIBBLE, Mr. HULTGREN, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. WOMACK, Mr. SOUTHERLAND, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. ROHRBACHER, Mr. POE of Texas, Mrs. SCHMIDT, Mr. SHUSTER, Mr. HANNA, Mr. PETRI, Mr. SULLIVAN, Mr. STIVERS, Mr. HURT, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. FLEISCHMANN, Mr. BROOKS, Mr. LANDRY, Mrs. MYRICK, Mr. HUNTER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. STEARNS, Mr. LUCAS, Mr. CULBERSON, Mr. LATTA, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. FORBES, Mr. BARTLETT, Mr. MCKEON, Mr. TIBERI, Mr. SMITH of Texas, Mr. LONG, Mr. PEARCE, Mr. HARPER, Ms. JENKINS, Mr. WOODALL, Mr. CARTER, Mrs. BLACKBURN, Mr. STUTZMAN, Ms. HAYWORTH, Mr. GRIFFIN of Arkansas, Mr. CONAWAY, Mr. SCHOCK, Mr. AUSTRIA, Mr. SIMPSON, Mr. SCOTT of South Carolina, Mr. AMASH, Mr. FLAKE, Mr. HARRIS, Mr. CANSECO, Mr. KINZINGER of Illinois, Mr. BACHUS, Mr. KING of Iowa, Mr. BUCHANAN, Mrs. NOEM, Mr. DESJARLAIS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. ROSKAM, Mr. ROKITA, Mr. ISSA, Ms. HERRERA BEUTLER, Ms. GRANGER, Mr. PENCE, Mrs. ADAMS, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. ROONEY, Mr. COOPER, Mr. GARDNER, Mr. GARRETT, Mr. AKIN, Mr. HUELSKAMP, Mr. NEUGEBAUER, Mrs. CAPITO, Mr. REED, Mr. FINCHER, Mr. GRAVES of Georgia, Mr. BONNER, Mr. ROGERS of Alabama, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. BILIRAKIS, Mr. POSEY, Mr. SCALISE, Mr. PITTS, Mrs. BIGGERT, Mr. FLEMING, Mr. QUAYLE, Mrs. BONO MACK, Mr. CAMP, and Mr. BISHOP of Utah):

H.R. 3538. A bill to amend the Railway Labor Act to direct the National Mediation Board to apply the same procedures, including voting standards, to the direct decertification of a labor organization as is applied to elections to certify a representative, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANSECO:

H.R. 3539. A bill to terminate the HOPE VI program of the Department of Housing and Urban Development; to the Committee on Financial Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. SMITH of Texas, and Mr. COURTNEY):

H.R. 3540. A bill to amend the Internal Revenue Code of 1986 to increase the tax benefits for child care assistance for military families; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. COLE, Mr. HUELSKAMP, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. POSEY, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. HULTGREN, Mr. GARRETT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. FORBES, Mr. WILSON of South Carolina, Mr. STUTZMAN, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HARRIS, Mr. YODER, Mr. WALBERG, Mr. BOREN, Mr. BARTLETT, Mr. SMITH of Texas, Mr. LIPINSKI, Mrs. BLACK, Mr. BOUSTANY, Mr. WESTMORELAND, Mr. PEARCE, Mr. HUIZENGA of Michigan, Mr. ROSS of Florida, Mr. KINZINGER of Illinois, Mr. BURTON of Indiana, Mr. AKIN, Mr. FORTENBERRY, Mr. JONES, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. CRAWFORD, Mr. MCCAUL, Mr. BROWN of Georgia, Mr. MANZULLO, Mr. MCHENRY, Mr. LATTI, Mrs. ROBY, Mr. SCALISE, Mr. FARENTHOLD, Mr. MCCOTTER, Mr. COBLE, Mr. MILLER of Florida, Mr. PETERSON, and Mr. SMITH of New Jersey):

H.R. 3541. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 3542. A bill to amend section 5001 of division B of the American Recovery and Reinvestment Act of 2009 to extend the temporary increase in Medicaid FMAP through the end of fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3543. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. MCCLINTOCK:

H.R. 3544. A bill to amend the Federal Water Pollution Control Act to limit citizens suits against publicly owned treatment works, to provide for defenses, to extend the period of a permit, to limit attorneys fees, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself, Mr. PETRI, Mr. HINOJOSA, Mr. HOLDEN, and Mr. RIBBLE):

H.R. 3545. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. TURNER of Ohio:

H.R. 3546. A bill to allow an occupancy preference for veterans in housing projects developed on property of the Department of Veterans Affairs with assistance provided under the Department of Housing and Urban Development program for supportive housing for very low-income elderly persons; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SCOTT of Virginia, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. TOWNS, Ms. SPIER, Ms. WILSON of Florida, Mr. CLARKE of Michigan, Ms. NORTON, Mr. CLAY, Ms. BROWN of Florida, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. HASTINGS of

Florida, Mr. JACKSON of Illinois, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. ELLISON, Mr. FILNER, Mr. GUTIERREZ, Mr. HONDA, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. WATT, and Mr. SERRANO):

H.R. 3547. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES):

H. Con. Res. 91. Concurrent resolution recognizing the need to improve physical access to many United States postal facilities for all people in the United States in particular disabled citizens; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANSECO:

H. Res. 480. A resolution amending the Rules of the House of Representatives to prohibit Members, Delegates, the Resident Commissioner, and officers and employees of the House from buying or selling securities while in possession of material, nonpublic information, and for other purposes; to the Committee on Ethics.

By Mr. CRENSHAW (for himself, Mr. JACKSON of Illinois, Mr. KING of New York, Mr. ROSS of Florida, Mrs. MALONEY, Mr. MCGOVERN, Mr. MORAN, Mr. HOLT, Mr. LATHAM, Mr. TIBERI, and Mr. RANGEL):

H. Res. 481. A resolution supporting the goals and ideals of "Crohn's and Colitis Awareness Week"; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H. Res. 482. A resolution prohibiting the use of a Members' representational allowance to obtain advertising on any Internet site other than an official site of the Member involved; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RAHALL:

H.R. 3533.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Clause 18 of the Constitution.

By Mr. HANNA:

H.R. 3534.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority on which this bill rests is enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. POLIS:

H.R. 3535.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. JOHNSON of Georgia:

H.R. 3536.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8 cl. 1 and cl. 3.

By Mr. REHBERG:

H.R. 3537.

Congress has the power to enact this legislation pursuant to the following:

Article I, 8, clause 3, the commerce clause

By Mr. MICA:

H.R. 3538.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 18, the necessary and proper clause.

By Mr. CANSECO:

H.R. 3539.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the United States Constitution stipulates that funds may not be drawn from the Treasury, unless previously authorized by law. This clause gives Congress the power to authorize spending by law; consequently, Congress has the power to repeal authorization for previously authorized spending by law.

By Mr. CARTER:

H.R. 3540.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

By Mr. FRANKS of Arizona:

H.R. 3541.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause; Section 2 of the 13th Amendment; Section 5 of the 14th Amendment; Art. 1, Section 8.

By Mr. GRIJALVA:

H.R. 3542.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. JOHNSON of Illinois:

H.R. 3543.

Congress has the power to enact this legislation pursuant to the following:

14th Amendment, Section II, which states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

By Mr. MCCLINTOCK:

H.R. 3544.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 1; and Article I, Section 8, Clause 18 of the Constitution of the United States of America.

By Mr. PITTS:

H.R. 3545.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. TURNER of Ohio:

H.R. 3546.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3, 14 and 18 of Section 8 of Article I of the Constitution

By Ms. WATERS:

H.R. 3547.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution,

Article 1, section 8, Clause 18 of the U.S. Constitution, and Amendment VIII to the U.S. Constitution.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. HASTINGS of Florida, Ms. SPEIER, and Ms. WOOLSEY.

H.R. 266: Mr. RANGEL.

H.R. 267: Mr. RANGEL.

H.R. 329: Ms. BERKLEY.

H.R. 333: Mr. MCCOTTER, Ms. DEGETTE, and Mr. CARTER.

H.R. 363: Mr. BLUMENAUER.

H.R. 389: Mr. HARRIS, Mr. PAULSEN, Mr. BROUN of Georgia, Mr. FARENTHOLD, Mr. BISHOP of Utah, and Mr. FLORES.

H.R. 414: Mr. RYAN of Ohio.

H.R. 420: Mr. SCOTT of South Carolina and Mr. BASS of New Hampshire.

H.R. 452: Mr. SIMPSON and Mr. GARDNER.

H.R. 512: Mr. KILDEE.

H.R. 531: Mr. HIMES.

H.R. 555: Mr. NADLER.

H.R. 593: Mrs. ROBY and Mr. KLINE.

H.R. 618: Mr. DEUTCH.

H.R. 651: Ms. HAHN.

H.R. 665: Mr. CALVERT.

H.R. 718: Mr. MCDERMOTT and Ms. HERRERA BEUTLER.

H.R. 719: Mr. GENE GREEN of Texas.

H.R. 721: Mr. CARDOZA, Mrs. HARTZLER, Mr. HERGER, Mr. GOWDY, Mr. SMITH of Nebraska, and Mr. GRAVES of Georgia.

H.R. 808: Ms. HAHN.

H.R. 835: Mr. COFFMAN of Colorado.

H.R. 880: Mr. LATHAM.

H.R. 885: Mr. FRANK of Massachusetts.

H.R. 1063: Ms. SEWELL, Mr. OWENS, Mr. MARCHANT, and Mr. MCDERMOTT.

H.R. 1084: Mr. TOWNS.

H.R. 1131: Ms. WILSON of Florida.

H.R. 1133: Mr. MICHAUD.

H.R. 1148: Mr. GRIFFIN of Arkansas, Mr. TONKO, Mr. LANDRY, Mr. MCINTYRE, Mr. YOUNG of Indiana, Mr. GOSAR, Mrs. CAPITO, Mr. BECERRA, Mr. SCALISE, and Mr. YOUNG of Florida.

H.R. 1161: Mr. TURNER of Ohio.

H.R. 1175: Mr. SCHIFF, Mr. HOLDEN, and Mrs. MYRICK.

H.R. 1186: Mr. QUAYLE and Mr. FARENTHOLD.

H.R. 1206: Mr. MICA.

H.R. 1238: Ms. WILSON of Florida.

H.R. 1288: Mr. LATHAM.

H.R. 1327: Mr. SCALISE, Mr. DENHAM, Mr. TURNER of New York, Mr. KELLY, Mr. HARPER, Mr. POE of Texas, Mr. TURNER of Ohio, Mr. ROONEY, Mr. BUCSHON, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. NUNES, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. PERLMUTTER, and Mr. GUINTA.

H.R. 1370: Mr. LABRADOR and Mr. OLSON.

H.R. 1418: Ms. LORETTA SANCHEZ of California.

H.R. 1433: Mr. KING of Iowa.

H.R. 1489: Mr. YARMUTH.

H.R. 1511: Mr. TONKO and Mr. AMODEI.

H.R. 1513: Ms. MATSUI, Mr. KING of New York, and Mr. BASS of New Hampshire.

H.R. 1544: Mr. REED.

H.R. 1568: Mr. CLEAVER.

H.R. 1580: Mr. TIBERI and Mr. POMPEO.

H.R. 1614: Mr. POSEY.

H.R. 1639: Mr. CARTER.

H.R. 1656: Mr. HOLT.

H.R. 1704: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1734: Mr. WOMACK.

H.R. 1738: Ms. CASTOR of Florida and Ms. KAPTUR.

H.R. 1744: Ms. GRANGER.

H.R. 1834: Mr. STUTZMAN, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Ms. GRANGER, Mr. HULTGREN, Mr. GOHMERT, Mr. COLE, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. LONG, Mr. BUCSHON, Mr. YODER, Mr. CRAWFORD, Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. GIBBS.

H.R. 1897: Mr. LOEBSACK and Mr. WOMACK.

H.R. 1903: Mrs. MALONEY.

H.R. 1905: Mr. ROGERS of Kentucky.

H.R. 2002: Mr. LABRADOR.

H.R. 2016: Mr. TONKO, Mr. POLIS, Mr. OWENS, Mr. COOPER, and Ms. TSONGAS.

H.R. 2070: Mr. HECK.

H.R. 2082: Mr. POLIS.

H.R. 2084: Mr. PRICE of North Carolina.

H.R. 2093: Mr. GRIJALVA.

H.R. 2121: Mrs. MYRICK.

H.R. 2127: Ms. MOORE and Ms. CASTOR of Florida.

H.R. 2245: Mr. PASCARELL.

H.R. 2267: Mr. MCKINLEY, Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. TONKO, Mr. YOUNG of Alaska, Mr. COHEN, Mrs. LUMMIS, Ms. CASTOR of Florida, Mr. FITZPATRICK, Mr. JOHNSON of Illinois, Ms. NORTON, Mr. SMITH of Texas, Mr. TIPTON, and Mr. WALZ of Minnesota.

H.R. 2268: Mr. PITTS.

H.R. 2272: Ms. ZOE LOFGREN of California.

H.R. 2284: Mr. DENHAM.

H.R. 2288: Mr. CLEAVER and Mr. MILLER of Florida.

H.R. 2313: Mr. SCOTT of South Carolina, Mr. HUELSKAMP, Mr. COLE, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. POSEY, Mr. LAMBORN, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. BROOKS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. FRANKS of Arizona, Mr. ROKITA, and Mr. WALBERG.

H.R. 2316: Mr. DAVIS of Illinois.

H.R. 2335: Mr. GRIMM and Mr. YODER.

H.R. 2353: Mr. THOMPSON of California.

H.R. 2426: Mr. ROE of Tennessee.

H.R. 2461: Mr. WOMACK and Mr. YOUNG of Alaska.

H.R. 2484: Mr. DEFazio.

H.R. 2528: Mr. PITTS.

H.R. 2555: Mr. MILLER of North Carolina.

H.R. 2569: Mr. ROSS of Florida.

H.R. 2634: Mr. MCDERMOTT.

H.R. 2674: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. CUMMINGS, Mr. TURNER of Ohio, and Ms. SCHAKOWSKY.

H.R. 2697: Mr. TURNER of Ohio, Mr. FRANKS of Arizona, and Mr. BROUN of Georgia.

H.R. 2705: Mrs. CAPPS, Ms. HAHN, Mr. NADLER, and Mr. LARSON of Connecticut.

H.R. 2717: Mr. LYNCH, Mr. MURPHY of Connecticut, Mr. REYES, and Mr. MATHESON.

H.R. 2738: Mr. SCHIFF.

H.R. 2741: Mr. TOWNS.

H.R. 2772: Mr. POSEY.

H.R. 2866: Mr. SHIMKUS.

H.R. 2898: Mr. MILLER of Florida and Mr. SCALISE.

H.R. 2913: Mr. FLEMING and Mr. RIBBLE.

H.R. 2948: Mr. LEVIN.

H.R. 2966: Ms. MATSUI, Mr. LYNCH, Ms. CASTOR of Florida, and Mr. FARR.

H.R. 2969: Mr. PIERLUISI.

H.R. 3000: Mr. WOMACK.

H.R. 3001: Mr. BURTON of Indiana, Mr. CHABOT, Mr. BARTON of Texas, Mr. PRICE of

Georgia, Mr. LAMBORN, Mr. CLAY, Mr. ISRAEL, Mr. SCHWEIKERT, Ms. BROWN of Florida, Mr. CROWLEY, Ms. RICHARDSON, Mr. DEUTCH, Mr. ENGEL, Mr. CARNAHAN, and Ms. KAPTUR.

H.R. 3015: Mr. CUMMINGS.

H.R. 3040: Mr. PETERSON.

H.R. 3042: Mr. GERLACH and Mr. HINCHEY.

H.R. 3057: Mr. CRAVAACK.

H.R. 3059: Mr. POE of Texas and Mr. LANCE.

H.R. 3074: Mr. GRIFFIN of Arkansas.

H.R. 3104: Mr. YODER.

H.R. 3123: Mr. OWENS.

H.R. 3143: Mr. GARY G. MILLER of California.

H.R. 3151: Mr. TOWNS and Mr. HASTINGS of Florida.

H.R. 3178: Mr. TIERNEY, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Ms. HAHN.

H.R. 3179: Mrs. NOEM, Mr. DEUTCH, and Ms. CHU.

H.R. 3187: Mr. STEARNS.

H.R. 3200: Mr. CONYERS and Mr. JOHNSON of Illinois.

H.R. 3210: Mr. KINGSTON.

H.R. 3236: Mr. PETERSON.

H.R. 3243: Mr. WOMACK.

H.R. 3258: Mr. PIERLUISI.

H.R. 3269: Mr. BILIRAKIS, Mr. CONNOLLY of Virginia, Mr. BURTON of Indiana, Mr. GRIFFIN of Arkansas, Mr. LANGEVIN, Ms. LINDA T. SANCHEZ of California, Mrs. ELLMERS, Mr. PAULSEN, Mr. RAHALL, Mr. REED, Mr. WITTMAN, Mr. NUGENT, Mr. GIBSON, Mr. MURPHY of Pennsylvania, Mr. WEST, Mr. REICHERT, Mr. JACKSON of Illinois, and Mr. ROSKAM.

H.R. 3271: Ms. SPEIER.

H.R. 3286: Mr. HEINRICH, Mr. BERMAN, and Mrs. NAPOLITANO.

H.R. 3294: Mr. BURGESS.

H.R. 3326: Mr. BROOKS, Mrs. LUMMIS, and Mr. HUIZENGA of Michigan.

H.R. 3364: Ms. MOORE and Mr. RUPPERSBERGER.

H.R. 3379: Mr. SIMPSON, Mr. WOMACK, and Mr. MCKINLEY.

H.R. 3409: Mr. BARTLETT and Mr. LATOURETTE.

H.R. 3414: Mr. WILSON of South Carolina and Mr. GOHMERT.

H.R. 3418: Ms. SCHAKOWSKY.

H.R. 3421: Mr. SCHILLING, Mr. PENCE, Mr. BUCSHON, Mr. SHIMKUS, Mr. TURNER of Ohio, Mr. MCCOTTER, Mr. BASS of New Hampshire, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. LANDRY, Mr. LATHAM, Mrs. EMERSON, Mr. BUCHANAN, Mr. STIVERS, Mr. CAPUANO, Mr. HUNTER, Mr. LOBIONDO, Mr. CARSON of Indiana, Mr. TURNER of New York, Mr. SMITH of Nebraska, Mr. JONES, Mr. GARY G. MILLER of California, Mr. GRIFFIN of Arkansas, Mr. ROSKAM, Mr. LATTA, Mr. SCALISE, Ms. BROWN of Florida, Mr. COBLE, Mr. PLATTS, Mr. GUTIERREZ, Mrs. BLACKBURN, Mr. THOMPSON of California, Mrs. HARTZLER, Mr. SCHIFF, Mr. YOUNG of Indiana, Mr. SERRANO, Ms. BORDALLO, Mr. MORAN, Mr. NUGENT, Mr. HINCHEY, Ms. HAYWORTH, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. DUNCAN of Tennessee, Mr. LANCE, Mr. MICA, Mr. BACHUS, Mr. BARTLETT, Mr. AUSTIN SCOTT of Georgia, Mr. QUAYLE, Mr. SMITH of Washington, Mr. UPTON, Mr. MARCHANT, and Mr. CAMP.

H.R. 3423: Ms. KAPTUR, Mr. CUMMINGS, Mr. MCCOTTER, Ms. BASS of California, Mr. OLIVER, and Mr. RIGELL.

H.R. 3425: Mr. MURPHY of Connecticut.

H.R. 3437: Mr. BERMAN.

H.R. 3440: Mr. BOUSTANY, Mr. CANSECO, and Mr. MCCLINTOCK.

H.R. 3470: Mr. RENACCI.

H.R. 3480: Mr. RIBBLE, Mr. FLORES, Mr. ROSS of Florida, and Mr. QUAYLE.

H.R. 3481: Mr. ROSS of Florida.	H.J. Res. 88: Mr. JACKSON of Illinois and	H. Con. Res. 87: Mr. KISSELL.
H.R. 3485: Ms. ESHOO and Mr. BLUMENAUER.	Ms. PINGREE of Maine.	H. Res. 462: Mr. HULTGREN.
H.R. 3519: Mr. FILNER.	H.J. Res. 91: Mr. COOPER, Mr. LANDRY, and	H. Res. 475: Mrs. BLACK, Mr. BROUN of
H.R. 3525: Mr. BRADY of Pennsylvania.	Mr. SHUSTER.	Georgia, Mr. GOWDY, Mr. BURTON of Indiana,
H.J. Res. 8: Mr. HIGGINS.	H. Con. Res. 85: Ms. FUDGE, Mr. DAVIS of Il-	Mr. WALBERG, and Mr. GUTHRIE.
H.J. Res. 78: Mr. HEINRICH and Mr. GENE	linois, Mr. INSLEE, and Mr. CAPUANO.	H. Res. 476: Mr. MCINTYRE.
GREEN of Texas.		

SENATE—Thursday, December 1, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we look to You this day for help. Without Your help our Senators can see the ideal but cannot reach it; they can know the right but cannot do it; they can seek the truth but cannot fully find it; they can recognize their duty but cannot perform it. Empowered by Your might, help them to reach beyond guessing to knowing and beyond doubting to certainty regarding Your purposes.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 1, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in morning business until 11 a.m. Following that morning business, the Sen-

ate will resume consideration of the Defense Department authorization bill. This will be postcloture debate. We expect to complete action on the Defense bill today. We will give everyone as much notice as we can when we have votes coming.

Additionally, yesterday I filed cloture on a motion to proceed to S. 1917, a middle-class tax cut. If no agreement is reached, this vote will be tomorrow morning.

MEASURES PLACED ON THE CALENDAR—S.J. RES. 30, S.J. RES. 31, S.J. RES. 32, S. 1930, S. 1931, S. 1932 EN BLOC

Mr. REID. Mr. President, there are six measures at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the measures by title for the second time en bloc.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 30) extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

A joint resolution (S.J. Res. 31) applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

A joint resolution (S.J. Res. 32) to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

A bill (S. 1930) to prohibit earmarks.

A bill (S. 1931) to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

A bill (S. 1932) to require the Secretary of State to act on a permit for the Keystone XL Pipeline.

Mr. REID. I object to any further proceedings in regard to these matters.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measures will be placed on the calendar.

PAYROLL TAX CUTS

Mr. REID. Mr. President, yesterday on the Senate floor my friend the Republican leader said he supports an extension of the payroll tax cut that had been enacted last year. There has been an extreme change of heart here. On the Sunday shows the assistant leader, my friend, the junior Senator from Arizona, said Sunday: Not a chance they

would work to extend this payroll tax cut. Then, as late as Tuesday, my friend the Republican leader said it would not “do a thing to help the economy.” Obviously there has been a change of heart since then by the leaders of the Senate Republicans.

But I noted yesterday that my friend was very careful to say only that he supports existing cuts, not that he supports our plan to cut taxes for 160 million workers in every business in the country.

Last night I found out why. I was disappointed to see the Republicans’ alternate proposal was actually a backdoor route to protect the very rich while shortchanging the middle class and small businesses. Should we be surprised at this? That is what has been going on this past year. Our proposal would provide relief for American families and extend existing tax cuts to benefit businesses. The Republican proposal rejects this new tax relief and doesn’t provide a penny of additional tax cuts for working families and it does nothing for small businesses—the job creators the Republicans claim to care so much about.

They seem to think our plan to put \$1,500 back into the pocket of every American, with rare exception, and give small businesses the boost they need to hire new employees goes too far. They are willing to fight for ever deeper tax cuts for the wealthy, but when it comes to the middle class, Republicans here in the Senate—not Republicans generally, but Republicans here in the Senate—believe the status quo is good enough for struggling families. The Republican plan goes directly against the budget agreement we reached in the summer, the so-called Budget Deficit Reduction Act, where we raised the debt ceiling and those things we worked on. It took 3 months. Their plan goes directly against that plan that we made, which is now the law of this country. While Democrats have been working tirelessly to create new jobs, the Republican plan goes in precisely the opposite direction. Instead of creating jobs, it would cost jobs. The report is out today that during the month of October there were 206,000 private sector jobs created. Under their plan, the Republicans’ plan, many more middle-class families around the country would lose their jobs. That includes Americans dedicated to public service, hard-working people committed to keeping our streets safe—for example, an FBI agent, Drug Enforcement officer, food safety workers, highway construction workers. They want to devastate those

folks. That is how they want to pay for this tax cut. It is not anything that is going to help the economy. It hurts the economy.

They are going after jobs that we need so desperately. Do the Republicans believe—I guess so, because that is what their legislation is all about—that the way to revive the economy is to lay off more FBI agents or fire more Border Patrol officers? These cuts will not revive the economy, they will only slow it down and cost more jobs. But, remember, the role of the Republicans here in the Senate is to defeat Barack Obama. It doesn't matter what it does to middle-class families, obviously.

While targeting the middle class, Republicans propose to do nothing to cut back on excessive subsidies for many large corporations that benefit from government contracts. This is almost hard to comprehend. The Republicans started it, and it caught fire during the Republican control of the Presidency. There are more than 5 million government contractors. The Republicans propose to do nothing to cut back on excessive subsidies for many of these large corporations that benefit from government contracts. Employees at some of these taxpayer-supported corporations are being paid more than \$700,000 a year while many public servants struggle to make ends meet. The Republicans want to whack these people who work to keep us safe in many different ways while they let these people go untouched.

The Republicans are uninterested in going after these high-income earners. As usual, the only real target of this Republican meat axe is the middle class. It is wrong. Americans believe, across the country, that the middle class is hurting. I have said—I will say it again—the only people in America who believe that the richest of the rich should not contribute a little bit to help our economy are the Senate Republicans. The Republicans outside this body do not feel that way. America's middle class has been hurting for a long time. They are the people who are struggling. They are the ones who need help, not these multimillionaires, and not large, profitable government contractors.

The Republican proposal is unacceptable. It will not pass the Senate. We can do better and we must do better.

Would the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morn-

ing business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington is recognized.

MIDDLE-CLASS TAX CUT

Mrs. MURRAY. Mr. President, I come to the floor this morning to urge my colleagues to support the middle-class tax cut bill that would extend and expand the payroll tax relief for our families and small business owners. This legislation is straightforward. It should not be controversial. At a time when so many of our hard-working middle-class families continue to struggle in this very tough economy, this bill would cut their Social Security payroll tax in half, from 6.2 percent to 3.1 percent. That means a tax cut for 160 million workers in this country today.

In my home State of Washington it represents a tax cut of around \$1,700 for a family earning the median income next year. This bill would put money into the pockets of small business owners and encourage them to hire workers by cutting the employer's side of the payroll tax in half as well and eliminating it altogether for firms that are making new hires. In Washington State, 150,000 small business owners would receive a tax cut under this plan and they would have thousands of dollars more in their pockets to spend in their communities and get workers back on the job.

This is a big deal. Economists from across the ideological spectrum have said payroll tax cuts create jobs and boost the economy. They have said it could be devastating to allow them to go up in this weak economy.

In the past, Republicans have agreed and have strongly supported payroll tax cuts as an effective way to boost the economy and create jobs, so this should be easy. It should be something both parties can get behind and quickly pass, but unfortunately it seems politics are getting in the way. I am disappointed that many of the same Republicans who spent the last few months fighting tooth and nail to prevent tax increases on the richest Americans and biggest corporations are now hesitating to give average working families a break. In fact, it was this very issue that prevented the Joint Select Committee on Deficit Reduction to come to a deal.

On the Democratic side we put forward serious compromises on the table to get to a balanced and bipartisan deal, but our Republican counterparts refused to allow the wealthiest Americans to pay a single penny more in taxes and insisted that the middle class

and seniors and most vulnerable Americans bear the burden of this crisis alone. It was not fair then; it is not fair now. This bill is fully paid for by asking millionaires, who earn more than \$1 million a year, to pay a little bit more, a small step toward a fair share. It is not drastic. It does not close the loopholes and shelters that Republicans have been fighting hard to maintain. It does not touch the Bush tax cuts for the rich they have been protecting. It doesn't end the tax breaks for the oil and gas industry that they would not allow us to close. It simply adds a 3.25-percent tax on incomes over \$1 million a year. That means if someone earns \$1.2 million in a single year they only owe an additional 3.25 percent on that last \$200,000.

At a time when so many families are struggling, we think this is a fair thing to ask the wealthiest Americans, who survived so well, to continue to give working families a break.

This vote sets up a simple choice. Do you vote to extend tax cuts for middle-class families and small businesses that have been struggling in this economy or do you vote to protect the wealthiest Americans from paying 1 penny more toward their fair share? I know where I stand. I feel very strongly that we owe it to middle-class families across this country to extend this tax cut. I think it would be a whole lot easier if our Republican colleagues were as focused on tax cuts for the middle class as they are for tax cuts for the wealthiest Americans and corporations.

I urge my colleagues to support this legislation and extend tax cuts for the families who need them most.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PAYROLL TAX EXTENSION

Mr. McCONNELL. Mr. President, yesterday, Republicans, led by Senator HELLER, introduced what we believe is a much smarter approach to extending the temporary payroll tax cut than the one proposed by Democrats involving permanent tax hikes on job creators.

Similar to Democrats, we think struggling American workers should continue to get this temporary relief for another year. There is no reason folks should suffer even more than they already are from the President's failure to turn this jobs crisis around. But there is also no reason we should pay for that relief by raising taxes on the very employers we are counting on to help jolt this economy back to life. We would not be helping anybody by making it less likely that small businesses actually start hiring people

again. Senator HELLER's proposal would achieve the same result, the same relief, without a gratuitous hit on job creators. Even better, our plan protects Social Security and reduces the Federal deficit by more than \$111 billion.

How do we do it? Consistent with the recommendations of the bipartisan Simpson-Bowles Commission, our payroll tax plan would institute a 3-year pay freeze on Federal civilian employees, including Members of Congress. It would also reduce the Federal workforce gradually by 10 percent, not by firing anybody but by only hiring one replacement for every three Federal employees who leave Federal service until a 10-percent reduction that the Simpson-Bowles Commission recommended is reached. So over this period, only hire one worker for every three who leave until it achieved a 10-percent reduction in the Federal workforce. This is a recommendation in the Simpson-Bowles Commission.

Our bill would also save money by means testing Medicare benefits for millionaires and billionaires. What does that mean? One of the things the economic downturn of the past few years has revealed is that a lot of people out there are getting a pretty good deal from the government at every level, all on the taxpayers' dime. Let me give you an example. Yesterday, a CBS affiliate in Philadelphia reported that a former Philadelphia school superintendent who got a nearly \$1 million buyout in August is now putting in for unemployment benefits. The lady was shown the door, given \$905,000 not to finish her 5-year contract with the school district, and on top of that she now wants the taxpayers to subsidize her unemployment benefits to the tune of about \$30,000 a year. Our proposal helps minimize this kind of thing.

What we are saying is, anybody who makes more than \$1 million a year should not get an unemployment check on top of it, paid for with tax dollars of folks struggling just to make ends meet. No more unemployment checks or food stamps for millionaires. No more unemployment checks or food stamps for millionaires. We don't think these folks would mind having to pay the full freight on their Medicare premiums either. Millions of seniors need help covering their monthly Medicare premiums; Warren Buffett is not one of them.

Here is another way we think folks such as Warren Buffett can offset the relief we are giving working Americans through our proposal of a temporary extension of payroll tax cuts, which would also incorporate legislation from Senator THUNE, that would allow people who want to voluntarily help pay down the Federal debt to do so on their tax return. There would actually be a new line right on Warren Buffett's tax returns enabling him or anybody else,

for that matter, to give as much as they want. That way those who want to go that route can feel they are contributing in a way they want to contribute, and small business owners who want to help our economic and fiscal situation by growing their businesses and creating jobs can do that too without Washington dictating one way or the other.

This is the kind of balanced plan Americans are looking for. It is focused on helping middle-class Americans without asking them to fund benefits for the wealthiest among us, and it does so without hamstringing the economy—as the Democrats would—with a permanent tax on job creators. Bear in mind what they are doing here is “paying for a temporary payroll tax relief with a permanent tax increase on job creators.” It also helps rein in the bureaucracy in Washington.

Millions of Americans have had to go without or to live with less over the past few years. Yet all they see here is that Washington just keeps getting bigger and bigger and richer. It is about time Washington took the hit for a change. We think this is a plan that those who are fed up with Washington and Wall Street can embrace but, as I have said before, we are never going to turn this economy around as long as we are focused on these temporary measures.

Yesterday, I outlined our vision for a tax-reform plan that restores basic fairness, helps put businesses on a level playing field, and puts our tax rates in line with our competitors overseas. That is the kind of thing that will get this economy charging again and we will continue to press for it. Meanwhile, we will also continue to point out what this administration is doing to prevent job creation right now.

KEYSTONE XL PIPELINE

Mr. MCCONNELL. Yesterday, Republicans drew attention to one of the greatest fumbles of this administration yet, and this is astonishing. I don't know how many Americans are familiar with the proposed Keystone XL Pipeline, but this is an issue every single American is soon going to learn a lot about. The Keystone XL Pipeline is the single largest shovel-ready project in our entire country—the single largest shovel-ready project in our entire country. It would transport oil from Canada—our friendly neighbor to the north—to the gulf coast. It is privately funded, so it would not cost the taxpayer a dime, and we are told that its approval would lead to the creation of 20,000 jobs, not some other time but immediately, right now.

This project is enormous. It is a huge job creator, and it is ready to go. Labor unions love this project. Folks in the Heartland love this project. The Chamber of Commerce loves this project.

But here is the problem: President Obama is getting heat from his base over this project, especially from the very young and very liberal voters he will need knocking on doors before November. So the State Department now says they are going to delay the approval—even though previously they were seemingly ready to approve it after a 3-year review that has already occurred, including two exhaustive environmental evaluations.

Here is the bottom line. The President has said time and time again that his top priority is jobs. Yet here we have the single largest shovel-ready project in the country ready to go, and he is delaying its approval—interestingly enough—until after the election next year. He is saying he doesn't care so much about jobs in States such as Nebraska—that he doesn't think he will carry next year—so he can keep the enthusiasm up in States he hopes to carry. So I think it is pretty clear the President cares less about this particular boon for job creation than his own job preservation, and it is wrong.

There is no reason whatsoever to delay this project and these jobs by another day. As the President recently put it, we have to decide what our priorities are. We have to ask ourselves what is not just best for me but what is best for us. What is the best way to grow the economy and create jobs? It was President Obama who said that. That is why Republicans are proposing legislation today that would require the President either to approve this massive job-creating project within 60 days or to explain clearly why he doesn't think it is in the national interest to do so. We will give the President 60 days—not after next year's election but 60 days—to decide why this should not be approved and explain it to us. We think the people who want to start hiring deserve action or a straightforward explanation from the President himself as to why he opposes it.

Get this pipeline going right now or get out of the way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

MIDDLE CLASS TAX CUT ACT

Mr. CASEY. Mr. President, I rise to speak about the issue of job creation and also supporting our small businesses and strengthening our economic recovery.

One of the fundamental questions I have been asked in Pennsylvania—and I think most Senators on both sides of the aisle have been asked repeatedly, not just in the last couple of days or weeks but for many months now—is a very fundamental question: What are you doing as a Member of the Senate to create jobs or to at least create the conditions under which jobs will be created? What are you doing in your

votes, in your advocacy, in your fight in Washington for jobs? What does that mean? Sometimes we have a better answer than other times. Today, and certainly in the last couple days—and I think we will be debating this for a number of days moving forward and that is a good thing—we will have a better answer to that fundamental question: What are you doing as a public official to create jobs in America?

One of the ways we can kick-start the economy and get job creation moving in the right direction again is by passing legislation such as the legislation that I have introduced, the Middle Class Tax Cut Act. It is now before the Senate, as the Presiding Officer knows, and we have been talking about it already, but we have more work to do on this today and some voting to do today on this legislation.

The legislation is fully paid for and will accomplish two important objectives. No. 1, it will strengthen the economy to support middle-income families, and specifically the way we do that is by providing middle-income families with a cut in the payroll tax, which means take-home pay that will help make ends meet for that worker and that family, but it will also have an impact by boosting demand throughout our economy. No. 2, we will cut payroll taxes for small businesses to help them grow and create jobs.

Here is what most people are confronting, and it is not just the big numbers. There are more than 14 million people out of work across America. In Pennsylvania, the latest number for October was more than 500,000 people out of work. To be exact, it is 513,000 people out of work. That number has fluctuated. Thank goodness it started to go below half a million, but then it bumped again to almost 525,000 so it is at least is moving away from that number.

When half a million people are out of work in a State, you can imagine the hurt the families are feeling, the lives of struggle and sacrifice in our midst, and that is why we have to do something to jump-start the economy and create jobs.

I think the American people also want us to do this in a bipartisan way and we can and we should. We came together at the end of 2010 and passed a tax bill which was bipartisan. There are elements of that bill that one side or the other did not like, and vehemently so, but we came together in a bipartisan way to pass a tax bill at the end of last year. We need to do the same thing on a payroll tax cut.

We need to work together, Democrats and Republicans, and get a result for the American people. This is something we can do right now—not 6 months from now, not a year from now but right now—to help our families and to create jobs. There is broad agreement that more needs to be done to support

the economic recovery. We have to create more jobs, and we have to kick-start the engine of economic growth.

While the economy has added nearly 2.8 million private sector jobs in the past 20 months, we continue to face significant economic challenges. Unemployment across the country, as we all know, is still at about 9 percent, and long-term unemployment remains at record levels, with 4 out of every 10 unemployed workers having been jobless for 6 months or more. We know that gross domestic product—so-called GDP—grew at less than 1 percent, the annual rate, for the first half of the year. So for the first 6 months of 2011, we had less than 1 percent growth. The third quarter of gross domestic product growth was recently revised downward. Initially 2.5 percent, it was revised downward to just a 2 percent annual rate. So it is self-evident that we have to do something right now about jobs. With a weak labor market and only modest economic growth this year, it is clear we have to act right now.

Payroll tax cuts and credits are powerful tools to increase job creation and provide economic relief for middle-income families. The current 2 percent payroll tax cut for working Americans that is in place now has played an important role in sustaining the economic recovery. By the end of this year, 121 million families will have received an average tax cut of more than \$930 based upon last year's action we took to cut the payroll tax. That was a good decision, but, if anything, we need to continue that as well as expand it, and I will explain that as I go forward.

The number of families benefiting from this current payroll tax cut is very large because anyone who receives a paycheck benefits from a cut in payroll tax. Anyone who receives a paycheck gets this cut. Cutting payroll taxes immediately increases the take-home pay of everyone who gets a paycheck.

Compared to reducing the tax rates for the top 1 percent of the American people, more money goes to middle and lower income Americans, who are likely to spend it, if we keep the payroll tax cut in place, and, of course, we want to expand it as well. Because take-home pay is greater, people have more money in their pockets—as I said, more than 930 bucks this year. This additional take-home pay will result in more spending. When we spend at that level—and a lot of families are spending more, especially during the holiday season—that boosts demands for goods and services and that leads to job creation. This is not theory. This is not some untested theory or hope. We know this works. We did it in 2011, and we have to do more of it in 2012.

The employee side of this—and I will divide this into employee and employer for a second—the employee tax cut expires at the end of this year, as I men-

tioned. Without congressional action, employees' share of the payroll tax will return to 6.2 percent of earnings, up from the current 4.2-percent level. So we have a payroll tax that has been cut from 6.2 to 4.2. That is in place. But if we do nothing, if we don't act, if we don't pass an extension, that 4.2 percent will go up to 6.2 percent, and it will be a tax increase for families across the board. If we fail to act, these middle-income families will see their payroll tax cut disappear at the end of this year. Let me say that again. If we don't act by the end of December, middle-income families will lose this payroll tax cut that is in place now.

What does this mean? Well, it means basically losing between 900 bucks and 1,000 bucks. And this is take-home pay for workers and their families.

This is a very tough time for families, as I mentioned before, with high unemployment and so many stresses, economic stresses and pressures on their lives. Families who are already facing both declining wages and stubbornly high unemployment, families who are struggling to pay for housing, make car payments, pay the food bill, pay for college tuition, whatever it is in their lives that means making ends meet, are still having a terribly difficult time.

Losing this tax cut would also undermine the recovery by reducing consumer spending. Numerous economists and forecasters have highlighted the dangers to the economy of allowing this payroll tax cut to expire. Independent analysts estimate that letting a 2-percent employee tax cut expire would reduce gross domestic product growth by up to two-thirds of 1 percent in 2012. Mark Zandi, from Moody's, in an article from September 9 of 2011 entitled "An Analysis of the Obama Jobs Plan," made that same point. If we don't continue the payroll tax cut, we will have an adverse impact on economic growth. Goldman Sachs Global ECS Research had a similar conclusion. So this isn't just about individuals losing a payroll tax cut that is in place now, this is about harming in a very adverse way our economy's ability to grow in a substantial way.

Let me talk for a moment about the legislation before us, the Middle Class Tax Cut Act which I introduced.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CASEY. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. I thank the Chair.

Let me talk for a moment about the legislation. The legislation before us, as I said before, would both extend and expand the payroll tax cut that is in place right now.

First of all, for employees, we cut it in half. So instead of paying a 6.2-percent payroll tax, the employee, the

worker, would pay just 3.1 percent. That has a sizable impact on the economy when we do that—1,500 bucks in the pockets of the average worker in America. Approximately 160 million American workers are impacted and as many as 6.7 million in Pennsylvania. So we would not only keep in place the payroll tax cut for workers, but we want to expand it so it is fully cut in half.

Secondly, I wish to speak for a moment about the employer side of this because that wasn't part of last year's effort. I introduced the payroll tax credit in early 2010 to encourage employers to hire and accelerate the pace of the recovery. A number of folks on both sides of the aisle have worked on this. The ideas of those kinds of tax credits in those kinds of bills we introduced form the foundation of what we are trying to do today. This legislation incorporates elements of my and others' earlier legislation to provide businesses with quarterly incentives to increase their payrolls.

I wish to highlight a couple of elements of the legislation before us.

First, this bill cuts payroll taxes in half for 98 percent of U.S. businesses. These businesses have taxable payrolls of \$5 million or less. They will see their payroll taxes cut in half, as I said before, for the worker as well as the business.

Some people say: OK, that is 98 percent of businesses. That is good news. What about the other 2 percent who have higher incomes?

Those businesses that have taxable income above \$5 million will still get a payroll tax cut from 6.2 percent to 3.1 percent on the first \$5 million of their taxable payroll. So they get it up to that level. So this is a huge benefit to small businesses across the country and even some businesses larger than that.

The Joint Economic Committee, of which I am the chair, recently released a report that indicated that small business lending remains well below pre-recession levels both in the number of loans and the dollar value of those loans. So a lot of small businesses still cannot get access to credit. This payroll tax cut legislation will help those companies substantially to be able to get access to credit.

Finally, I wish to make a point about the legislation as it relates to eliminating the employer's share of the Social Security payroll tax on the first \$50 million of increased payroll in 2012. This isn't just a cut, this is an elimination if they do one of three things: if they are hiring more workers; if they increase the hours, which is another way to get the benefit; thirdly, if they are boosting pay.

This legislation is one of the best ways to create jobs, one of the best ways to kick-start our economy.

I will conclude with this. If we look at the real world of communities

across Pennsylvania or across the country, means that if we pass this legislation, for median family income in Pennsylvania, the benefit is \$1,535, a little more than \$1,500. So whether people go to small rural counties or big cities or suburban communities, wherever it is across a State such as ours, workers will be able to put roughly \$1,500 in their pockets for this season coming up when people need some help, and small businesses will be substantially positively impacted by this legislation.

We need to pass this legislation. We need to do it now to help our workers, to help our businesses, and to grow the economy and create jobs.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

CERP REFORM

Mrs. MCCASKILL. Mr. President, I have offered an amendment to the Defense authorization bill that unfortunately we are not going to get a chance to vote on, but I want to begin talking about it because I think this is something we need to do as we appropriate money for our military for the next year.

I wish to start by saying that I support the mission in Afghanistan, but after years of work on wartime contracting issues and looking at the way we have spent money through contracting in both Iraq and Afghanistan, I have come to a stark and real conclusion about the money we have wasted and continue to waste in this effort.

We are building infrastructure in Afghanistan that we cannot secure and that will not be sustained. Since 2004, the Defense Department—just the Defense Department, not the State Department—has spent more than \$6.9 billion in Iraq and Afghanistan on humanitarian stabilization projects that include infrastructure, energy, and road construction.

Primarily, this has occurred through what is known as the CERP fund. "CERP" stands for "Commanders Emergency Response Program." This began as an effort in the war against insurgencies, the counterinsurgency effort, the COIN strategy. This began as a good idea where the commanders on the ground would have money they could directly access to do small neighborhood projects, to win the hearts and minds, to secure a neighborhood, to stabilize a community.

These projects were envisioned, when I first came to the Senate, as fixing broken panes of glass in a shopkeeper's window. This program has morphed into something much different than what was envisioned at the beginning of the counterinsurgency effort in Iraq. These \$100 projects, \$1,000 projects, are now hundreds of millions of dollars. In

fiscal year 2010, more than 90 percent of the spending in CERP was for projects over \$½ million. At its height in 2009, the authorizations for CERP spending in Afghanistan and Iraq reached \$1.5 billion. And—this is the kicker—the military building large infrastructure projects has not shown a measurable impact on the success of our mission.

I have stacks of studies, and I am such a wonk; I have actually read all of these studies. These are just a few of the studies that have been done by inspectors general, by special inspectors general, by the DOD inspector general, by the Wartime Contracting Commission that Senator WEBB and I put into place to look at all of the wartime contracting issues. Even our own troops have studied the expenditure of these funds. I want to quote their conclusion in a recent study that was completed by the troops that are, in fact, fighting this effort in Afghanistan.

Despite hundreds of millions in investments, there is no persuasive evidence that the Commander's Emergency Response Program has fostered improved interdependent relationships between the host government and the population—arguably the key indicator of counterinsurgency success.

I go on, a direct quote:

The effectiveness of CERP in advancing our counterinsurgency objectives in Afghanistan has yet to be operationalized or well documented. The relationship between development assistance and counterinsurgency is being increasingly challenged in the academic and practitioner fields with only unsubstantiated assertions and the occasional anecdote offered as counterargument. There are no clear objectives for a program that funds everything from immediate emergency relief to multi-year, multi-million dollar road projects. The lack of proper incentives and accountability measures have rendered CERP and similar funds an extractive industry for construction companies, nongovernmental organizations, and multiple Afghan government ministries, fueling rather than fighting corruption, community insecurity and insurgent coercion.

Finding and defeating terrorists, fighting the Taliban, securing strategic victories against al-Qaida, training the Afghanistan military and police—all of these things I support. But this amount of money being spent on large infrastructure projects that cannot be sustained we must end.

In an unprecedented fashion, our military—not the State Department—has embarked upon these massive projects. This year, for the first time in this authorization, there is now a new Afghanistan Reconstruction Fund to get around the limits that have been placed on the size of projects in the CERP fund. I call this fund the "son of CERP." It has now been documented that they want to go even larger and even bigger with these large multi-million dollar projects. I cannot stand by as we spend billions on roads, electrical grids, and bridges in Afghanistan, knowing the incredible need we have in this country for exactly that kind of investment.

These projects are not being built in a secure environment. We are paying off people to try to keep the contractors safe. And it has been documented that some of that money has gone right into the hands of our enemy. That must be stopped.

These projects, in many if not most instances, cannot be sustained. I can give a number of examples. But all you would have to do is travel around Iraq and see the empty, crumbling health care centers built with American taxpayer dollars, the water park that is a twisted pile of rubble that is no longer operational, all of the investments that were made in oil production and electricity generation that were blown to bits.

I can give specific examples in Afghanistan. How about hundreds of million of dollars spent on a powerplant—the latest technology: dual fuel—and nobody there knows how to operate it. And they cannot afford to operate it, so it stands by as an empty, hulking potential generator for backup power, while they buy cheaper electricity from a neighboring country.

For the first time, the Department of Defense has requested and received \$400 million in authorization in this new Afghanistan Reconstruction Fund. We should limit our military to the small projects that CERP was originally intended for, not produce contracts to major, multinational corporations.

All of these reconstruction funds should be pulled, and my amendment would do just that. We would pull all of this money out with the exception of projects under \$50,000. That would be as much as \$700 million that we could immediately put directly into the highway trust fund in this country. That is what my amendment does. It will transfer that investment from a non-secure environment, in areas these projects cannot be sustained, to the very needy cause of infrastructure investment in the United States of America.

Let's do this. Let's stop these large projects that cannot be secured and be sustained. Keep in mind, as much as \$700 million would be pulled, and that is a small fraction of what we are spending in Afghanistan. The authorization for next year is more than \$100 billion. So anyone who tries to say this will cripple our mission in Afghanistan does not understand the numbers. Of the moneys we are spending in Afghanistan, the vast majority is about personnel: to train the Afghan military, to train the Afghanistan police department, to fight the terrorists who are there, the Taliban, al-Qaida in the areas near Pakistan. All of that remains. A very small percentage of this would be pulled. But it should be pulled, and it should be pulled today. We should take this investment and put it in roads and bridges right here in our country.

I hope this amendment will have success when we look at the appropriations process. I think it is time we stop this funding, and stop it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

DR. DONALD BERWICK

Mr. BINGAMAN. Mr. President, I want to take a few minutes to commend Dr. Donald Berwick for his service as Administrator of the Centers for Medicare and Medicaid Services and also to express my deep disappointment that his nomination was blocked by a minority of Senators.

CMS, the Centers for Medicare and Medicaid Services, has benefitted greatly from Dr. Berwick's innovation and leadership, and the refusal of some Members to support confirming him for this position is difficult to understand.

Dr. Berwick is widely recognized as a highly qualified leader in the realm of health care quality. But, unfortunately, many of my colleagues across the aisle adamantly opposed Dr. Berwick's tenure, beginning when he was first nominated by President Obama for this position in April of last year. Many of these objections are based on inaccurate accusations and sound bites that have been completely taken out of context.

Dr. Berwick has the qualifications, expertise, and demonstrated leadership ability that CMS needs at this critical time. He is a pediatrician by training, Harvard professor, health care analyst, elected member of the Institute of Medicine, a leading advocate on health care quality and patient safety, and a cofounder of the Institute for Healthcare Improvement, which is a respected think tank that trains hospitals on how to increase patient safety and improve operations.

Don Berwick has also written extensively, with there being more than 120 scholarly articles he has authored or coauthored, along with several books, on the quality and efficiency of health care.

Dr. Berwick is a true visionary. He has been an advocate for transparency and accountability within our health care system, and his distinguished career has made him the ideal candidate to lead the CMS at this critical time.

It was due to Dr. Berwick's deep knowledge of health care, his vast experience, and his passion for this issue that his nomination originally won praise from across the political and professional spectrum. This includes Tom Scully and Mark McClellan, both former Administrators of CMS under President George W. Bush. They strongly endorsed his nomination. His nomination also had the support of Dr. Nancy Nielsen, who is the past president of the American Medical Association; John Rother, who is the former

executive vice president of the AARP; and former Republican Senator from Minnesota, our former colleague, Dave Durenberger. In fact, Newt Gingrich even saluted Dr. Berwick for seeking a "dramatically safer, less expensive, and more effective system of health care."

During his tenure as CMS Administrator—the few months he has been in that position—Dr. Berwick has been able to implement impressive reforms, including launching the new CMS Innovation Center, which will test new health care delivery models that emphasize primary care and innovative ways to finance health care.

He has also instituted a financial incentives program for physicians who use electronic health records. And generally, he has set the tone for health reform to take root and to provide Americans with affordable, high-quality health care in a cost-efficient manner.

To be perfectly clear, I am not in any way suggesting that I do not continue to have enthusiasm for the President's recent nominee to replace Dr. Berwick. From all I know of this nominee, she will do an excellent job. But I am frustrated that an eminently qualified public servant is being denied the opportunity to continue serving the American people in this important position. There is no valid justification for denying him that opportunity.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

Mr. BINGAMAN. I ask unanimous consent for an additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. John McDonough of the Boston Globe, in his commentary on the response to Don Berwick's nomination, wrote:

One of [health care's] most distinguished leaders and voices got mugged by partisan Republicans who know better and who got away with it.

I am truly disappointed that certain Senators have pledged to block his nomination and that he has chosen to resign his position effective tomorrow.

Our task now is to assess the new nominee the President has sent us. I hope Members can come together to do what is right in this circumstance; that is, to quickly confirm an Administrator for this very important position.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, it is my understanding that I have 20 minutes of time allotted under morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, each Senator has 10 minutes to speak.

Mr. COATS. All right. Mr. President, I do not think I will use all of those 20 minutes. I might ask for 10 additional

minutes. I will use the 10 minutes, but I may need to ask for some additional time if it works out and others are not waiting.

FISCAL STABILITY

Mr. COATS. Mr. President, I come to the floor deeply disappointed—like many—over our failure to seize a unique opportunity to put America on a more fiscally sane path for the future.

My No. 1 priority for this year—I have talked about it so many times, not only publicly but with colleagues in discussions for nearly a year—that No. 1 priority has been to advocate for a deficit reduction package that would be deemed credible by the financial markets and would put us on a path to fiscal stability. I think, given the situation that exists around the world today, nothing could have been more impactful in a positive way producing such a package.

Financial experts agree—and they have now for years—that we are on the wrong path, that we are spending far too much in relationship to our anemic growth and GDP, and that we have staggered along for 3 years but continued to spend an extraordinary amount of money without seeing the economy recover.

A number of plans have come forward. One year ago today, Simpson-Bowles produced one of those types of bold plans that could help get us back on this fiscal path to prosperity. As you know, Mr. Bowles was the Chief of Staff to our former President Bill Clinton. He and our former colleague Alan Simpson put together a package that—whether you agreed with all of it or not, certainly was something that could have put us on a more fiscally sound path. Yet those recommendations were rejected out of hand by the White House and others.

We have seen the activities and presentations of the Gang of 6. Forty-plus Senators, including me, came together in a bipartisan way to urge the President to join us in pushing for a bold, comprehensive plan. That was rejected. Earlier in the year, the President's budget was laughed out of this Chamber. Not one person—either Democrat or Republican—voted for it.

Then in August we came far short of what we needed to do to address our debt crisis when Congress passed the Budget Control Act. I was not able to support that particular plan. Although it averted a default on our debt, it fell woefully short of what was needed to address our fiscal situation. Nevertheless, that opportunity—which we had with the involvement of both parties to do something truly significant—was passed over.

So then it fell to the committee of 12, which is called the supercommittee. Many of us—offered suggestions and

urged those members to try and go beyond the minimum of \$1.2 trillion of deficit reduction over a 10-year period of time.

There was a so-called Draconian sequester, or across-the-board cut, that would go into place automatically, starting in 2013, if the committee could not come to an agreement. The consensus at the time was these cuts would be so Draconian that it would force an agreement among Republicans and Democrats—to come forward with at least a minimal plan. Many of us were urging them to do much more, to bring forth something that would be credible with the investment community and restore confidence that America understood the dire situation we were in and we were doing something about it as representatives of the people.

No clearer message came to this body than the message sent in November of 2010 with the historic turnover of Members and an outpouring of support for putting the future of our country, our fiscal future and economic future and the future of our children and grandchildren ahead of politics. Yet it is politics that defeated the effort.

Now, it is easy to blame the committee of 12. I know there was an earnest attempt to come together. I believe, politically, perhaps, it was doomed from the start just by the way it was designed. That is one of the reasons I voted against that proposal. Nevertheless, they made an earnest attempt but, unfortunately, were not able to bring it home.

So the responsibility falls not just on those 12, but it falls on this entire Congress because we would not even have gotten to that supercommittee if we had done our job earlier and presented a real plan in August, when we were bumping up against the debt limit extension. That's when we should have done what most of us intuitively understand needs to be done. Yet the political considerations and ramifications were such that we came forward with a very timid and woefully short plan of what we needed to do.

The President has to take some responsibility. We cannot really bring forward a bold change in the way the U.S. Government does business unless we have bipartisan support. We cannot get that bipartisan support unless the Chief Executive, the quarterback of the team, stands up and says: I want to be involved and engaged and stay engaged. While there was some rhetoric coming out of the White House, there was no plan. As I said, the only plan we have had from the President—his budget plan—was rejected earlier this year on a unanimous vote, every Republican and every Democrat turned it down.

The President has said some nice words about what we needed to do and so forth and so on. But he was AWOL. As I said, the quarterback of the team

needs to be engaged. He is the key person. Yet that quarterback was not even on the field. So responsibility falls on both Congress and the White House. I think some responsibility also falls on outside groups who distorted what we were trying to do, who mischaracterized what Republicans were seeking to accomplish, and there was some mischaracterization of what Democrats were seeking to accomplish as well. But it was an undermining process. Those groups that supposedly are representative of seniors across this country, the shameful way in which they distorted the message and what we were trying to do—and, obviously, it had a political impact here and put restraint on Members because their base was being lied to in terms of what was under consideration and what we were trying to do.

We all know Social Security and Medicare are not going to have the funds available in the future to provide the services that were promised to the American people. Yet any attempt to try to salvage and save and retain those programs' solvency was distorted by these groups that supposedly represent the interests of our seniors. Many of these groups falsely claimed that we were trying to take away their program, we were trying to destroy their program.

I mean, how ridiculous it is that someone is going to come in here and say: My goal is to destroy retirement benefits for the American people or I am here to take away health benefits for American retirees. None of us are here to do that.

These programs are law. They are in place. We want them to be more efficient, more effective, but, more importantly, we want them to remain solvent. Yet outside groups were basically sending just the opposite messages. So the Congress failed. We came up short. But having done so, Congress cannot avoid the responsibility we have to do everything in our power to try to address a very serious fiscal problem that exists in this country.

Years and years, decades and decades, not only this Congress but former Congresses, not only this President but former Presidents have made promises to the American people that we now are unable to keep because we do not have the fiscal capability of doing so. We have not had a budget come out of the Congress in more than 1,000 days. There is some indication that we will have a budget next year. I sincerely hope we can get together and come forward with a deficit reduction budget, one that recognizes the fiscal plight in which we find ourselves. I will work with both sides of the aisle to try to accomplish that. We have to acknowledge that we continue to spend trillions more dollars than we have available to us. No nation can sustain that.

All we have to do is look across the Atlantic at what is taking place in Europe from country to country. It is not just Greece, it is not just Portugal, it is not just Ireland anymore. It is Italy and maybe France and maybe other countries. The European Union is struggling to try to address this serious debit crisis, the same type of problem we have here.

There have been many here that look at Europe and say: They need to get their act together. Well, we need to get our act together here because what we are seeing there may be coming across the shore. Certainly, similar problems exist: promising more than we can deliver, borrowing more so that we can pay debts that we do not have the money to pay through the revenues we generate in our country. The same thing is happening here.

This is the challenge in front of us. We need to find a way to seize this opportunity to do something for the future of this country. Our generation must step up for the next generations and for the sake of the country's future. We need to continue this debate and go forward. It is easy to sit around and grumble and blame somebody else and say, well, we gave it our best shot and therefore we will just let whatever happens happen. We do not want to do that because what will happen here, if we continue on the current course, is what is happening in Europe today. There is no clearer picture of the consequences of a sovereign nation promising more and spending more than it takes in over time. It slows the economy. It piles up the interest payments. It shrinks the amount of money available for essential services. It puts the programs that were in place in real jeopardy.

So if we consider the consequences, we clearly have to answer the question: Where do we go from here? How do we go forward in a constructive way?

I would suggest a few things: First, we need to enforce the law that is there under the Budget Control Act. The law that is in place on the books now, even though I believe that law designed a process that is woefully short of where we need to go, but we need to enforce it now.

No one wanted to get to this across-the-board cutting, this sequester that impacts our national security and other functions of government. But that sequester was supposed to prevent us from failing and urge us to come to agreement. It did not. The sequestration rule now is the law, and I think an attempt to undo that is one of the most cynical things we can do, and the American people know it. I do not believe they will allow us to do it.

So the law needs to be enforced if we cannot come up with the minimum amount of cuts required. We need to go forward and do that. So there are a number of ways—and I commend the

committee for at least trying to come up with some efficiencies and effectiveness rein in our Federal spending. I believe they have a list of things that we can look to in order to enforce more cuts. I have suggested a triage process when we review every aspect of an agency of government, every function that is performed through this Federal Government, and basically say: We have a patient that is sick, a patient with a potentially terminal disease. But we need to triage. We have a bunch of people in the waiting room. Some of them need attention right away. So we need a triage of every agency, every function, every expenditure being examined from the standpoint of, is this absolutely essential to the future of this country, to the protection of our citizens? Is this an absolutely essential function of government that cannot be done at the State level, at the local level, or at the private level? If so, then that needs to have priority.

Secondly, there is a whole range of issues. We come down every day with new ideas and thoughts of "this would be nice to do, but we cannot afford to do." We have to delay these initiatives or just simply say to people: I am sorry, we do not have the money to pay for this idea.

So we separate the essential from "like to do and cannot do," and then we look at what needs to be done that someone else can do better. Whether in the private sector, at the State level, or at the local level, there are a whole range of areas where the Federal Government has gotten in way over its head. These are functions that can take place in the private sector or through State and local governments.

We can look at the duplication and inefficiencies that exist. Senator COBURN came up with a long list, trillions of dollars in expenditures that could be saved. We ought to look at that. We ought to look at those and decide which ones we want to go forward with and how we can start that process.

Let me mention a couple of things: 18 separate domestic food assistance programs. Do we need domestic assistance for food? Probably there are some areas where we do. Do we need 18 separate programs doling this out?

There are 47 different job training programs. OK. The economy is restructuring. We need job training. Do we need 47 separate programs to do that?

And my personal favorite: 56 financial literacy programs. We can argue that the Federal Government is in no place to teach the American people how to be financially literate. I think what we need to do is be financially literate here in Washington and then use that model to show people how to be literate rather than simply say, well, we have the answer. We, obviously, do not have the answer. Why we have 56 financial literacy programs in place

through the Federal Government is just astounding.

So these are suggestions. There are many others regarding cutting of spending. But there are other functions that need to be addressed. There are three major categories. One is regulatory reform. Regulation from various agencies is costing the American taxpayer and Americans millions and billions of dollars.

There is a process underway to look at those. That is one category. I can talk for a long time about that, but I will not. A second one is entitlement reform. Now, I have been talking about this subject from the beginning. This is the engine that drives the train of deficits, and we can stand by and continue to lie to the American people and say they have nothing to worry about. We can say we are going to preserve every penny of the Social Security and every penny of the Medicare and Medicaid, and it will always be there. Do not worry. Even the money put in via payroll taxes and so forth, it is all sacrosanct, and do not worry about it. We can continue that lie or we can tell the American people the truth; that is, if we want to keep these programs viable, we need to take structured reform measures now.

Those could be increasing the age of eligibility for Medicare to coincide with the current Social Security age. It could be changes in some of the indexes that are used to calculate the cost-of-living adjustment. That could be modified through means testing.

Warren Buffett says he does not need Social Security. Fine. If people do not need Social Security or Medicare or at least the full payment, let's give them back what they paid in. So we could put means testing in there. We need to debate and talk about this issue.

Is it politically sensitive? Sure. But let's be honest with the American people. They want us to be honest. I think that is what the message of 2010 was all about.

The third category, one in which I have been very involved in, is reforming our Tax Code, which is a mess.

The tax code is totally incomprehensible to anybody who spends less than 15 hours a day as a career studying it and trying to figure it out. Our tax code is a nightmare. Americans spend billions of dollars having people do their taxes because the tax code is too complex to understand. There are tens of thousands of pages in the Tax Code.

There is a growing bipartisan consensus here in Congress that we need to reform our Tax Code. Senator WYDEN and I have a bipartisan bill that has been worked on for 3 years to reform the tax code. Our plan is not the absolute answer to everything, but it is the only bipartisan bill in legislative text, it has been scored, and it is available to be debated. I know the supercommittee looked at our proposal. The

Ways and Means Committee and the Finance Committee ought to look at it as well. Tax reform can make this country more competitive, grow the economy, and help with our fiscal situation.

I sense that I am close to or running out of time. In deference to my colleagues, I will wrap up.

I came here deeply disappointed today. I remain disappointed that we haven't been able to do more. My No. 1 priority has been to advocate for going big on a deficit reduction plan. We weren't able to do that. Experts agree that we must do more. We only have to look at Europe to see what is coming next. Let's try to avoid that. There are plans out there we can build off of right now. So instead of just folding our tent and saying there is nothing we can do except wait for the election results of 2012 when we may have a different President or a different Congress, we have a responsibility to act now. There are ways we can do this. We need to demonstrate to ourselves and to the American people that we will accept this responsibility. I choose to do that. I choose to take the tough medicine for the future of the country. I believe the American people choose to do that as well.

I urge my colleagues to join me as we move forward. Let's not sit and wait for election results. Let's do something now because the urgency and the crisis is real, and it needs to be addressed now. Let's be responsible and step up and do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

TRIBUTE TO LARRY MUNSON

Mr. CHAMBLISS. Mr. President, I rise today, along with my colleague, my fellow University of Georgia graduate, Senator ISAKSON, to honor a man who died last week who became a legend in his own time in our great State, a legend who was respected by, as we would say, folks on both sides of the aisle. That term for this man means he was respected by Georgia Tech football fans as well as University of Georgia football fans.

The man I am talking about is Larry Munson. Larry Munson was not a southerner by birth, but he became a southerner and Georgia Bulldog by passion. He was the Georgia football announcer for over four decades. During those four decades, he not only witnessed some of the most memorable football games, but he made some of the most memorable calls. His way of describing a football play will go down in the annals of broadcasting as not only being unique, not only being fascinating, but it will go down in the annals of sports broadcasting as being some of the best and most professional calls ever made on a football field.

But there was more to Larry Munson than the "Run, Lindsay, run," more to Larry Munson than the "Oh, you Herschel Walker," more to Larry Munson than "We just stomped on them with a hob-nailed boot." He was a man who had passion for life, a man who had a thorough understanding of his profession, and a man who worked very hard at his profession.

He used to get up every Saturday morning before a football game and have coffee with our legendary coach, Vince Dooley. Coach Dooley said he finally had to stop having coffee with Larry Munson because Larry was ever the pessimist, from a football standpoint. Coach Dooley would come to those coffees feeling good about his chances in the ball game that day, and by the time he finished having coffee with Larry Munson, he had to go back and rewrite his playbook.

Larry Munson was simply a man who loved the University of Georgia. He loved calling football games, and he loved putting his emotions into those calls. He was also a man who cared not just about the University of Georgia but about his students. He used to have what he called a Wednesday night movie night where he would invite students to join him at a theater in Athens, GA, and he would share time—his time—with students that he loved. He did this for years and years and years. I have heard stories from some of those folks who attended those movie nights that Larry Munson was more passionate about movies than he was about University of Georgia football, which is hard to imagine.

As we look back on the life of Larry Munson, those of us who live and breathe Georgia football will always remember the passionate calls, the way he put his heart and soul into the football game, but we will also remember the man Larry Munson, who enjoyed life, enjoyed people, enjoyed his profession, and who gave so much back to his profession.

He was a man who loved the outdoors. He came south from his birthplace of Minneapolis many years ago. He remained a true southerner not just for his 40 years of broadcasting at the University of Georgia but in his bass fishing, for example. I remember when he would come down to our part of the world in south Georgia to speak to a touchdown club, or whatever it may be, and he would always call up and say, "Where is the best bass pond in south Georgia? That is where I want to be this afternoon before my speech." He thoroughly enjoyed the outdoors, and he enjoyed being around people. That was obvious in the way he expressed himself behind the microphone when he called football games.

As we celebrate the life of Larry Munson, we celebrate more than his historic calls. His passion for football, his passion for his family, and his pas-

sion for friends exceeds any passion he had for football. He was a great man, a great friend, and he will certainly be missed by our State and particularly by our university.

With that, I yield to Senator ISAKSON.

The ACTING PRESIDENT pro tempore. The Senator from Georgia, Mr. ISAKSON, is recognized.

Mr. ISAKSON. I appreciate the opportunity to share a few moments with Senator CHAMBLISS on the floor of the Senate to pay tribute to a great Georgian, Larry Munson.

Larry Munson was born in Minneapolis, and after the service he got a scholarship at a broadcasting school, and he got a job at the University of Wyoming. He worked his way to Tennessee, where he announced for the Vanderbilt basketball and football programs. Then, when the Braves moved from Milwaukee to Atlanta, he was brought in to be one of the announcers for Atlanta Braves baseball. Shortly after that, the voice of the Georgia Bulldogs retired and went to another job, and Larry Munson was asked to take over broadcasting at the University of Georgia. He was a Yankee, an outsider, not one whom many people thought much of when he started. Well, he became a legend in his time. He is a revered person in our State.

It is said that Southeastern Conference football is not a game, it is a religion. In that analogy, if it is a religion in the Southeastern Conference, Larry was the high priest. He was the man whom everybody looked to to make the call nobody else could. The greatest tribute I ever saw to Larry Munson was on SEC football on an afternoon, at 3:30, when, a couple of years ago, before he retired, the announcer for CBS television brought in Larry Munson's radio play by play and set themselves aside because he was that good. He brought the game to life. He brought a spirit to the game you just could not find.

He was a hometown boy. There was no question whom he worked for, no question who signed his ticket. He was always fair but always friendly to the Dogs. It was his spirit that brought the University of Georgia from the doldrums of the 1960s to the height of college football—the national championship in 1980, four SEC championships in the last 12 years, and, hopefully, an SEC championship this Saturday night.

Larry Munson passed away a few days before Thanksgiving in his beloved town and hometown of Athens, GA. Although he started in Minneapolis, MN, and went to Wyoming and later to Tennessee, he finally resided in Georgia, and he died in Georgia. He is esteemed in our State.

On this day, let me, on behalf of the people I represent in my State of all persuasions when it comes to college

football, pay tribute to a man who gave every single measure of himself to make sure every person who listened to his voice saw a game, whether they were blind or could see, because he brought life to a game like nobody else could. He was a great Georgian and a great American. He will be missed.

I can promise you this: His view at Stanford Stadium today is far better than the view he used to have in the broadcast booth because he is high over the stadium, where he made his living and where he will always be remembered.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. GRAHAM. I believe we are still in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. I ask unanimous consent to enter into a colloquy, and if the Chair could let me know when 10 minutes has expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. GRAHAM. While we decide how we are going to move on the Defense bill, I appreciate Senator KYL coming to the floor. Senator KYL and I, along with Senators LEVIN and MCCAIN, have been working on detainee policy for years now. There is an issue that is before the Senate soon. It involves what to do with an American citizen who is suspected of collaborating with al-Qaida or an affiliated group.

Does the Senator agree with me that in other wars American citizens, unfortunately, have aided the enemies of their time?

Mr. KYL. Mr. President, yes. I would say to my colleague, unfortunately, it is the case that there probably hasn't been a major conflict in which at least some American citizen has decided to leave his country and side with the enemy.

Mr. GRAHAM. Is the Senator familiar with the efforts by German saboteurs who landed—I believe, in the Long Island area, but I don't know exactly where they landed—during World War II, and they were aided by American citizens to execute a sabotage plot against the United States?

Mr. KYL. Mr. President, yes. In fact, there is a famous U.S. Supreme Court case, *Ex parte Quirin*, decided in 1942, that dealt with the issue of an American citizen helping the Nazi saboteurs that came to our shores.

Mr. GRAHAM. Does the Senator agree with me that our Supreme Court ruled then that when an American citizen decides to collaborate and assist an enemy force, that is viewed as an act of war and the law of war applies to the conduct of the American citizen?

Mr. KYL. Mr. President, I would say to my colleague, yes. My colleague knows this case, I am confident. I think one quotation from the case makes the point clearly—in *Ex parte Quirin* the court made clear: "Citizenship in the United States of an enemy belligerent does not relieve him from the consequences of his belligerency."

In other words, if a person leaves their country and takes the position contrary, they side with the enemy, they become a belligerent against the United States, the fact that they are still a citizen does not protect them from being captured, from being held, and in this case even being tried by a military tribunal.

Mr. GRAHAM. So the law, at least since 1942, by the Supreme Court has been that if someone decides as an American citizen to join forces with enemies of the United States, they have committed an act of war against their fellow citizens. It is not a criminal event we are investigating or dealing with; it is an act of war, and the American citizens who helped the Nazis were held as enemy combatants and tried as enemy combatants?

Mr. KYL. Mr. President, yes. I would just qualify that statement this way. A person can be subject to military custody being a belligerent against the United States, even while being a U.S. citizen, be tried by military commission because of the act of war against the United States that they committed. One could also theoretically have been tried in a criminal court. But one can't reach the opposite conclusion, which is that they can only be tried in civilian court.

Mr. GRAHAM. In the Military Commission Act of 2009, we prohibited American citizens from being tried by military commissions. I am OK with that. But what we have not done—and I would be very upset if we chose to do that—is take off the table the ability to interrogate an American citizen who has chosen to help al-Qaida regarding what they know about the enemy and what intelligence they may provide us to prevent a future attack.

Since homegrown terrorism is a growing threat, under the current law, if an American citizen became radical, went to Pakistan and trained with al-Qaida or an affiliated group, flew back to Dulles Airport, got off the plane, got a rifle, went down to the Mall right behind us and started shooting people, does the Senator agree with me that under the law as it exists today, that person could be held as an enemy combatant, that person could be interrogated by our military and intelligence

community and we could hold them as long as necessary to find out what they know about any future attacks or any past attacks and we don't have to read them their Miranda rights?

Mr. KYL. Mr. President, yes. The answer to the question, short, is, yes. It is confirmed by the fact that in the Hamdi case, the U.S. Supreme Court precisely held that detention would be lawful. Of course, with the detention being lawful, the interrogation to which my colleague refers could also be taken.

Mr. MCCAIN. Would the Senator yield for a question on that subject point?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. The individual who was an American citizen—Mr. Hamdi, the subject of the U.S. Supreme Court case—was an American citizen captured in Afghanistan; is that correct?

Mr. GRAHAM. Yes.

Mr. MCCAIN. Yet in the Supreme Court decision reference is made to an individual who was captured during World War II in the United States of America; isn't that correct? It was referenced in the Supreme Court decision.

Mr. GRAHAM. Yes. The *In re Quirin* case dealt with an American citizen helping the Nazis in America. The Hamdi case dealt with an American citizen helping the Taliban in Afghanistan.

Mr. MCCAIN. The reason why I raise the question is because the Senator from Illinois, and others, have cited the fact that Hamdi was an American citizen but captured in Afghanistan, not in the United States of America.

Yet isn't it a fact that the decision in Hamdi also made reference to a person who was apprehended in the United States of America?

This is what is bizarre about this discussion, it seems to me.

Mr. GRAHAM. The Hamdi case cited *In re Quirin* for the proposition that an American citizen who provides aid, comfort or collaboration with the enemy can be held as an enemy combatant. The *In re Quirin* case dealt with an American citizen helping the Nazis in New York. The Padilla case involves an American citizen, collaborating with al-Qaida, captured in the United States.

Mr. MCCAIN. So I guess my question is, it is relevant where the citizen of the United States was captured. Because the decision made reference to people captured both in the United States and outside the United States.

Mr. GRAHAM. Exactly. I would add, and get Senator KYL's comment. Wouldn't it be an absurd result if you can kill an American citizen abroad—Awlaki—whatever his name was—the President targeted him for assassination because he was an American citizen who went to Yemen to engage in an act of terrorism against the United

States. The President went through an Executive legal process, targeted him for assassination and a drone attack killed him and we are all better off. Because when an American citizen helps the enemy, they are no longer just a common criminal; they are a military threat and should be dealt with appropriately.

But my point is, wouldn't it be an odd result to have a law set up so that if they actually got to America and they tried to kill our people on our own soil, all of a sudden they have criminal status?

I would argue that the homeland is part of the battlefield, and we should protect the homeland above anything else. So it would be crazy to have a law that says if you went to Pakistan and attacked an American soldier, you could be blown up or held indefinitely, but if you made it back to Dulles Airport, you went downtown and started killing Americans randomly, we couldn't hold you and gather intelligence. The Supreme Court, in 1982, said that made no sense.

If a Senator, in 1942, took the floor of the Senate and said: You know those American citizens who collaborated with the Nazis, we ought not treat them as an enemy, they would be run out of town.

I am just saying, to any American citizen: If you want to help al-Qaida, you do so at your own peril. You can get killed in the process. You can get detained indefinitely. When you are being questioned by the CIA, the FBI or the Department of Defense about where you trained and what you did and what you know and you say to the interrogator: I want my lawyer, the interrogator will say: You don't have a right to a lawyer because you are a military threat.

This is not "Dragnet." We are fighting a war. The Supreme Court of the United States has clearly said an American citizen who joins with the enemy has committed an act of war.

Senator FEINSTEIN, who is the chairman of the Intelligence Committee, is a very good Senator. But her concerns about holding an American citizen under the law of war, her amendment, unfortunately, would change the law.

Does Senator KYL agree with that?

Mr. KYL. Yes. Mr. President, that is the key point. There is a reason why you don't want to adopt the Feinstein amendment: It would preclude us from gaining all the intelligence we could gain by interrogating the individual who has turned on his own country and who would have knowledge of others who might have joined him in that effort or other plans that might be underway.

We know from past experience this interrogation can lead to other information to save American lives by preventing future attacks, and it has occurred time and time again. In a mo-

ment, I will put a statement in the RECORD that details a lot of this intelligence we have gathered. It is not as if an American citizen doesn't have the habeas corpus protection—which still attaches—whether or not that individual is taken into military custody.

The basic constitutional right of an American citizen is preserved. Yet the government's ability to interrogate and gain intelligence is also preserved by the existing law, by the status of the law that exists today. We would not want to change that law by something such as the Feinstein amendment.

Mr. GRAHAM. Simply stated, when the American citizens in question decided to give aid and comfort to the Nazis, I am very glad they were allowed to be held by the military and interrogated about the plot and what they knew, because intelligence gathering is the best way to keep us safe.

I would be absolutely devastated if the Senate, for the first time in 2011, denied the ability of our military and intelligence community to interrogate somebody who came back from Pakistan and started killing people on the Mall—that we could no longer hold them as an enemy combatant and find out what they did and why they did it; that we would have to treat them as a common criminal and read them their Miranda rights. That is not the law.

If that becomes the law, then we are less safe because I tell you, as we speak, the threat to our homeland is growing. Homegrown terrorists are becoming the threat of the 21st century, and now is not the time to change the law that has been in place for decades. I do hope people understand what this means.

It means we would change the law so that if we caught somebody in America who went overseas to train and came back home, an American citizen who turned on the rest of us, no longer could we hold them as an enemy combatant and gather intelligence. That, to me, would be a very dangerous thing to do.

I ask the Senator, who determines what the Constitution actually means; is it the Congress or the Supreme Court?

Mr. KYL. Mr. President, ultimately the U.S. Supreme Court, when cases come before the Court that present these issues, determines what the law is. In this situation we have actually two specific cases, and there are others that are tangential, that do clarify what the Court believes what the Constitution would provide in this case.

Mr. GRAHAM. So the issue is pretty simple. Our courts at the highest level—the Supreme Court has acknowledged that the executive branch has the legal authority to hold an American citizen who is collaborating with an enemy as an enemy belligerent to gather intelligence to protect the rest

of us; they recognize that power of the executive. Does the Senator agree with me that the amendment of Senator FEINSTEIN would be a situation where the Congress does not recognize that authority and would actually try to change it?

Mr. KYL. Yes. One of the questions is this interplay between the executive and the legislative branch. When the legislative branch, as Congress has done here through the authorization of military force, has provided the legal basis for the administration to hold a person engaged in war against us, then it cannot be denied that that authority exists. There is a 1971 law that Congress passed that said you could hold people only pursuant to law. This was the precise holding of the Hamdi case, where the U.S. Supreme Court said they had the authority because of the authorization of military force. So the executive has that authority, the legislature has provided the basis for the authority, and the Supreme Court has upheld it by its ultimate jurisdiction.

Mr. GRAHAM. And to conclude this colloquy—I enjoyed the discussion—I am not saying our law enforcement or military intelligence community cannot read someone their Miranda rights. I will leave that up to them. I am saying Congress should not take off the table the ability to hold someone under the law of war to gather intelligence, and that is what we are about to do if this passes.

To those who believe that homegrown terrorists are a threat now and in the future, if you want to make sure we can never effectively gather intelligence, we only have one option, then that is what we are about to impose on the country.

Mr. KYL. If I might ask my colleague to yield for one other point I wish to make here.

Mr. GRAHAM. Absolutely.

Mr. KYL. In a criminal trial, the object is to do justice to an individual as it pertains to his alleged violation of law in the United States. In the case of the capture and detention of a combatant, someone who has taken action against the United States, the object first is to keep the United States safe from this individual's actions and, second, where possible, gain intelligence from that individual. That is the critical element that would be taken from our military, were the Feinstein amendment to be adopted.

I ask unanimous consent to have printed in the RECORD a statement that makes very clear where military detention is necessary: to allow intelligence gathering that will prevent future terrorist attacks against the American people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WARTIME DETENTION OF ENEMY COMBATANTS—INCLUDING U.S. CITIZENS WHO JOIN THE FORCES OF THE ENEMY—IS AN ESTABLISHED PRACTICE THAT IS CLEARLY CONSTITUTIONAL

Unfortunately, in almost every major war that the United States has fought, there have been some U.S. citizens who have joined the forces of our Nation's enemies or who have otherwise collaborated with the enemy. These traitors and collaborators have always been treated as enemy combatants—and have been subjected to trial by military commission where appropriate.

The U.S. Supreme Court has consistently held that the President has the constitutional authority to detain enemy combatants, including U.S. citizens who have cast their lot with the enemy.

In its 2004 decision in *Hamdi v. Rumsfeld*, for example, the Supreme Court held that the detention of enemy combatants is proper under the U.S. Constitution. Moreover, the person challenging his military detention in that case was a U.S. citizen.

During World War II, the Supreme Court also upheld the military detention and trial of a U.S. citizen who had served as a saboteur for Nazi Germany and was captured in the United States. The Court made clear that "[c]itizenship in the United States of an enemy belligerent does not relieve him from the consequences of a belligerency." That case is *Ex Parte Quirin* (1942).

In support of her amendment number 1126, Senator FEINSTEIN yesterday cited a 1971 law, apparently arguing that the detention of an enemy combatant who is a U.S. citizen would be prohibited under that law.

That 1971 law is 18 U.S.C. 4001. It provides that "no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

This is the very law that was at issue in the *Hamdi* case. And the precise holding of the U.S. Supreme Court in *Hamdi* was that the detention of a U.S. citizen as an enemy combatant through the duration of hostilities would not violate that law.

The Supreme Court stated: "[Hamdi] posits that his detention is forbidden by 18 U.S.C. § 4001(a). Section 4001(a) states that '[n]o citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.' . . . Congress passed § 4001(a) in 1971. . . . [The government maintains] § 4001(a) is satisfied because Hamdi is being detained pursuant to an Act of Congress, the AUMF. . . . [W]e conclude that . . . the AUMF satisfied § 4001(a)'s requirement that a detention be pursuant to an Act of Congress."

WHY MILITARY DETENTION IS NECESSARY: TO ALLOW INTELLIGENCE GATHERING THAT WILL PREVENT FUTURE TERRORIST ATTACKS AGAINST THE AMERICAN PEOPLE

Some may ask, why does it matter whether a person who has joined Al Qaeda is held in military custody or is placed in the civilian court system? One critical reason is intelligence gathering. A terrorist operative held in military custody can be effectively interrogated. In the civilian system, however, that same terrorist would be given a lawyer, and the first thing that lawyer will tell his client is, "don't say anything. We can fight this."

In military custody, by contrast, not only are there no lawyers for terrorists. The indefinite nature of the detention—it can last as long as the war continues—itself creates conditions that allow effective interrogation. It creates the relationship of depend-

ency and trust that experienced interrogators have made clear is critical to persuading terrorist detainees to talk.

Navy Vice-Admiral Lowell Jacoby, who at the time was the Director of the Defense Intelligence Agency, explained how military custody is critical to effective interrogation in a declaration that he submitted in the Padilla litigation. He emphasized that successful noncoercive interrogation takes time—and it requires keeping the detainee away from lawyers.

Vice-Admiral Jacoby stated:

DIA's approach to interrogation is largely dependent upon creating an atmosphere of dependency and trust between the subject and the interrogator. Developing the kind of relationship of trust and dependency necessary for effective interrogations is a process that can take a significant amount of time. There are numerous examples of situations where interrogators have been unable to obtain valuable intelligence from a subject until months, or, even years, after the interrogation process began.

Anything that threatens the perceived dependency and trust between the subject and interrogator directly threatens the value of interrogation as an intelligence gathering tool. Even seemingly minor interruptions can have profound psychological impacts on the delicate subject-interrogator relationship. Any insertion of counsel into the subject-interrogator relationship, for example—even if only for a limited duration or for a specific purpose—can undo months of work and may permanently shut down the interrogation process.

Specifically with regard to Jose Padilla, Vice Admiral Jacoby also noted in his Declaration that: "Providing [Padilla] access to counsel now would create expectations by Padilla that his ultimate release may be obtained through an adversarial civil litigation process. This would break—probably irreparably—the sense of dependency and trust that the interrogators are attempting to create."

In other words, military custody is critical to successful interrogation. Once a terrorist detainee is transferred to the civilian court system, the conditions for successful interrogation are destroyed.

Preventing the detention of U.S. citizens who collaborate with Al Qaeda would be a historic abandonment of the law of war. And, by preventing effective interrogation of these collaborators, it would likely have severe consequences for our ability to prevent future terrorist attacks against the American people.

We know from cold, hard experience that successful interrogation is critical to uncovering information that will prevent future attacks against civilians.

On September 6 of 2006, when President Bush announced the transfer of 14 high-value terrorism detainees to Guantanamo, he also described information that the United States had obtained by interrogating these detainees. Abu Zubaydah was captured by U.S. forces several months after the September 11 attacks. Under interrogation, he revealed that Khalid Sheikh Mohammed was the principal organizer of the September 11 attacks. This is information that the United States did not already know—and that we only obtained through the successful military interrogation of Zubaydah.

Zubaydah also described a terrorist attack that Al Qaeda operatives were planning to launch inside this country—an attack of which the United States had no previous knowledge. Zubaydah described the

operatives involved in this attack and where they were located. This information allowed the United States to capture these operatives—one while he was traveling to the United States.

Again, just imagine what might have happened if the Feinstein amendment had already been law, and if the Congress had stripped away the executive branch's ability to hold Al Qaeda collaborators in military custody and interrogate them. We simply would not learn what that detainee knows—including any knowledge that he may have of planned future terrorist attacks.

Under military interrogation, Abu Zubaydah also revealed the identity of another September 11 plotter, Ramzi bin al Shibh, and provided information that led to his capture. U.S. forces then interrogated bin al Shibh. Information that both he and Zubaydah provided helped lead to the capture of Khalid Sheikh Mohammed.

Under interrogation, Khalid Sheikh Mohammed provided information that helped stop another planned terrorist attack on the United States. K.S.M. also provided information that led to the capture of a terrorist named Zubair. And K.S.M.'s interrogation also led to the identification and capture of an entire 17-member Jemaah Islamiya terrorist cell in Southeast Asia.

Information obtained from interrogation of terrorists detained by the United States also helped to stop a planned truck-bomb attack on U.S. troops in Djibouti. Interrogation helped stop a planned car-bomb attack on the U.S. embassy in Pakistan. And it helped stop a plot to hijack passengers planes and crash them into Heathrow airport in London.

As President Bush stated in his September 6, 2006 remarks, "[i]nformation from terrorists in CIA custody has played a role in the capture or questioning of nearly every senior Al Qaeda member or associate detained by the U.S. and its allies." The President concluded by noting that Al Qaeda members subjected to interrogation by U.S. forces: "have painted a picture of al Qaeda's structure and financing, and communications and logistics. They identified al Qaeda's travel routes and safe havens, and explained how al Qaeda's senior leadership communicates with its operatives in places like Iraq. They provided information that . . . has allowed us to make sense of documents and computer records that we have seized in terrorist raids. They've identified voices in recordings of intercepted calls, and helped us understand the meaning of potentially critical terrorist communications."

[Were it not for information obtained through interrogation], our intelligence community believes that al Qaeda and its allies would have succeeded in launching another attack against the American homeland. By giving us information about terrorist plans we could not get anywhere else, this [interrogation] program has saved innocent lives."

If the Feinstein amendment were adopted, this is all information that we would be unable to obtain if the Al Qaeda collaborator that our forces had captured was a U.S. citizen. It would simply be impossible to effectively interrogate that Al Qaeda collaborator—the relationship of trust and dependency that military custody creates would be broken, and the detainee would instead have a lawyer telling him to be quiet. And we know that information obtained by interrogating Al Qaeda detainees has been by far the most valuable source of information for preventing future terrorist attacks.

Again, in every past war, our forces have had the ability to capture, detain, and interrogate U.S. citizens who collaborate with the enemy or join forces with the enemy. I would submit that in this war, intelligence gathering is more critical than ever. Al Qaeda doesn't hold territory that we can capture. It operates completely outside the rules of war, and directly targets innocent civilians. Our only effective weapon against Al Qaeda is intelligence gathering. And the Feinstein amendment threatens to take away that weapon—to take away our best defense for preventing future terrorist attacks against the American people.

Mr. KYL. I hope this statement clarifies in anyone's mind the point that by taking people in custody in the past we have gathered essential intelligence to protect the American people. That is the reason for the detention in the first place—A, to keep the American people safe from further attack by the individual, and, B, to gather this kind of intelligence. Nothing precludes the United States, the executive branch, from thereafter deciding to try the individual as a criminal in the criminal courts with all the attendant rights of a criminal. But until that determination, it cannot be denied that the executive has the authority to hold people as military combatants, gather intelligence necessary, and hold that individual until the cessation of hostilities.

The PRESIDING OFFICER. The time of the Senator has expired.

The senior Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I understand we are still in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. LEAHY. I ask unanimous consent I be recognized for another 5 minutes as in morning business, and the distinguished Senator from Illinois be recognized for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, earlier this week, one of this bill's lead sponsors said here on the floor of the United States Senate that the bill's detention subtitle would authorize the indefinite detention of U.S. citizens at Guantanamo Bay. That is a stunning statement. We should all pause to consider the ramifications of passing a bill containing such language. Supporters of the detention provisions in the bill continue to argue that such measures are needed because, they claim, "we are a nation at war." That does not mean that we should be a Nation without laws, or a Nation that does not adhere to the principles of our Constitution.

One of the provisions in this bill, Section 1032, runs directly contrary to those principles. Section 1032 requires the military to detain terrorism suspects, even those who might be captured on U.S. soil. This provision is opposed by the very intelligence, military, and law enforcement officials who

are entrusted with keeping our Nation safe—including the Secretary of Defense, the Director of National Intelligence, the Attorney General, the Director of the FBI, and the President's top counterterrorism advisor. As Chairman of the Judiciary Committee, I support the efforts of Senator FEINSTEIN, the chair of the Senate Intelligence Committee, to modify Section 1032 so that it does not interfere with ongoing counterterrorism efforts or undermine our constitutional principles.

In the fight against al-Qaida and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need. But the mandatory military detention provision in Section 1032 actually limits those tools by tying the hands of the intelligence and law enforcement professionals who are fighting terrorism on the ground, and by creating operational confusion and uncertainty. This is unwise and unnecessary.

On Monday, Director Mueller warned that Section 1032 would adversely affect the Bureau's ability to continue ongoing international investigations. Secretary Panetta has also stated unequivocally that "[t]his provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available." These are not partisan objections, but rather the significant operational concerns voiced by the Secretary of Defense and the Director of the FBI—both of whom were confirmed by this body with 100-0 votes. And yet these are the voices that supporters of this bill would ignore.

Supporters of this bill have argued that the new national security waiver and implementation procedures in this section provide the administration with the flexibility it needs to fight terrorism. The intelligence and law enforcement officials who are actually responsible for fighting terrorism and keeping our Nation safe, however, could not disagree more. As Director Mueller stated in his letter, these provisions are still problematic and "fail to recognize the reality of a counterterrorism investigation." Director of National Intelligence Clapper has stated that "the various detention provisions, even with the proposed waivers, would introduce unnecessary rigidity" in the intelligence gathering process. Put differently, Lisa Monaco, the Assistant Attorney General for the National Security Division, recently stated that "agents and prosecutors should not have to spend their time worrying about citizenship status and whether and how to get a waiver signed by the Secretary of Defense in order to thwart an al-Qaida plot against the homeland."

We should listen to the intelligence and law enforcement professionals who

are entrusted with our Nation's safety, and we should fix this flawed provision.

Senator FEINSTEIN's amendment would ensure that the requirement of military detention of terrorism suspects does not apply domestically. As Chairman of the Judiciary Committee, I am proud to be a cosponsor of this amendment, and I urge all Senators to support its adoption.

I know Senator DURBIN is next, but I now understand from Senator DURBIN the distinguished Senator from Missouri is going next.

In any event, I yield the floor and thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I ask unanimous consent to address the Senate for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. I appreciate my good friend from Illinois allowing me to go ahead and talk about the Defense bill at this time, but doing it in the context of where we are on the floor right now.

Mr. President, defending the country is the Congress's most important constitutional responsibility. Abraham Lincoln said that government should do for people only those things that people cannot better do for themselves. If there is anything at the top of that list, this is at the top of that list. So it is critical that we have this discussion, that we pass this bill as soon as possible in order to give our men and women in uniform the tools they need to do their job and the certainty we need to know how that job is going to be done from the point of view of what the Government can and needs to provide.

While this bill we are debating today is only about next year's defense program, we should not lose sight of the fact that our budget environment is more challenging all the time and whether the automatic budget cuts to future defense happen, we do know we are going to have to be more thoughtful, more cautious about how we get the most for our investment in defense. Everybody else in America has spent the last 20 years figuring out how you focus on a better result from less investment, and defense is going to have to be there as well. Still, that does not mean it is not a top priority for the Federal Government.

I appreciate the work my friends Senator LEVIN and Senator MCCAIN have done to get this bill to the floor. I am proud to represent a State that is involved in our national defense. Missouri is the home of Fort Leonard Wood, of Whiteman Air Force Base, of the Marine Corps Mobilization Command Center in Kansas City. We have dozens of National Guard and Reserve facilities in our State. Our State has

17,184 active-duty soldiers, marines, and airmen right now; 34,000 Guard and Reservists.

We are the home of large and small defense contractors that provide thousands of jobs in our State. Those defense contractors can do their work better and our defense dollars are better spent if we know what the plan is. The only real way to know what the plan is is to have an authorization bill that works.

Since the beginning of Operations Enduring Freedom and Iraqi Freedom, 134 Missourians have given their lives and over a thousand have been wounded in the line of duty. In fact, one of the amendments I have that I hope finds its way into this bill is research associated with rehabilitating those wounded warriors who have eye injuries. Thousands of vision-related injuries have occurred as a result of the wars we are fighting now. Tremendous work is being done by St. John's Hospital and Missouri State University in Springfield to see what can be done to develop better ways to deal with those eye wounds. With IEDs as a principal tool of our opponents, our enemies in this war, your eyes are the hardest thing ultimately to protect. Twelve percent of our wounded warriors have eye wounds. Hopefully we can look to see what we can do to provide greater protection and greater recovery from those wounds.

I join all Missourians in thanking those who serve. I think all of us will show greater commitment to those who serve by actually having a Defense authorization bill that sets out a plan for the future.

I am particularly pleased that this bill contains funding for modifications of the B-2 bomber's mixed load capacity. Most of our Stealth bombers operate out of Whiteman Air Force Base in Missouri and we discovered, as recently as the operation in Libya, that operations with our B-2 bombers are not as efficient as they need to be or could be, simply by making that loading capacity work differently. That is the kind of thing we are going to have to do as we look at more difficult-to-get defense dollars. We are going to have to figure out how we spend those defense dollars in the best possible way. I hope the Senate language as it is in the bill now prevails in a final bill.

I also want to call attention to the bill's full authorization of the development of the next generation long-range strike bomber and I am pleased with the funding in this bill for a vehicle maintenance facility at Fort Leonard Wood and weapons storage at Whiteman.

I filed a few amendments to this bill and I will mention a couple of them. One I am working on with Senator GILLIBRAND is an amendment to ensure National Guard soldiers mobilized for domestic emergency operations are en-

titled to the same employment rights as others are when they come back. Senator GILLIBRAND and I also worked on a bill to ensure that people in the Guard and Reserve, and their families, have access to financial and marital and other kinds of counseling as they try to put their other life back together.

I thank my colleagues for bringing this bill to the floor. We face a wide variety of threats today, including some that are new and constantly evolving—cyber-warfare, WMD, all things that we need to take seriously. This is a principal responsibility of the Federal Government. I am looking forward to seeing this bill passing the Senate today and then to work with the House to get a bill on the President's desk so that all who are involved in the defense of the country know what the long-term plan is.

I yield the floor.

The PRESIDING OFFICER. The assisting majority leader is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from Missouri, and I concur with his comments about our American military. We have the best in the world. These men and women serve us well with courage and honor every day, and we are fortunate to have them. We are fortunate—those of us who enjoy the blessings of liberty and the safety of this Nation—to have men and women willing to risk their lives for America.

This Defense authorization bill is a bill that authorizes the continued operations of our military, and every year we pass this bill, as we should, in a timely manner. I have supported it consistently over the years with very few exceptions and believe the work product brought to us by Senators LEVIN and MCCAIN is excellent, bipartisan, and moves us in a direction toward an even safer America, and I thank them for all the work they put into it.

There are provisions within this bill today which trouble me greatly. There are provisions on which I hope Members of the Senate will reflect, one in particular that I will address at this time. Senator FEINSTEIN is offering amendment No. 1125, which I am co-sponsoring. I would say this amendment raises a serious question about section 1032 in this bill. I am concerned this section would limit the flexibility of any President to fight terrorism. I am concerned it will create uncertainty for law enforcement, intelligence, and our military regarding how to handle suspected terrorists. I think it raises fundamental and serious constitutional concerns.

This provision, 1032, would, for the first time in the history of the United States, require our military to take custody of certain terrorism suspects in the United States. On its face, that doesn't sound offensive, but, in fact, it

creates a world of problems. Where do we start this debate?

We understand the responsibility of Congress in passing laws and the President with the option to sign those laws or veto them and the courts with the responsibility to interpret them. When it comes to the protection of this country in fighting terrorism, most of us have believed this is primarily an executive function under Presidents of both political parties. We may disagree from time to time on the PATRIOT Act and other aspects of it and debate those issues, but, by and large, I think we have ceded to Presidents of both parties the power to protect America.

My colleague and friend, Senator LINDSEY GRAHAM, a Republican of South Carolina, on September 19, 2007, stated—and he states things very colorfully and clearly—

The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power.

That was Senator GRAHAM's statement in 2007. Although I would carefully and jealously guard the constitutional responsibility of Congress when it comes to the declaration of war, even the waging of war, I do believe there is a line we should honor. We should not stop our President and those who work for him in keeping America safe by second-guessing decisions to be made.

Today, again, on the Republican side of the aisle came colleagues who make the argument that it is a serious mistake for us to take a suspected terrorist and put them into our criminal justice system. They argue the last thing in the world we want to do is to take a suspected terrorist and read them their constitutional rights: the right to remain silent, everything you say can be used against you, the right to counsel. They argue that is when terrorists will clam up and stop talking. Therefore, they argue, suspected terrorists should be transferred to military jurisdictions where Miranda rights will not be read. On its face it sounds like a reasonable conclusion. In fact, it is not. It is not.

Since 9/11, we have arrested and detained 300 suspected terrorists, read them their Miranda rights, and then went on to prosecute them successfully and incarcerate them. They cooperated with the Federal Bureau of Investigation, gave information, and in many cases gave volumes of information even after having been read their rights. So to argue that it cannot be done or should not be done is to ignore the obvious. Three hundred times we have successfully prosecuted suspected terrorists, and America has remained safe for these 10 years-plus since 9/11. How many have been prosecuted under military tribunals in that period of time?

Six, and three have been released. We are keeping this country safe by giving to the President and those who work for the President in the military intelligence and law enforcement community the option to decide the best course of action when it comes to arresting, detaining, investigating, and prosecuting an individual.

Remember the man who was on the plane flying into Detroit a couple of years ago? He tried to detonate a bomb on the plane. His clothing caught fire, and the other passengers subdued him, restrained him. He was arrested, investigated by the FBI, and read his Miranda rights. Within a day his parents were brought over. The following day he decided to cooperate with the United States and told us everything he knew. At the end of the day, he was prosecuted, brought to trial, and pled guilty. He went through our regular criminal court system, though he was not an American citizen, and he was successfully prosecuted. President Obama had the right to decide what best thing to do to keep America safe, and he did it. Why would we want to tie his hands?

Now let me talk about this section 1032 and why it is a serious mistake. Section 1032 in this bill would for the first time in American history require the military to take custody of certain terrorism suspects in the United States. From a practical point of view, it could be a deadly mistake for us to require this. Listen to what was said by the Justice Department in explaining why:

While the legislation proposes a waiver in certain circumstances to address concerns, this proposal inserts confusion and bureaucracy when FBI agents and counterterrorism prosecutors are making split-second decisions. In a rapidly developing situation—like that involving Najibullah Zazi traveling to New York in September of 2009 to bomb the subway system—they need to be completely focused on incapacitating the terrorist suspect and gathering critical intelligence about his plans.

Instead, this provision, 1032, written into this law, would require a handoff of terrorism suspects to military authorities. So what does our military think about this?

Well, the Secretary of Defense Leon Panetta made it abundantly clear when he said:

The failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

What we have seen, then, as our Secretary of Defense tells us, ceding to the military this authority could compromise America's security at a critical moment when every second counts, when the gathering of intelligence could literally save not just a life but thousands of lives.

Senator FEINSTEIN's amendment makes it clear—as the administration wants to make it clear—that those terrorism suspects who are arrested abroad will be detained by the military. But within the United States we are told by this administration this provision will jeopardize the security of our country, will require a procedure now to hand off these individuals to the military side in places where they could not possibly be handed off quickly or seamlessly.

We have 10,000 FBI agents dedicated to the security of this country when it comes to these national security issues and 56 different offices. We don't have anything near that capacity when it comes to the military picking up the interrogation of an individual who may have knowledge that if we can glean it from that person could save thousands of lives.

Why in the world do we want to tie the hands of law enforcement? Why do we want to tie the hands of the intelligence community? Why do we want to create this situation of giving to the military this responsibility when they are not prepared at this moment to take it?

I think Senator FEINSTEIN is doing the right thing for the protection of this country. Her position is supported by the Attorney General, by the Secretary of Defense, and by the intelligence community. They have done a good job in keeping America safe. They have asked us: Please, do not micromanage. Do not presume, do not create another hurdle for us when it comes to gathering information that can save lives in America.

Why would we do that? After more than 10 years of success and avoiding another 9/11, let's not make the situation worse by this 1032, this section of the bill that is being presented to us.

I know we will hear arguments on the Senate floor, well, there are opportunities for a waiver. So if a person is detained by the Federal Bureau of Investigation and then it is determined that this is a suspect who falls in the category and needs to go to military detention and then we need to turn to the executive side for a waiver of that military detention, how much time will be lost? Will it be minutes, hours, days? Could we afford that if what is at stake is the potential loss of thousands of American lives? Why? Why make it more complex?

I cannot understand why the other side of the aisle is now so determined with this President to micromanage the defense of this country when it comes to terrorism. When it was a Republican President any suggestions along those lines were dismissed as unpatriotic and unwise and illogical. Now, under this President, everything is fair game. They want to change the rules, rules which have successfully protected the United States for more than 10 years.

I urge my colleagues to support Senator FEINSTEIN's amendment No. 1125 and amend this section 1032 and make sure that our Defense Department, military and law enforcement, as well as intelligence community have the tools they need to continue to keep America safe.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that when we return to the bill, which will be after Senator CORNYN speaks, we move immediately to Feinstein amendment No. 1125, and that there be a 30-minute debate evenly divided and that the vote would occur immediately following that.

I withdraw my request.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to talk about something that is all too rare, and that is bipartisan support for an important piece of legislation that not only fulfills America's commitments to our ally, Taiwan, under the Taiwan Relations Act of 1979, but it helps stabilize a critical region of the world—that would be in Asia—and particularly the growing tensions between Taiwan and China. It also creates jobs in America by facilitating foreign military sales of things made here in America, by Americans, that we are going to sell to people in other countries—our friends in other countries—for cash and doesn't cost taxpayers a penny.

My amendment No. 1200 is pending before the Senate, and I was pleased in introducing this amendment to be joined by several of my colleagues on a bipartisan basis: Senator MENENDEZ from New Jersey, Senator INHOFE from Oklahoma, Senator LIEBERMAN from Connecticut, Senator WYDEN from Oregon, and Senator BLUMENTHAL from Connecticut.

This amendment is straightforward and simple. It would require the President to carry out the sale of 66 F-16C/D aircraft to Taiwan. These are American-made fighters our Democratic ally in Taiwan has been trying to purchase since 2007. As I said earlier, this is a win-win amendment. It reflects the right national security policy, and it is good for the American economy and jobs. We know Taiwan's Air Force continues to deteriorate.

First, let me just remind my colleagues what Taiwan is looking at in terms of the disparity in combat aircraft between Communist China and Democratic Taiwan.

Communist China has roughly 2,300 operational combat aircraft. Our ally and friend democratic Taiwan has 490 operational combat aircraft—obviously a growing imbalance in the Taiwan Strait. But that only tells part of the story because, as my colleagues also know, this chart indicates the incredible shrinkage of Taiwan's air force, that many of Taiwan's combat aircraft are F-5 aircraft which America has previously sold to Taiwan but which are now becoming older and more obsolete as time goes by, as well as French Mirage 2000 aircraft. As this chart indicates, around roughly 2020, maybe even before, these aircraft are going to become completely obsolete, and we will see the huge cliff and, in fact, exacerbate the disparity between Communist China and our democratic ally Taiwan.

This F-16 sale would be an export-driven job machine for our country at a time when unemployment is at 9 percent and when the No. 1 issue on America's agenda is job creation. People without jobs can't pay their mortgages, and they lose their homes due to foreclosure. Why in the world, when this sale would support jobs in 32 different States and the District of Columbia, would anyone object to this amendment? Indeed, as I indicated, I believe there is strong bipartisan support for it. This sale would support more than 60 job-years of employment and generate some \$8.7 billion in economic output. It would also generate \$768 million in taxes for the Federal Government.

As I indicated, Taiwan's air force is facing a looming fighter shortfall. The fact is, this falls squarely in Congress's wheelhouse. The Taiwan Relations Act that I referred to earlier was, in 1979, signed by President Jimmy Carter with bipartisan support. It requires the U.S. Government to provide Taiwan, our friend and ally, with the defense articles necessary for them to defend themselves against Communist Chinese aggression, and it instructs the President and the Congress to determine the nature and quantity of such defense articles based on their judgment of the needs of Taiwan.

Forty-seven Democrats and Republicans in the Senate—almost half—have signed a letter to the President of the United States supporting this sale. In the House of Representatives, 181 Democrats and Republicans have signed a letter to the President supporting this sale.

As my colleagues will recall, in September the Senate voted on an amendment like this in the trade adjustment authority assistance bill, which ended up in a 48-to-48 tie. Although the bill had strong bipartisan support, some of my colleagues said they preferred not to offer that amendment on that particular legislative vehicle but said that if I came back on an appropriate legislative vehicle, they would support it.

And if there is a more appropriate legislative vehicle than the Defense authorization bill, I hope someone will point that out to me. This is the appropriate vehicle. This is the appropriate time. This is the right thing to do for job creation in America. It is the right thing to do in terms of our national security and stability in Asia. That is why I believe this is an appropriate time for us to take up this amendment.

I was advised by the Parliamentarian that my original amendment as drafted would not be germane postcloture. However, in consultation with the Parliamentarian, we have come up with a technical modification which essentially would strike what are called the findings that would support the need for the legislation. In essence, it strikes the A section and the B section and leaves only the C section remaining. This, of course, at this point in the proceedings would require unanimous consent.

In consultation with Senator MCCAIN, the ranking member of the Senate Armed Services Committee, I am advised that our friends across the aisle will not grant unanimous consent for us to modify what is really a technical modification for this amendment so we can get a vote on it. I realize that at this point we are in morning business and it is not appropriate, perhaps, for me to ask unanimous consent, but I will ask unanimous consent at a later and appropriate time because I would like to get an explanation from the distinguished chairman of the Armed Services Committee as to why in the world there would be an objection to an amendment that enjoys such broad bipartisan support on a clearly appropriate legislative vehicle.

Madam President, I see the distinguished chairman on the floor. So I would at this time, if it is appropriate, ask unanimous consent to modify my pending amendment, to strike the findings under section A and under section B, and to leave section C, which states in full:

Sale of aircraft. The President shall carry out the sale of no fewer than 66 F-16 C and D multirole fighter aircraft to Taiwan.

We have been advised by the Parliamentarian that this section is indeed germane and would be eligible for a vote with that modification. So I ask unanimous consent to so modify my amendment.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, there is objection on this side, and I will attempt to bring together Senator CORNYN and the objectors so he can hear from them why they object, but in the meantime I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Madam President, I am disappointed, but more than disappointed, I look forward to that explanation. I hope there will be an opportunity to have a colloquy and a discussion here on the floor so the American people can see why a piece of legislation that enjoys such broad bipartisan support can't even get a vote.

When people watch what is happening in Washington these days, I think they are tempted to avert their gaze because they ask the question of me—and I am sure, when the Presiding Officer is back in North Carolina, of her as well—why can't people get anything done? Well, it is because, unfortunately, of things like this. These are technical objections that are not based on the substance or the merit of the legislation.

I respect the chairman of the Armed Services Committee, who says there is an objection on the Democratic side, and he personally is not making that objection but is on behalf of some unnamed other party. I hope that person will be named. I hope they will come to the floor. I hope they will explain to the American people and to our Democratic allies in Taiwan why it is they object to a vote on this amendment.

I believe that if we are able to get a vote on the Defense authorization bill, this has a high likelihood of passage, and I think it would send a strong message to our friends and allies around the world that, yes, you can count on your friend and ally, the United States of America. Conversely, if we are thwarted in our attempt to try to get this amendment voted on and passed, then this will send a countervailing message—that you cannot depend on America—and it will embolden bullies around the world.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. I ask unanimous consent that the Senate proceed to the consideration of the pending Feinstein amendment No. 1125; that there be 30 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Feinstein amendment, with no amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The bill clerk read as follows:

A bill (S 1867), to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the Reserve components, a member or former member of a Reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship Program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1093, to require the detention at U.S. Naval Station Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

Casey amendment No. 1139, to require contractors to notify small business concerns

that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed U.S.-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between Active-Duty and full-time National Guard duty without a break in Active service.

McCain (for Brown (MA)) amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

Udall (NM) amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall (NM) amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall (NM)/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or U.S. allies.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of Reserve components of the Armed Forces ordered to Active Duty in support of a contingency operation, members returning from such Active Duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry Scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon.

Wyden amendment No. 1253, to provide for the retention of members of the Reserve components on Active Duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the U.S. Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the U.S. European Command.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the authorization for use of military force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a Reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown (OH)) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive-duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

Levin (for Nelson (FL)) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson (FL)) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

Levin (for Menendez/Kirk) amendment No. 1414, to require the imposition of sanctions

with respect to the financial sector of Iran, including the Central Bank of Iran.

AMENDMENT NO. 1125

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate on the Feinstein amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, before we begin the debate, and with the Senator from California on the floor, for the benefit of our colleagues and the chairman, there are two pending Feinstein amendments, as I understand it. The Senator from California has agreed to the half hour equally divided as the chair just said, and then I understand the Senator from California has agreed to the second amendment at 4 p.m.; is that correct?

Mrs. FEINSTEIN. That is correct.

Mr. MCCAIN. So prior to that, I would ask my friend the chairman if we could have an hour of debate starting at 3 o'clock equally divided before the vote at 4:00 on the second Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I just want to know if the Senator from California understands that the vote on the second Feinstein amendment would be at 4:00 and that the debate would begin at 3:00, with that hour equally divided.

Mrs. FEINSTEIN. I do. I have a four corners meeting on the Energy and Water appropriations bill. That is my problem. So the later it is, the better it is for me.

Mr. LEVIN. So is a 4 o'clock vote after an hour of debate acceptable?

Mrs. FEINSTEIN. Yes. My understanding is the House chairman only has until 3 o'clock, but I anticipate we will take all that time. So I can't change that.

Mr. LEVIN. So it is agreeable, then, that there will be an hour of debate on the second amendment starting at 3 o'clock with a vote at 4 o'clock?

Mrs. FEINSTEIN. Yes.

Mr. LEVIN. I also ask unanimous consent that there be no second-degree amendments to the Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. If we can then—obviously, we can call a vote at any particular time. So I would suggest again that we try to dispose of other amendments after the vote on the first Feinstein amendment, and then we will try to dispose of additional amendments between the disposition of the first Feinstein amendment and the second one, with the hour of debate equally divided, and Senator FEINSTEIN can begin.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to ask my colleagues to support amendment No. 1125, which will limit mandatory military custody to terrorists captured outside the United States. This amendment is cosponsored by Senators LEAHY, DURBIN, UDALL, KIRK, LEE, HARKIN and WEBB.

This is a very simple amendment. It adds only one word—the word “abroad”—to section 1032 of the underlying bill. I strongly believe if it is not broke, do not fix it. The ability to have maximum flexibility in the United States is very important, and I totally support the Executive having that flexibility.

This bill creates a presumption that members or parts of al-Qaida or associated forces will be held in the military system. That is what concerns me because the military system has not produced very well over the last 10 years.

I want to take a moment to contrast some cases.

On this chart, we have sentences—five of them from military commissions and five or six from Federal courts. The Federal courts have actually convicted over the last 10, 11 years not 300 people but 400 people.

Military commissions are limited to some six convictions. Let's take a look at what they are.

A very famous one is Salim Hamdan because he brought a Supreme Court case. He was bin Laden's driver. He was acquitted of conspiracy and only convicted of material support for terrorism. He received a 5-month sentence by the military commission and was sent back to his home in Yemen to serve the time before being released in January of 2009.

No. 2: David Hicks entered into a plea on material support for terrorism and was given a 9-month sentence, mostly served back home in Australia.

Omar Khadr pled guilty in exchange of an 8-year sentence, but he will likely be transferred to a Canadian prison.

Ibrahim Ahmed Mahmoud al-Qosi pled guilty to conspiracy and material support to terrorism. His final sentence was 2 years pursuant to a plea deal.

Noor Uthman Muhammed pled guilty to conspiracy and material support to terrorism. His final sentence will be less than 3 years pursuant to his plea agreement.

Ali Hamza al-Bahlul received a life sentence after he boycotted the entire commission process.

On the other hand, you have sentences from the Federal courts.

You have Richard Reid, the Shoe Bomber—life in prison.

“Blind Sheik” Omar Abdel Rahman—life in prison for the plot to bomb New York City.

Twentieth Hijacker Zacarias Moussaoui—life in prison.

Ramzi Yousef—life in prison for the 1993 World Trade Center bombing and the Manila Air plot.

Umar Farouk Abdulmutallab—probably life in prison; will be sentenced in January 2012.

Najibullah Zazi—potential life in prison. This is the man, with conspirators, who was going to bomb the New York subway.

There is definitive evidence that is irrefutable that the Federal courts have done a much better job than the military commissions.

Why this constant press, that if it is not broke we are going to fix it anyway, I do not understand. Why the constant push to put people in military custody rather than provide the flexibility so that evidence can be evaluated quickly? This person will get life in a Federal court versus an inability or a problem in a military commission or vice versa. I think the Executive should have that.

I think the last 10 years have clearly shown that this country is safer than it has ever been. Terrorists are behind bars where they belong and plots have been thwarted, so the system is working.

This amendment would make clear that under section 1032, U.S. Armed Forces are only required to hold a suspected terrorist in military custody when he is captured abroad. All the amendment does is add one word—that is the word “abroad”—to make clear that the military will not be roaming our streets looking for suspected terrorists. The amendment does not remove the President’s ability to use the option of military detention or prosecution inside the United States.

The administration has threatened to veto this bill, and has said:

[It] strongly objects to the military custody provision of section 1032 [because it] would tie the hands of our intelligence and law enforcement professionals.

Perhaps, most importantly, addressing the issue of this amendment specifically, on November 15, Defense Secretary Leon Panetta wrote this:

The failure of the revised text to clarify that section 1032 applies to individuals captured abroad . . . may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

The Director of National Intelligence, Jim Clapper, also wrote a letter on November 23, to say that he opposes the detainee provisions of this bill because they could—and I quote—“restrict the ability of our nation’s intelligence professionals to acquire valuable intelligence and prevent future terrorist attacks.”

The administration suggested this change to the Armed Services Committee, but it was rejected. So the administration has had to threaten a veto on the bill. Who knows whether they will. I certainly do not know. This amendment limiting mandatory military custody to detainees outside the

United States is a major improvement to the bill, and I ask my colleagues to support it.

I have a very hard time because I have watched detainees carefully as part of the Senate Intelligence Committee, and we are doing a study on the detention and treatment of high-value detainees. This has been going on for 2 years now. It is going to be a 4,000-page document, and it is going to be classified. But it will document what was actually done with each of the high-value detainees and what was learned from them. It shows some very interesting things. But the upshot of all of this is that we should keep military custody to people arrested abroad and have the wide option in this country, which is the case now, and not mandate—mandate—that military custody and military commission trial must be for everyone arrested in the United States.

You will hear that anyone who comes to the United States who carries out a criminal act, a terrorist act under the laws of war, should be subject to military custody. The problem is, 10 years of experience has not worked. How many years’ experience do we need? How many sentences—six cases—and this is all there is in 10 years.

I know the other side got very upset when Abdulmutallab was Mirandized. The fact of the matter is, every belief is Abdulmutallab is going to do a life sentence in a Federal prison, put away somewhere in a place where he cannot escape and where the treatment is very serious.

I have, again, a hard time knowing why if it is not broke we need to fix it, and why we need to subject everybody who might be arrested in this country to a record that is like this: 5-month sentence, 9-month sentence, 8-year sentence, 2-year sentence, 3 years pursuant to a plea agreement, and one life sentence, when you have 400 cases that have been disposed of in a prompt way in a Federal court, who are serving long sentences in Federal prison.

I wish to hold the remainder of my time and have an opportunity to respond to the distinguished chairman and ranking member.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish to yield—

Mr. LEVIN. Before the Senator yields time to the Senator—

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Will the Senator refrain for 1 minute? While Senator FEINSTEIN is here, I understand it is now preferable from our leader that the vote be at 2 o’clock, not immediately following this half-hour debate.

Mrs. FEINSTEIN. If that is possible, that would be helpful. But it is whatever Senators want.

OK. All right.

Mr. MCCAIN. Does the Senator want to unanimous-consent that?

Mr. LEVIN. Madam President, I ask unanimous consent that the vote, which was previously scheduled to occur at the end of the half hour of debate on this amendment, now be rescheduled for 2 o’clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Madam President, relative to the time between that half hour and 2 o’clock, that time, hopefully, would be used. It will be by me for my remarks on this amendment, by the way, because after the 30 minutes, if it is used totally, I would want an opportunity to speak during that time, if necessary in morning business. But there are other amendments we believe can be voice voted during that period of time, I believe my friend from Arizona would agree. So that time will be fruitfully used. But the time now is 2 o’clock for the vote on that first Feinstein amendment.

I thank my friend.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, the vote will be at 2 o’clock. The Senators from New Hampshire and South Carolina wish to speak. I do not know if the chairman wishes to be before or during that or in between. But, also, it does not change the agreement we have, which has not been agreed to but we have agreed we will attempt to have a vote on the second Feinstein amendment at 4 o’clock still. Is that correct? We will attempt to do that?

Mr. LEVIN. It will continue to be our intent. It was objected to before. But we hope that objection will be removed. If it is not removed, we will have to have all these votes at the end of the day instead of during the day.

Mr. MCCAIN. So beginning at 3, whether we have a unanimous consent agreement—because the Feinstein amendment is very important—I would ask, informally, if we do not have a unanimous consent agreement, that we have an hour equally divided beginning at 3 so we can debate the second Feinstein amendment.

In the meantime, as the chairman said, we will try to dispense with voice votes and other agreed-upon amendments, and perhaps even maybe a recorded vote if necessary on one of the amendments.

I would remind my colleagues, we run out of time at 6 o’clock this evening, and we would rather do it in a measured fashion, allowing recorded votes or debate before those recorded votes, because those pending amendments will be voted on after 6 p.m. tonight.

I hope I did not say anything the chairman does not agree with.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. No. I agree with what the Senator said and what the intent is

here; that, hopefully, we could have an hour debate starting at 3 o'clock. We will try to lock that in at a later time, after giving folks notice. But if there is objection to votes before the time runs out, the 30-hour clock runs out, then we will have to have all those votes after the 30-hour clock runs out, and it does not make any sense to do that. But if there is going to be an objection, then that is the way it will have to be.

What Senator McCAIN is saying—and I totally agree with him—is, even if we are put in that position, which I hope we are not, that at least we could use the time between now and then for debate on those amendments which we would have to vote on at a later time. I totally agree with my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I yield 7 minutes to the Senator from New Hampshire and 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I rise in opposition to the amendment offered by the Senator from California, amendment No. 1125. I would start with this: We have heard repeatedly—not only from the Senator from California but also from the Senator from Illinois—about the number of cases in our civilian system where we have tried terrorists versus the number of military commissions.

I think there is one thing that needs to be clarified upfront here; that one of the first acts the President took when he came into office was to actually suspend all military commissions for about 2 years. So to compare the number of cases in our civilian system versus the number of military commission trials we have had is a false comparison when we suspended these trials for over 2 years. I want to say that upfront.

But I think the chart the Senator shows actually misses the point of why we have this amendment before us; that is, we need to gather intelligence. When we have captured a member of al-Qaida who is planning an attack against the United States of America, the first goal has to be, obviously, getting that person away from where he can threaten us again to kill Americans, but also, just as importantly, to gather intelligence to protect America. The criminal justice system is set up to see that justice is served in a particular case, not to see that we have the maximum tools in the hands of our intelligence officials to gather information.

Yet it seems to me that if you look in the context of Senator FEINSTEIN's amendment 1126 that we have already talked about on the floor, she wants to limit the administration. The case law of our Supreme Court that is going

back to World War II would take us before 9/11. And heaven forbid if we had an American citizen who was one of the participants in an incident such as we had occur on our soil on 9/11. Our military would not be permitted to hold that person and to question them to get the maximum amount of information and protect our country.

With respect to this amendment she has pending before the Senate, 1125, I want to point out that the amendment would lead to a very absurd result. Essentially what it would say is if you are a member of al-Qaida, planning or committing an attack against the United States of America, a foreigner, and you make it to our soil, as the 9/11 conspirators did who committed that horrible attack on our country, then you cannot be held in military custody. There is no mandatory military custody under those circumstances. Yet we will hold you in mandatory military custody if you are found overseas. So, in other words, please, their goal is unfortunately to come to the homeland, to come to our country to attack us here, and in our country we need the authority to, in the first instance—the presumption should be to hold those individuals in military custody so that we are not reading them Miranda rights. To tell a terrorist: You have the right to remain silent is counter to what we need to do to protect Americans and make sure that—for example, I will use the Christmas Day Bomber as an example because it has been cited so many times here on this floor.

That day, when he was found on the plane, after 50 minutes of questioning, he was read his Miranda rights and he invoked his Miranda rights and remained silent. It was only 5 weeks later after we tracked down his parents and convinced him to cooperate that he actually provided more information.

We are very fortunate that he was only involved in one event, that it was not a 9/11-type event where there were multiple events on American soil planned. But what if after that 50 minutes we waited 5 weeks to get more information, yet there had been more events coming that day? That is what is at issue here. Let's bring ourselves back to September 11. What if we had caught the individuals who were on one of those planes before it took off on 9/11? What if in that instance we would not hold those members of al-Qaida in military custody that instant to make sure that we could get the maximum amount of information from them to hopefully, God forbid, prevent the lifting off of the other flights and what happened on that horrible day in our country's history?

I have to believe that if we were standing here immediately after the events of 9/11, I do not think we would be debating this amendment, deciding whether if you make it to our homeland we will not hold you in military

custody in the first instance, to find out how much information you have, to make sure you are not part of multiple attacks on the United States of America.

If the amendment of the Senator from California passes, what kind of message are we sending to members of al-Qaida, foreigners who are planning attacks against the United States of America? We are laying out, unfortunately in my view, a welcome mat to say: If you make it to America, you will not be held in military custody. But if you attack us overseas, then you will be held in military custody. Why would we create a dual standard where we should be prioritizing protecting our homeland, protecting the United States of America? This leads to an absurd result.

I would hope my colleagues would reject the Senator's amendment to say that only those members of al-Qaida who do not make it to our homeland to attack us right here on our soil will be held in the first instance in mandatory military custody. Because our goal has to be here to protect Americans and to make sure we do not create a dual standard where if you are captured over there, we are going to hold you in military custody, but if you are captured and if you make it here, you are going to be getting greater rights, we will process you in the civilian system, and we will tell you you have the right to remain silent. We should not be telling terrorists they have the right to remain silent. We should be protecting Americans. If we were to pass this amendment, it would create an absurd standard where you get greater rights when are you here on our soil. I think that makes us less safe.

I would urge my colleagues to reject both of the Senator's amendments, both 1126 that would deny the executive branch the authority to hold them—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. Madam President, I ask unanimous consent for 30 seconds to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Madam President, I would ask my colleagues to reject 1126 as well, which would take away the authority of the executive branch as allowed by our Supreme Court and would make us less safe in this country as well as 1125. We have to protect America and make sure we get the maximum information to prevent future attacks on this country.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining of the original 30 minutes.

Mrs. FEINSTEIN. Thank you very much.

Mr. LEVIN. Would the Senator yield for a question?

Mrs. FEINSTEIN. Not on my time. On the Senator's time.

Mr. LEVIN. On my time. Quick question. After the 30 minutes expires, because we are not going to have a vote now, there would be additional time should the Senator need it after that 30 minutes.

Mrs. FEINSTEIN. I appreciate it. I may well use it.

Madam President, I object to the statement just made that this will make the United States of American less safe. Ten years of experience has shown it has not. Plot after plot after plot has been interrupted. I have served on the Intelligence Committee for 11 years now. We follow this closely. This country is much more safe because things have finally come together with the process that is working.

The FBI has a national security division with 10,000 people. There are 56 FBI offices. The military does not have offices to make arrests around this country. This constant push that everything has to be militarized—they were wrong on Hamdi, they were wrong on Hamdan. And it keeps going. And that it is terrible to protect people's rights. I do not think that creates a safe country. This country is special because we have certain values, and due process of law is one of those values. So I object. I object to holding American citizens without trial. I do not believe that makes us more safe. I object to saying that everything is mandatory military commission and military custody if anyone from abroad commits a crime in this country. The administration has used the flexibility in a way that they have won every single time. There have been no failures.

The Bush administration as well used the Federal courts without failure. They have gotten convictions. The military commissions have failed, essentially; 6 cases over 10, 11 years. I pointed out the sentences. So to say that what we are doing is to make this country less safe may be good for a 30-second sound bite, but it is not the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I say to my good friend from California, you are a patriot. You are here for all of the right reasons. We just have a strong disagreement about where we stand as a nation.

Nobody interrupted the Christmas Day Bomber plot. The people on the plane attacked the guy before he could blow it up. There was no FBI agent there. There was no CIA agent there. We are lucky, thank God, the passengers did it. So there is nothing to suggest that our intelligence community does not need as many tools as possible because the guy got through

the system. We are lucky as hell the bomb did not go off.

Mrs. FEINSTEIN. Would the Senator yield for a question?

Mr. GRAHAM. The Times Square Bomber, nobody interrupted that plot. The guy did not know how to set the bomb off. We are lucky as hell the bomb did not go off. So do not stand here and tell me that we have got it right, because we have not. And here is the point: We never will always get it right. I am not saying that as criticism. Because we are going to get hit again. We cannot be right and lucky all of the time.

To those who are trying to defend us, the one thing I do not want to do is micromanage the war. Here is the political dynamic. You have got people on the left who hate the idea of saying "the war on terror." If you left it up to them, they would never, ever use the military, they would always insist that the law enforcement model be used because they do not buy into the idea of we are at war. So you have got one part of the country, a minority, that wants to criminalize the war. If we ever go down that road, woe be unto us.

You have got people on my side—the Senator is right about this. They have gone the other way. If you left it up to people on my side, there would be a law passed tomorrow that you could never, ever read a Miranda right to a terrorist caught anywhere in the United States.

I do not agree with that way of thinking. To my fellow members of the U.S. military, you have not failed at Guantanamo Bay. You have not failed. Because you sentenced someone to 9 months to me validated the fact that those who are taking an oath to defend us, when they are put in a position of passing judgment on people accused of trying to kill us all, will be fair.

So when you say a military commission tribunal at Guantanamo Bay gave a 9-month sentence and that is a failure, I say, as a proud member of the military, I am proud of the fact that you can judge a case based on the facts and the law and not emotion. So I am very proud of the fact that military commissions can do their job as well as the civilian courts.

I say to our Federal prosecutors and our Federal juries and our Federal judges, I am proud of you too. We should be using an "all of the above" approach. There are times that Federal courts are better than military commissions. There are times that military commissions are better than Federal courts.

The 1032 language has nothing to do about what venue you choose. This provision is simple in its concept. It is a compromise between those on the left who say you must criminalize this war; we are not at war; you are going to have to use the law enforcement model; you can neither gather military intelligence, who do not believe that the

military has a role on the homeland to gather intelligence, which is an absurd concept, never acknowledged before in any other war.

When American citizens helped the Nazis, collaborated with Nazis to engage in sabotage, not only were they held as enemy combatants during World War II, they were tried by military commissions. We no longer allow American citizens to be tried by military commissions. I think that is a reasoned decision. But what we do not want to do is prevent our intelligence community from holding an al-Qaida affiliated member and gathering intelligence.

If an American citizen went to Pakistan and got radicalized in a madrasah and came back to the United States and landed at Dulles Airport and got a rifle and started shooting everyone on the Mall, I believe it is in our national security interests to give our intelligence community the ability to hold that person and gather intelligence about: Is another guy coming? What did you do? What future threats do we face? And not automatically Mirandize him. But if they choose to Mirandize him, they can. In this legislation, we presume military custody, but it can be waived.

That is the point I am trying to make. Senators LEVIN and MCCAIN have struck a balance between one group that thinks the military can only be used and nobody else and another group that says we can never use the military. We have that balance. If we upset this balance, we are going to make us not only less safe, the Congress is going to do things on our watch that we have never done in any other war.

A word of warning to my colleagues: If we had a bill on the floor of the Senate saying we are not going to read Miranda rights to terrorists who are trying to kill us all, 70 percent of the American people would say: Heck yes.

I don't want this bill to come up. I believe the people who are best able to judge what to do is not any politician, they are the experts in the field fighting this war. We are saying we can waive the presumption of military custody, we can write the rules to waive it, but we believe we should start with that construct.

Let me read to you what the general counsel for the Department of Defense said today:

Top national security lawyers in the Obama administration say U.S. citizens are legitimate military targets when they take up arms with al-Qaida. The government lawyers, CIA counsel Stephen Preston, and Pentagon counsel Jeh Johnson, did not address the Awlaki case. But they said U.S. citizens don't have immunity when they are at war with the United States.

The President of the United States was right to target this citizen when he went to Yemen to help al-Qaida. I am glad we took him out. So would it not

be absurd that we can kill him, but we cannot detain him? If he came here, we cannot question him for military intelligence gathering. So this is a compromise between two forces that are well intended but will take us into a bad policy position: the hard left who wants to say the military has no role in protecting us on the homeland and some people on my side who say the law enforcement community cannot be involved at all.

So Senator LEVIN and Senator MCCAIN have constructed a concept that provides maximum flexibility, gives guidance to the law enforcement community, starts with a presumption that I like and can be waived and will not impede an ongoing investigation. That is the part of the bill that was changed.

To my good friend from California, we have the balance we have been seeking for 5 years. To me, this is what we should be doing as a nation—creating legislation that allows those who are fighting the war the tools they need. In this case, we start with the presumption of military custody because that allows us to gather intelligence. Under the domestic criminal law, we cannot hold someone and ask them about future attacks, because we are investigating a crime. Under military law, when somebody joins the enemy and engages in an act of war against the Nation, our military intelligence community can hold that person for as long as it takes to find out what they know about future attacks. If the guy gets off of a plane and starts killing people at the mall, when we grab him and he says I want my lawyer, we can say: You are not entitled to a lawyer. We are trying to gather intelligence.

At the end of the day, use military commission trials, use Federal courts, and read Miranda rights when we think it makes sense; but we don't have to because the law allows us to hold people, under military custody, who represent a military threat. The law allows us to kill American citizens who have joined al-Qaida abroad. That has been the law for decades. I hope this compromise that CARL LEVIN and JOHN MCCAIN have crafted—and I say to CARL LEVIN, I have been in his shoes. When JOHN and I were on the floor saying don't waterboard people—gather intelligence but don't become like the enemy—a lot of Americans believed we should waterboard these people, do whatever we need to do because they are so vicious and hateful. But JOHN MCCAIN knows better than anybody in this body what it is like to be tortured.

I wish to protect America without changing who we are. It has always been the law that when an American citizen takes up arms and joins the enemy, that is not a criminal act; that is an act of war. They can be held and interrogated about what they did and what they know because that keeps us

safe. If we take that off the table, with homegrown terrorism becoming the greatest threat we face, we will have done something no other Congress has done in any other war.

The PRESIDING OFFICER. The original 30 minutes has expired.

Mr. GRAHAM. Madam President, I thank Senators LEVIN and MCCAIN for drafting a compromise that I think speaks to the best of this country. To my colleagues, please don't upset this delicate balance. If you do, you will open a Pandora's box.

Mr. MCCAIN. Madam President, I say to both Senators while they are on the floor, if it had not been for their invaluable effort, this legislation would not have come about. I thank them for their incredibly important contributions, using the benefit of the experience that both Members have.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I wonder if I might take a few minutes to make a couple statements.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, I have no objection.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I wished to say with respect to Abdulmutallab, what was very new there was that an explosive had been invented that could go through a magnetometer without detection. It is, to my knowledge, the first time anyone came into the United States—this young Nigerian from a very prominent Nigerian family—wearing a diaper that had enough of this PETN, this new explosive, to blow up the plane. He missed in detonation and it caught on fire and the fire was put out.

There have been other incidents of trying to smuggle this PETN in cartridges of computers and they even had dogs going to the airport and they could not smell the explosive inside the computer cartridge. That was in Dubai. It is a very dangerous explosive. It is new, and it has been improved. It is something we need to be very wary of.

I also wish to point out that there is a public safety exception to Miranda. We do not have to Mirandize someone or we could continue to question them, if there is a public safety risk. So Mirandizing an individual is not a point in this argument, in my view, because we can continue the interrogation.

What is a point, in my argument, is that the FBI now has competence; that there is a group of special experts who can be flown to a place where someone is arrested and do initial interrogation. They are specifically trained and, to the best of my knowledge, they are effective at interrogating. My point is, the system is working, and we should keep it as it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. While Senator GRAHAM is on the floor, I ask unanimous consent to have a colloquy with him about this section 1032, the section at issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I very much appreciate Senator GRAHAM's remarks. He said the provision provides for military custody as a beginning or starting point. I wonder whether he would agree that not only is it a beginning point, but it is only for a narrow group of people who are determined to be al-Qaida or their supporters.

Mr. GRAHAM. Yes. It is not only a presumption that can be waived, based on what the experts in the field think is necessary; the waiver provision is incredibly flexible. You do not have to stop an interrogation to get the waiver. The executive branch can write the procedures. Not only is it a presumption that can be waived, it is also limited to a very narrow class of people. It has nothing to do with somebody buying gold. I don't know about Senator LEVIN, but people call me, who are on the right, saying: Don't let Obama put me in jail because I think he is a socialist or are you going to be able to grab me because of my political views? I tell my staff to be respectful and read them the language. The only people who need to worry about this provision are a very narrow group of people who are affiliated with al-Qaida, engaged in hostile acts.

Mr. LEVIN. Would the Senator also agree with me that under the provision in the bill, on page 360—we were told that civilian trials are preferable to military trials, preferable to the detention of an unlawful combatant. Does the Senator agree that every one of those options is open to the executive branch and that there is no preference stated, one way or the other, for which approach is taken to people who are detained?

Mr. GRAHAM. Not only would I agree that 1032 and 1031—the compromise language about statement of authority to detain and military detaining as a presumption—has nothing to do with the choice of venue, there are people on my side who are championing at the bit to prohibit civilian courts from being used in al-Qaida-driven cases; is the Senator familiar with that?

Mr. LEVIN. Yes.

Mr. GRAHAM. I am of the view that we are overly criminalizing the war. I don't want to adopt that policy. There is nothing in this language that has anything at all to do with how you try somebody and what venue you pick. I am in the camp—and I think Senator LEVIN is too—of an all-of-the-above approach. I am proud of our civilian courts and our military courts. The

Senator and I are probably not in the best position to determine that. Let's let the experts do it.

Mr. LEVIN. That is exactly the point. This language, when it is described as language that says somehow or other it works against using civilian courts, is from folks who haven't read our language. The language is explicit. On page 360, lines 3 through 14 in the bill, it says the disposition of a person under the law of war may include the following—and then they talk about detention under the law of war, trial under title X, which is the military trial, transfer for trial by an alternative court or competent tribunal having lawful jurisdiction; that is, article III courts, and transfer or return of custody to the country of origin. There are no others. There is no preference stated for which of those venues would be selected by the executive branch.

Mr. GRAHAM. Is this a fair statement: If it was your goal to prevent military commissions from ever being used, you didn't get your way in this legislation. If it was your goal to mandate that military commissions are the only venue to be used, you didn't get your way in this legislation because this legislation doesn't speak to that issue at all.

Mr. LEVIN. That is absolutely true. Senator GRAHAM brought to the floor something that was stated this morning by the top lawyer for the Obama administration. I think everybody ought to listen to this. There has been so much confusion about what is in the bill and what isn't. Right now, there is authority to detain U.S. citizens as enemy combatants. That authority exists right now. That is not me saying it, that is the Supreme Court that has said it as recently as Hamdi, when they said there is no bar to this Nation holding one of its own citizens as an enemy combatant. That is current law. That is the Supreme Court saying that. Then, the Supreme Court also said in Hamdi that they see no reason for drawing a line because a citizen, no less than an alien, can be part of supporting forces hostile to the United States or coalition partners and engaged in armed conflict against the United States.

Top lawyers for the President, this morning, acknowledged this. I wish every one of our colleagues could hear what Senator GRAHAM brought to the floor. Top national security lawyers in the administration say U.S. citizens are legitimate military targets when they take up arms with al-Qaida.

Are we then going to adopt an amendment that says to al-Qaida that if you attack us overseas, you are subject to military detention, but if you come here and attack us, you are not subject to military detention? That is what the first Feinstein amendment says.

Mr. GRAHAM. If I may just add—not only is that the effect, that would be a

change in law because the Senator agrees with me that in other conflicts, prior to the one we are in today, American citizens, unfortunately, have been involved in aiding the enemy; is that correct?

Mr. LEVIN. I am sorry, I was distracted.

Mr. GRAHAM. Does the Senator agree with me that in prior wars American citizens have been involved in aiding the enemy of their time?

Mr. LEVIN. They have, and they have been held accountable.

Mr. GRAHAM. Yes. And the In re Quirin case, which Hamdi cited and affirmed, was a fact pattern that went as follows: We had German saboteurs, some living in America before they went back to Germany—I think one or two may have been an American citizen—who landed on our shores with a plot to blow up different parts of America. During the course of their efforts, American citizens aided the Nazis. The Supreme Court said when an American citizen chose to help the Nazis at home, on our homeland, they were considered to be an enemy belligerent regardless of their citizenship, and we could detain one of our own when they sided with the enemy.

Mr. LEVIN. There was a naturalized citizen involved in Quirin, who was arrested, as I understand it, on Long Island, and who was charged with crimes involving aiding and supporting the enemy.

Mr. GRAHAM. Let's talk about the world in which we live today.

Mr. LEVIN. And military detention.

Mr. GRAHAM. Military detention and tried by a military commission.

Mr. LEVIN. Exactly. By the way, I think executed.

Mr. GRAHAM. And executed. The Senator from Michigan and I have said, along with our colleagues, that military commissions cannot be used to try American citizens.

Mr. LEVIN. That is correct.

Mr. GRAHAM. Our military has said they do not want that authority. They want to deal with enemy combatants when it comes to military commission trials. But our military CI and FBI have all understood their power to detain for intelligence-gathering purposes is an important power. It is not an exclusive power.

So let's talk about today's threat. The likelihood of homegrown terrorism is growing. Does the Senator agree that the homegrown terrorist is becoming a bigger problem?

Mr. LEVIN. It is an issue, absolutely.

Mr. GRAHAM. So in a situation where an American citizen goes to Pakistan and gets radicalized in a madrasah, gets on a plane and flies back to Dulles Airport, gets off the plane and takes up arms against his fellow citizens, then goes to the mall and starts randomly shooting people, the law we are trying to preserve is

current law, which would say if the experts decide it is in the Nation's best interests, they can hold that American citizen as they were able to hold the American citizen helping the Nazis and gather intelligence.

That is a right already given. Senator FEINSTEIN's amendment, even though I don't think it is well written, could possibly take that away. That is 1031. But what we are saying is, we want to preserve the ability of the intelligence community to hold that person under the law of war and find out: Is anybody else coming? Are you the only one coming? What do you know? What madrasah did you go to? How did you get over? How did you get back?

We want to preserve their ability to hold that person under the law of war for interrogation. But we also concede, if they think it is better to give them their Miranda rights, they can. That is what the legislation we create will do. Does the Senator agree with that?

Mr. LEVIN. I do. And the top lawyers of the administration acknowledged as much this morning when they said U.S. citizens are legitimate military targets when they take up arms with al-Qaida.

The provisions we are talking about in section 1032, which Senator FEINSTEIN would modify so that it is only al-Qaida abroad who would be subject to this presumption of a military detention, but al-Qaida who come here—and, by the way, American citizens are not even covered under 1032. But the foreign al-Qaida fighters who come here to attack us are not going to be subject to that presumption of military detention which, again, can be waived. It has nothing to do with in what venue they are tried. The administration, the Executive, has total choice on that. It is just whether we are going to start with an assumption if they are determined to be al-Qaida, if they are a foreign al-Qaida person, they sure as heck ought to be subject to that same assumption whether they attack us here or whether they attack us overseas.

Mr. GRAHAM. Wouldn't it be kind of hard to explain to our constituents that our top lawyers in the Pentagon and CIA said today that once an American citizen decides to help al-Qaida they can be killed in a drone attack, but the Congress somehow says, OK, but they can't be detained?

Mr. LEVIN. I wouldn't want to try to hold that position.

Mr. GRAHAM. Does the Senator believe America is part of the battlefield in our global war on terror?

Mr. LEVIN. It has been made part of the battlefield without any doubt. On September 11, the war was brought here by al-Qaida. How do we suggest that a foreign al-Qaida member should not be subject to an assumption to begin with, if they are determined to be al-Qaida, that they are going to be detained—that we should not start with that assumption—subject to procedures which the administration

adopts. It is totally in their hands. It cannot interfere with a civilian interrogation. It cannot interfere with civilian intelligence. We are very specific about it. The procedures are written by the executive branch. They can try them anywhere they want.

But if they bring a war here—they bring a war here—we are going to create an assumption that they can be subject, and are going to be subject, to military detention.

Mr. GRAHAM. Well, my belief is that most Americans would want our military being able to combat al-Qaida at home as much as they would abroad. I think most Americans would be very upset to hear that the military has no real role in combatting al-Qaida on our own shore, but we can do anything we want to them overseas.

Frankly, there are very good people on our side who want to mandate that the military has custody, and no one else, so we never have to read Miranda rights. Quite frankly, there are people on the left, libertarians, well-meaning people, who want to prevent the idea of a person being held under military custody in the homeland because they do not think we are at war and this is really not the battlefield.

What the Senator and I have done is to start with the presumption that focuses on intelligence gathering because the Senator and I are more worried about what they know about future attacks than how we are going to prosecute them.

Under domestic criminal law, we can't hold someone indefinitely. The public safety law I will talk about in a bit, but I say to my good friend from California, the public safety exception was a very temporary ability to secure a crime scene. It was not written regarding terrorism. So our law enforcement officials cannot use the public safety exception to hold an al-Qaida operative for days and question them. The only way to do that legally is under the law of war. In every other war we have had that right, and we are about to change that.

Mr. LEVIN. If I can interrupt, we have that right abroad against members of al-Qaida. But under this approach we would not be able to assume that military detention at home, again, subject to waiver and subject to all the other protections we have.

Mr. GRAHAM. Right. Well, let's keep talking about it because the more we talk about it the more interesting the whole concept becomes.

The last time I looked, there were no civilian jails overseas. So when we capture a terrorist overseas, the only place we can detain them is in military custody. If they make it at home to say the military can't hold a person and interrogate them under the law of war, the only way we can hold an al-Qaida operative who made it to America is under the law enforcement

model. This is not "Dragnet." We are trying to make sure both systems are preserved, starting with the presumption of intelligence gathering.

Here is the key distinction. To my colleagues who worry about how we prosecute someone, that is really the least of my concerns. I am worried about intelligence gathering. I have confidence in our civilian system and confidence in our military system. But shouldn't we be concerned, most of all, Senator LEVIN, that when we capture one of these operatives on our shores or abroad that we hold them in a humane fashion but a fashion to gather intelligence?

Imagine if we got one of the 9/11 hijackers. Wouldn't it have been nice to have been able to find out if there was another plane coming and hold them as long as necessary to get that information humanely? To say we can't do that makes us a lot less safe.

Mr. LEVIN. We could do that if we captured them in Afghanistan, but here we are going to be treating them differently. It ought to probably be worse. In other words, people who bring the war here, it seems to me, at a minimum ought to be subject to the same rules of interrogation as they would be if they were captured and part of al-Qaida in Afghanistan.

I don't understand the theory behind this. As a matter of fact, when we adopted the authorization for use of military force, it would seem to me the first people we would want to apply the authority of that authorization to would be al-Qaida members who attack this country.

Mr. GRAHAM. That is the only group subject to this provision; is that correct?

Mr. LEVIN. The only group that is protected.

Mr. GRAHAM. But this provision we wrote only deals with that.

Mr. LEVIN. Exactly.

Mr. GRAHAM. No one is going to be put in jail because they disagree with LINDSEY GRAHAM or Barack Obama. We are trying to fight a war.

I would say something even more basic. It is in my political interest, quite frankly, being from South Carolina—a very conservative State, great people—to be able to go home and say I supported legislation to make sure these terrorists trying to come here and kill us never hear the words "you have the right to remain silent." Most people would cheer.

It would have been in my interest years ago, quite frankly, to have gone back and said: You know what. I wish the worst thing that could happen to our guys caught by these thugs and barbarians is that they would get waterboarded. They get their heads cut off. Yet we have all these people worried about how we treat them in trying to find out a way to protect the country. That would be in my political in-

terest, and I am sure it would probably be in your political interest to say: Wait a minute, we don't want to militarize this conflict.

At the end of the day, what I wanted to say about the Senator and Senator MCCAIN is that one of you is a warrior who has experienced worse than waterboarding and doesn't want that to be part of his country's way of doing business. The other is someone who has been a very progressive, solid, left-of-center Senator for years. I am a military lawyer who comes from a very conservative State, but I want to fight this war—I don't believe we are fighting a crime—but I want to fight it in a way that doesn't come back to haunt us. I don't want to create a system on our watch that could come back and haunt our own people. I don't want to say that every enemy prisoner in this war has to go to trial because what if one of our guys is captured in a future war? Do we want them to be considered a war criminal just because they were fighting for the United States?

So what we are trying to do is to create policy that is as flexible as possible but understands the difference between fighting a war and fighting a crime.

Mr. LEVIN. Mr. President, I understand there are other Senators who may be coming over to speak, and I will be happy to yield the floor whenever that happens because this is the time which is not structured before the scheduled vote at 2 p.m. But if I can continue, then, until another Senator comes to the floor, I want to just expand on this one point which has been made which has to do with whether there is something in this section of ours that would allow our military to patrol our streets. We have heard that.

Well, we have a posse comitatus law in this country. That law embodies a very fundamental principle that our military does not patrol our streets. There is nothing in section 1032 or anywhere else in this bill that would permit our military to patrol our streets.

I think Senator GRAHAM is probably more familiar with what I am going to say than perhaps any of our colleagues. We have a posse comitatus statute in this country. It makes it a crime for the military to execute law enforcement functions inside the United States.

That is unchanged. That law is unchanged by anything in this bill.

Mr. GRAHAM. Does the Senator know why that law was created?

Mr. LEVIN. I think we had a fear a couple hundred years ago that that might happen.

Mr. GRAHAM. One of the things you learn in military law school is the Posse Comitatus Act, because if a military member or a unit is asked to assist in a law enforcement function, that is prohibited in this country. Why is that? We don't want to become a military state. We have civilian law

enforcement that is answerable to an independent judiciary.

The Posse Comitatus Act came about after Reconstruction, because during the Reconstruction era the Union Army occupied the South. They were the judge, jury, and law enforcement. They did it all because there was no civilian law enforcement. After the South was reconstructed, a lot of people felt that was not a good model to use in the future; that we don't want to give the military law enforcement power; they are here to protect us against threats, foreign and domestic; law enforcement activities are completely different.

Now we have National Guard members on the border. That is not a law enforcement function. That is the national security function. But I have been receiving calls that say our legislation overturns the Posse Comitatus Act. Here is why that is completely wrong.

Surveilling an al-Qaida member, capturing and interrogating an al-Qaida member is not a law enforcement function; it is a military function. For the Posse Comitatus Act to apply, you would have to assume that a member of al-Qaida is a common criminal and our military has no legal authority here at home to engage the enemy if they get here.

You talk about perverse. You would be saying, as a Congress, that an al-Qaida member who made it to America could not be engaged by our military. What a perverse reading of the Posse Comitatus Act.

The reason al-Qaida is a military threat and not a common criminal threat is because the Congress in 2001 so designated. I think most Americans feel comfortable with the idea that the American military should be involved in fighting al-Qaida at home, and that is not a law enforcement function.

Mr. LEVIN. That is why we have very carefully pointed this provision 1032 to a very narrow group of people—people who are determined to be members of or associated with al-Qaida.

Then the question becomes, Well, how is that determination made? What are the procedures for that? The answer is it is left up to the executive branch to determine those procedures. Can there be any interference with the civilian law enforcement folks who are interrogating people that they arrest? If someone tries to blow up Times Square and they are being interrogated by the FBI, is there any interference with that interrogation? None. We explicitly say that there is no such interference.

What about people who are seeking to observe illegal conduct? Is there any interference with that? There is none. We specifically say those procedures shall not interfere with that kind of observation, seeking intelligence. We are not interfering with the civilian

prosecution, with the civilian law enforcement at all.

The rules to determine whether someone is a member of al-Qaida are rules which the executive branch is going to write. They can't say, Well, this thing authorizes the interference with civilian interrogation when, as a matter of fact, it specifically says it won't, and the procedures to determine whether somebody is governed by this assumption are going to be written by the FBI and the Justice Department and the executive branch. And, on top of that, there is a waiver.

Mr. GRAHAM. May I add something. I want to respond to one of my good friends, Senator PAUL, who said, Well, that is all good, but sometimes in democracies you let in very bad people and I don't want to give broad power to the executive branch that could result in political persecution.

I would tell you—Senator LEVIN may find this hard to believe—there are people on my side who don't trust President Obama and his administration. Some of them don't think he is an American. Some of them believe that if we pass this law, you are going to give the Obama administration the power to come on and pick them up because they go to a rally somewhere.

All I can say to Senator PAUL and others: I share the concern about unlimited executive power. I support the Posse Comitatus Act. I don't support the idea that the military can't fight al-Qaida when they come here. We are not talking about law enforcement functions.

But here is what happens: If someone is picked up as a suspected enemy combatant under this narrow window, not only does the executive branch get to determine how best to do that—do you agree with me that, in this war, that every person picked up as an enemy combatant—citizen or not—here in the United States goes before a Federal judge, and our government has to prove to an independent judiciary outside the executive branch by a preponderance of the evidence that you are who we say you are and that you have fit in this narrow window? That if you are worried about some abuse of this, we have got a check and balance where the judiciary, under the law that we have created, has an independent review obligation to determine whether the executive branch has abused their power, and that decision can be appealed all the way to the Supreme Court?

Mr. LEVIN. That guarantee is called habeas corpus. It has been in our law. It is untouched by anything in this bill. Quite the opposite; we actually enhance the procedures here. The Senator from South Carolina has been very much a part of the effort here.

Mr. GRAHAM. Much to my detriment.

Mr. LEVIN. With all the risks that are entailed of being misunderstood

and all the rest. That is something the Senator from South Carolina has engaged in, to try to see if we can put down what the detention rules are—by the way, “are”—because as the administration itself said in its statement of administration policy, the authorities codified in this section—authorities codified in section 1031 they are referring to—those authorities already exist.

Mr. GRAHAM. In this case where somebody is worried about being picked up by a rogue executive branch because they went to the wrong political rally, they don't have to worry very long, because our Federal courts have the right and the obligation to make sure the government proves their case that you are a member of al-Qaida and didn't go to a political rally. That has never happened in any other war. That is a check and balance here in this war. And let me tell you why it is necessary.

This is a war without end. There will never be a surrender ceremony signing on the USS *Missouri*. So what we have done, knowing that an enemy combatant determination could be a de facto life sentence, is we are requiring the courts to look over the military's shoulder to create checks and balances. Quite frankly, I think that is a good accommodation.

Mr. LEVIN. Not only is what the Senator said accurate, but we have done something else in this bill. There is an Executive order that was issued some years ago that said there should be a periodic review process for folks who are being detained under the law of war. Because it is so unclear as to when this war ends, there is real concern about that. What do we do about that? So in this bill what we require the executive branch to do—and I am now quoting from section 1035—is to adopt procedures for implementing a periodic review process. Those procedures don't exist now. They are not formalized. So we want to formalize them for the very reason that the Senator from South Carolina addressed: because we want to make sure that since we don't know when this particular war is going to end, it is kind of hard to define it and everyone is concerned about that, you have got to have review procedures. The greatest review procedure of all is habeas corpus. But there are also requirements in the Executive order for a periodic review process of whether somebody is still a threat or not a threat, for instance. The war may still be going on, but the person may no longer be a threat.

Should there be an opportunity for the person to say that? Well, there should be. There surely should be a regular review process. The Senator from South Carolina has been very much involved in this kind of due process. But what we put into our bill—which would have been eliminated, by the way, if

the Udall amendment had been adopted yesterday—is a requirement that the Executive order's procedures be adopted, because so far we haven't seen that.

Mr. GRAHAM. I would say why I wanted to do that. I want to be able to say—and not to my political advantage. But I want to be able to tell people post-Abu Ghraib, post-early Guantanamo Bay, we have cleaned up our act. We are trying to get the balance we didn't have originally. I want to be able to tell people we no longer torture in America. That is why you and I wrote the Detainee Treatment Act, with Senator MCCAIN, the War Powers Act that clearly bans waterboarding.

I want to be able to tell anybody who is interested that no person in an American prison—civilian or military—held as a suspected member of al-Qaida will be held without independent judicial review. We are not allowing the executive branch to make that decision unchecked. For the first time in the history of American warfare, every American combatant held by the executive branch will have their day in Federal court, and the government has to prove by a preponderance of the evidence you are in fact part of the enemy force. And we did not stop there. Because this could be a war without end, we require an annual review process where each year the individual's case is evaluated as to whether they still maintain a threat or they have intelligence that could be gathered by longer confinement.

What I would say to our colleagues is that we have tried to strike that balance. There are a lot of people who don't like the idea that you give these terrorists Federal hearings and lawyers and all that other stuff. There are a lot of people who don't like the fact that we do have now humane interrogation techniques. But I like that, because I want to win this war on our terms, not theirs. So I couldn't be more proud of this bill.

To my colleagues on the right who want to mandate military custody all the time and you never can read them their Miranda rights, I am sorry, I can't go there. To our friends on the left who want to say the military has no role in this war at home, I am sorry, I can't go there. Military commissions make sense sometimes, sometimes Federal courts make sense.

I will end on this note. This compromise that we have come up with I think will stand the test of time. Unfortunately, most likely radical Islam as we know it today is not going to be defeated in our lifetime, and I hope to have created on my watch as a Senator a legal system that has robust due process, that adheres to our values, but also recognizes we are at threat like any other time in recent memory and allows us to protect ourselves within the values of being an American. I cannot tell you how much I appreciate

working with the Senator and Senator MCCAIN, and I think we have accomplished that after 10 years of trying.

Mr. LEVIN. Mr. President, I yield the floor.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

EXTENSION OF PAYROLL TAX CUTS

Mr. MANCHIN. Mr. President, I want to speak on these very strange days in Washington, in this Congress.

This esteemed body's approval rating is at 9 percent, and I am having a hard time finding the 9 percent. It seems to me that the only thing we are working hard on is whether we can get the approval rating to zero, and I think we seem to be going in that direction.

We fight over political solutions that can't pass and, more importantly, won't solve this Nation's great problems. We fight for political points and mistakenly believe that the American people care who is up or down. But they don't.

I didn't come to Washington for the purpose of playing games, taking names, or keeping score. That is not what I was sent here to do. That is not what the people of West Virginia want me to do. I came here to fix things and to be a part of the solution. I have not come here to worry about my next election or whether Republicans or Democrats are up or down. I came here to do what I could to improve life for the next generation. I, for one, am willing to sacrifice my next election so the next generation can win. And if that means losing, so be it.

I rise today to speak about the next chapter of this sad state of affairs which the American people are forced to witness: whether we should extend and expand the payroll tax cut that will cost more than \$240 billion in 1 year.

Many accusations are being thrown back and forth in the debate over the so-called tax cuts or tax increases, depending on which side of the fence you are on. There is one very basic fact that is missing from all of this very important conversation: Americans pay for one thing with our payroll tax—One. Social Security.

Social Security isn't just another government program. It was established in 1935 to provide economic security for our Nation's seniors who worked hard and earned their retirement benefits. They worked their whole life to provide our generation and those that will follow with a better and greater America.

Yet at the time when our Nation faces a death spiral of debt, when we should be talking about how we can come together to fix a fiscal nightmare that will threaten the very programs we care about such as Social Security,

instead we are talking about undermining the very foundation of our longest standing retirement program. Right now, Social Security is on a collision course. By 2037, according to the trustees, if we do not do anything, benefits for everyone will have to be cut by 22 percent. Yet we are digging a deeper hole by destabilizing its funding with this recommendation. All in return for what? A temporary measure that has already cost nearly \$120 billion and has at best created few if any jobs.

In the real world, when policy doesn't work, we stop and try something else. Apparently, in Washington we double down. Why would we do this? Why would we double down on a policy that did not work? The answer is simple. For the sake of a short-term political gain, leaders of both parties and the President are willing to fight over how we should pay for a failed program that jeopardizes the fundamental way that we pay for our retirement security in this country. That does not make any sense to me, and it does not make any sense to the good people in West Virginia.

I know in the coming days we are going to hear a lot of political talk about extending the payroll tax. What they are saying sure sounds good: More money in our pockets. In fact, politicians will offer assurances that Social Security will not be hurt at all. My good friend, who will be speaking also on this, Senator KIRK from Illinois, is going to show a graph that basically shows that to be different.

What you will not hear them say, though, is that reducing payroll taxes even temporarily would take more than \$240 billion out of Social Security's funding stream, if we approve the President's proposal. We certainly will not hear them say the way they would repay those hundreds of billions of dollars is through our general revenue fund. If we extend the cuts this year, what about the next year and the year after? When does it stop? When do we have the political will to finally say we better start paying again for Social Security.

Our approval rating is at 9 percent, and we are rapidly losing the support of our family members. Just how many Americans really believe that Congress will make sure our general fund is solid enough to live up to the responsibility of funding Social Security? If the payroll tax cut is extended as it stands this year, the average family in West Virginia will pay \$14 less per week. For a lot of people that is a lot of money. But the few West Virginians who even realize they are getting help say they would gladly give that up in return for a reliable Social Security safety net or for a real tax reform that cuts rates across the board and that ensures that every American, especially the wealthy, will start paying their fair share. They would gladly do that.

Let me be clear. As a country, we cannot expect that Social Security will remain secure if we keep telling Americans we do not have to pay for it, and that is exactly the conclusion people will reach if we keep reducing their contributions. Social Security is one of our highest priorities as a country, and we should not let the Federal Government undermine Social Security by convincing Americans they do not really have to pay for it.

Then, again, there are some in Washington who want us to believe the very act of reducing our contributions to Social Security will spur job creation. Unfortunately, the reality is very different.

We tried the payroll tax cut last year, and I supported it. But I will not double down on the failed policy, especially one that jeopardizes the future of Social Security. Truth be told, over the last year I traveled more than 18,000 miles in my State, and I have yet to find very many West Virginians who even know they are getting a discount, let alone business owners who say they will hire anybody if we give them a discount for 1 year.

What business owners do tell me is that what they want more than anything is some certainty and some confidence in this economy; that we will do the right thing and stabilize this economy. Instead, the President and leadership in both parties are trying to give them more of the same failed policies—taking steps that will further undermine our finances, worsen our debt crisis, and jeopardize hundreds of billions from Social Security's regular funding stream, all without the reality that it will create any jobs.

With this great Nation now more than \$15 trillion in debt—it will be \$17 trillion next year and going to \$21 trillion by 2021—the enormity of this problem is that just servicing the debt by 2021 will be greater than what we spend on our Department of Defense to secure this great Nation. We cannot afford to continue to double down on failed policies.

As for taxes, don't get me wrong. I don't want to see Americans paying higher taxes. No way. I simply want a commonsense tax system that ensures everyone pays their fair share, especially the wealthy, who have benefitted the most from this failed tax system we have right now—real tax reform that will lower tax rates for everyone as we close the loopholes, credits, and offsets that allow some corporations and some Americans to avoid paying their fair share. It is time to stop all of that.

Some will say that it is impossible; it cannot be done. I think they are wrong. It requires leadership from the White House to every corner of Congress, and it requires each and every one of us to be willing to sacrifice our political futures for the Nation's future. I, for one, am willing to do just that.

This is our moment. At this critical moment in our history we must get our financial house in order and letting Americans believe we do not have to pay for Social Security is wrong. It is dead wrong. It is the wrong policy. It is wrong for our seniors, it is wrong for our future, and I will not vote for it, period, under any condition. For the sake of the next generation we must get our fiscal house in order, and we can do that if we are willing to make difficult decisions.

I will not vote for either of these two proposals to extend the payroll tax cuts. Looking forward for the sake of our Nation, I hope we will begin to work on a proposal that makes the hard decisions while also protecting the programs and commitments we value as a nation. For myself, and I believe many of my colleagues, there is a bipartisan path forward that can help save this Nation, and I have my good colleague, the Republican from Illinois, who is going to speak to it also.

I believe the best path forward is based on the framework and recommendations outlined in the Bowles-Simpson proposal. When those recommendations were laid out a year ago today—this is the anniversary today—I had been a Senator for less than a month—brand-new, less than 1 month. What I saw in that report gave me great hope. It gave me hope that we could identify our problems, which we did—the fiscal responsibility that we had—and willingly tackle them together. So I was on a high for that one short period.

As a brand-new Member, I was so encouraged that such a responsible, bipartisan group of people, put together by the President, offered a no-holds-barred report on our fiscal situation and some pathways to fix it. Then the proverbial air came out. Not only did the President and his administration walk away from these bipartisan proposals, but leadership in both Chambers of Congress failed to pick up this report and run with it.

Here we are a year later. If anything, our problems are worse. We are going to be forced to make deeper cuts than we wanted to, all because our leadership would not confront the enormous problems we face with a comprehensive long-term solution. But the Bowles-Simpson plan is still the only proposal that enjoys strong bipartisan support. It started as a bipartisan commission. It grew in numbers and it is still growing. It has a responsible manner to balance this problem we have.

It is not perfect; no plan is. I do not agree with everything it proposes. But no plan can be everything to everyone. With today being the 1-year anniversary of the unveiling of that proposal, I am urging, and will continue to urge, our President and the leadership of both Chambers to support any and all efforts—not only to pick up this report,

but also to put the resources behind drafting and passing this legislation into law. I ask we all remember the great opportunity we have before us to do what is right.

I do not want to be part of the first generation—and I know the Presiding Officer doesn't want to be part, and I know my good friend from Illinois doesn't want to be part of the first generation that leaves this Nation in worse shape for the next generation. I don't believe this President or any Member of Congress wants to fail the next generation either.

With that, I want to turn over my time to my colleague from Illinois.

Mr. KIRK. If I could engage the Senator in a colloquy, this is a chart that shows the legislation we are considering today. What it shows is the tremendous hit to the tax that supports Social Security. This is the Old Age Survivors Disability Act. It is a \$240 billion hit to the funding to support Social Security. We both are going to vote no on both pieces of legislation today because we do not think seniors should take this level of hit.

In the Casey-Reid legislation—this is where the so-called millionaires' tax comes in—it only refunds what Social Security needs to the level of 7 percent in 2013. In fact, according to one analysis, we may trigger the end of the debt limit before the election if we pass this because of the \$246 billion we will have to borrow temporarily until the long stretch of this revenue comes in.

We are about to do a chart with the Republican alternative. It has the same long payout there, and tremendous hit to Social Security. In this time of all these political bills, I think Senator MANCHIN and I are both saying let's not do the political thing anymore. We both voted for the payroll tax deduction legislation before because the country was in crisis, and we wanted to try this out. But this is revenue that supports the benefits that Social Security recipients depend on, and we cannot continue to try to run this program without that revenue. So I think this holiday should end. I think this revenue should not be foregone. I do not think seniors should be faced with a trust-us policy that will pay them back. I would actually say even the political vote is to vote against this so you are for Social Security and for making sure this payment is continued.

I commend the Senator. I think we should exactly follow this policy of no on both of these because, if you vote no, you are supporting Social Security.

One other thing: I ask AARP to speak more clearly on this issue. AARP currently told my staff that they are neutral on this. I urge AARP members to contact AARP and say: Defend Social Security revenues. Make sure there is enough in the kitty for our

benefits. We know that 10,000 Americans a day are now qualifying for Social Security. We know this is an age of no free lunch. We want to make sure the revenues are there not just today but tomorrow because seniors absolutely depend on that.

With that, I yield back to my colleague.

The PRESIDING OFFICER. Let the record show the Senator sought recognition, unanimous consent to proceed to a colloquy and did so without objection.

Mr. KIRK. I thank the Chair.

Mr. MANCHIN. I say to my friend from Illinois, what he says is absolutely correct. We have so many people, especially in West Virginia and Illinois, who depend on Social Security. In fact, in West Virginia, for 62 percent of the people who receive Social Security it is their major funding mechanism. It is how they live day to day. They have told me: Do not touch our Social Security Program, our core values of Social Security, what it does for us. If we pass this, not only do we touch it, we jeopardize its solvency in the long term.

If you believe we are going to be responsible enough to pay for this in the 10 years outgoing, then we have some beach-front property in West Virginia we would love to interest you in.

Mr. KIRK. I would say, this is a very long payout, both under the majority and minority piece of legislation. I am hoping enough Members say no to both pieces of legislation so we defend Social Security, and I commend the Senator.

Mr. MANCHIN. I think we are very strong in support of the Bowles-Simpson, basically, the template that it laid out. It is the only one that is bipartisan. As you can see, it stayed bipartisan with the Senator and I, and it will remain bipartisan. It has a tax reform, but everyone pays a fair share. The very wealthy who have escaped paying because of the flawed tax policies would now start paying if we had real tax reform—not increased rates but just their fair share. That is what we ask.

Mr. KIRK. With that, I yield and commend the Senator. We are hoping for two “no” votes because we think those are the votes that support Social Security and its continued revenue.

Mr. MANCHIN. I thank the Bowles-Simpson committee, Mr. Bowles and Mr. Simpson, for what they have done a year ago, bringing it to our attention, bringing a pathway to fixing the financial problems we are dealing with. We are concerned about the next generation more so than our next election. That is what we were sent here to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1414

Mr. MENENDEZ. Mr. President, I rise to urge my colleagues to pass amendment No. 1414 that I have offered with my distinguished colleague from Illinois, Senator KIRK, to strengthen sanctions against Iran that go to the heart of the regime's ability to finance its nuclear ambitions. This is a broad-based effort, a bipartisan effort, and one that needs the Senate's attention and passage.

In my view, we have to follow the money, and this amendment does exactly that. If we are serious about limiting Iran's ability to finance its nuclear ambitions, this amendment is essential to that effort. It is a serious attempt to sanction the Central Bank of Iran, which is known to be complicit in Iran's nuclear efforts.

If we fail to close loopholes and sanction funding mechanisms for Iran's nuclear development programs, we would be like a rancher who left the barn open and wonders why the horses are gone. To not pass this amendment is leaving the door open to Iran's runaway nuclear ambitions. We cannot and we must not let that happen.

I know the administration has expressed their concerns about this amendment—an amendment which, by the way, has come about as a result of the administration asking us to work with them, and a bipartisan effort has achieved a narrower, more defined, tailored effort to bring the maximum sanctions upon Iran with the minimum consequence to both the United States and our allies across the globe. But in the absence of congressional action over the last 15 years, starting with the Iran and Libya Sanctions Act and ending with CISADA, I have to wonder what we would be doing to stop Iran's drive to obtain nuclear weapons, if it were not for the Congress's intercession and actions.

I recognize this administration has done more than any prior administration in terms of using those tools the Congress has given them, but in my view, we have not done enough.

In a letter from Secretary Geithner today, the administration recognizes that “Iran's greatest economic resource is its export of oil. Sales of crude oil line the regime's pockets, sustain its human rights abuses, and feed its nuclear ambitions like no other sector of the Iranian economy.” That is what Secretary Geithner had to say in his letter. That is pretty compelling as to why this amendment needs to pass, that is why I have worked with Senator KIRK to pass this important amendment, and that is why we urge our colleagues to pass it.

To those who have raised concerns about the impact of the amendment on

our allies and our multilateral diplomacy efforts, I would note that the European nations and the French in particular are already considering their own Iranian oil embargo. This is not, by the way, an oil embargo, but they are considering something far more significant—their own Iranian oil embargo. They recognize that the Iranian nuclear program has a short fuse. Published reports say it may be as short as 1 year, and the time to act is now. They recognize that the Shahab missile would not only be capable of hitting the State of Israel but could easily hit a European nation—a European nation which obviously would be a NATO ally.

As for other countries, frankly, I am not concerned with how the Chinese feel about our amendment given that they are currently one of greatest violators of our current sanctions regime already. The evidence is clear.

I have been made aware that several major energy traders continue to make prohibited sales of refined petroleum to Iran. Yet our response has been to sanction the front companies rather than the major figures behind these sales.

China also continues to be a major Iranian trading partner and has agreements with Iran for nearly \$40 billion in investments to develop Iranian oil fields. China has reportedly directed the China National Offshore Oil Corporation and National Petroleum Corporation to slow their work in Iran, presumably to allow them to make the argument to Washington to hold off on sanctions.

We must ask, why has the administration been reluctant to sanction Chinese companies when there is ample evidence that they are violating our own existing laws and there is precedent for us sanctioning Chinese companies for nuclear and weapons proliferation outcomes?

Mr. MCCAIN. Would the Senator yield for a question?

Mr. MENENDEZ. I would be happy to yield.

Mr. MCCAIN. Is it the Senator's impression that action by the United Nations Security Council is pretty dim given the stated positions of Russia and China on this issue?

Mr. MENENDEZ. The Senator, in my view, is right, considering that they both have veto power at the Security Council. It seems to me that they are not likely allies in helping us pursue this course.

Mr. MCCAIN. So then it really makes a more compelling argument to those who may be wavering on this amendment that there is a clear record on the part of China and Russia in the U.N. Security Council that we cannot expect a Security Council vote, but perhaps we could expect other nations to follow suit once the United States leads on this issue.

Mr. MENENDEZ. I believe the Senator is right.

Mr. MCCAIN. I thank the Senator.

Mr. MENENDEZ. The November 8 IAEA report underscores the need for this amendment. It undeniably confirms that there is a military component to Iran's nuclear program; that Iran has not suspended its Iranian enrichment and conversion activities at declared facilities and is seeking to develop as many as 10 new enrichment facilities; that there are undisclosed nuclear facilities in Iran; that Iran is seeking back channels to acquire dual-use technology and materials; that Iran is experimenting and testing detonators and initiation systems critical to creating a nuclear weapon; and that Iran may be working on an indigenous design for a nuclear weapon, including a nuclear payload small enough to fit on Iran's long-range Shahab missile, a missile capable of reaching Israel. These public revelations have led to an increase in multilateral sanctions on the Iranian regime, which I applaud, but given what appears to be a shortening timeline until Iran has a potential nuclear weapon, it would seem we are not doing enough fast enough.

Iran has adapted to CISADA and has negotiated workarounds to constraints on its financial transactions and its ability to acquire requisite materials to advance its clandestine program. This amendment will prevent those workarounds. It will impose sanctions on those international financial institutions that engage in business activities with the Central Bank of Iran—particularly in the pursuit of petroleum products—with the exception of transactions that include medicine and medical devices.

It is a timely amendment that follows the administration's decision last week designating the entire Iranian banking sector as a primary money laundering concern and a threat to government and financial institutions, noting Iran's illicit activities, including its pursuit of nuclear weapons, its support of terrorism, and its efforts to deceive responsible financial institutions and evade sanctions. In fact, the Financial Crimes Enforcement Network of the Department of the Treasury wrote:

The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to those banks in 2011. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.

The Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote:

Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.

I don't know how much more compelling even the administration's own arguments are. As I have said on this

floor, Iran's conduct threatens the national security of the United States and its allies. The complicit action of the Central Bank of Iran, based on its facilitation of the activities of the government, its evasion of multilateral sanctions directed against the Government of Iran, its engagement in deceptive financial practices and illicit transactions, and, most important, its provision of financial services in support of Iran's effort to acquire the knowledge, materials, and facilities to enrich uranium and to ultimately develop weapons of mass destruction, threatens regional peace and global security.

This amendment will starve the beast. It requires the President to prohibit transactions of Iranian financial institutions that touch U.S. financial institutions. To ensure that we don't spook the oil markets, transactions with Iran's Central Bank in petroleum and petroleum products would only be sanctioned if the President makes a determination that petroleum-producing countries other than Iran can provide sufficient alternative resources for the countries purchasing from Iran and that the country declines to make significant decreases in the purchases of Iranian oil.

This bipartisan amendment has been carefully crafted to ensure the maximum impact on Iran's financial infrastructure and ability to finance terrorist activities and to minimize the impact on global economy. It has the best chance of helping us achieve a peaceful solution to this threat. I urge my colleagues to support this amendment.

Mr. MCCAIN. May I ask one additional question?

Mr. MENENDEZ. I would be happy to do so. I know we have a vote in 5 minutes, and I want the distinguished Senator from Illinois to have an opportunity to speak.

Mr. MCCAIN. These questions are for either Senator.

Is it true that in this legislation, there is a national security waiver, that the President can waive the provisions of this bill if he feels it is in the national interest? Also, how do you respond to the argument being put forward that this could destroy the world's financial system if this legislation would be put into effect?

Mr. MENENDEZ. The answer is, yes, there is a national security waiver, and, no, we do not believe the world's financial system will be destroyed. The fact is, as my distinguished colleague from Illinois has said, it is a choice between a \$300 billion economy in Iran and a \$14 trillion economy in the United States. I think that choice would be very clear for countries as they choose to do so, and the Europeans are already on a march on their own because they understand the risk to them.

I yield the floor, and I hope to hear from my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. I rise in very strong support of the Menendez-Kirk amendment.

I wish to compliment the Senator from New Jersey for an outstanding performance in the Senate Foreign Relations Committee today in which he called on the representatives of our government to move quicker on this.

We saw the Baha'is radicals of Iran overrun the embassy of our allies in the United Kingdom. We saw the British Prime Minister just announce that he was removing all Iranian diplomats from the United Kingdom. We saw the Government of Italy announcing that they were suspending some diplomatic activities. We have seen a whole number of actions by the EU now to join with us on sanctions.

I will just say with regard to this amendment that it has now been cosponsored formally by 46 Senators: MENENDEZ, KIRK, BARRASSO, BLUMENTHAL, BLUNT, BOOZMAN, BROWN of Massachusetts, BROWN of Ohio, CARDIN, CASEY, COLLINS, COONS, CRAPO, FEINSTEIN, FRANKEN, GILLIBRAND, GRAHAM, HATCH, HELLER, JOHANNES, KLOBUCHAR, KYL, LAUTENBERG, LEE, LIEBERMAN, MANCHIN, MERKLEY, MIKULSKI, MORAN, MURKOWSKI, NELSON of Florida, NELSON of Nebraska, PORTMAN, PRYOR, RISCH, ROBERTS, SCHUMER, SNOWE, STABENOW, TESTER, THUNE, TOOMEY, VITTER, WARNER, WHITEHOUSE, and WYDEN. These 46 Members are on the shoulders of the 92 who signed the Kirk-Schumer letter in August. When in these partisan times do we have all but eight Senators agreeing on a policy?

I will just note, as Senator MENENDEZ and Senator MCCAIN pointed out, the administration is somewhat worried about this amendment, but Senator MENENDEZ correctly provided flexibility to the administration by saying, No. 1, if the energy information agency says oil markets are tight and issues a report on the affected oil markets, these sanctions could be suspended for a time. On top of that one waiver, there is a second waiver for the national security of the United States that the President could have that kind of flexibility.

So with flexibility, with bipartisan support, with outrageous activity by Iran, in the face of the IAEA report, moving toward a nuclear weapon, with the danger we see from that government and Hezbollah and Hamas against our allies in Lebanon and Israel, with the plot announced by the Attorney General of the United States to blow up a Georgetown restaurant in an effort to kill the Saudi Arabian Ambassador, with the plight of 330,000 Baha'is oppressed by that country, with someone like Nasrin Sotoudeh, the lawyer for Shirin Ebadi—the Noble Prize laureate's lawyer was thrown in jail just

for representing that client—for all these reasons, this is the right amendment, at the right time, sending the right message in the face of a very irresponsible regime.

I yield back and thank the Senator for offering this well-timed amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1093 WITHDRAWN

Mr. MCCAIN. On behalf of Senator INHOFE, I ask to withdraw amendment No. 1093.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, very briefly I would like to thank the Senators for their leadership on this issue. There is a threat to the security of the world posed by the Islamic nation of Iran. This is much needed legislation.

I think it is important to note, as they did, that there is a national security waiver given to the President of the United States, and also we cannot expect a lot of help considering the membership of the United Nations Security Council and Russia and China's unwillingness to act on behalf of reining in this path that Iran is on to the acquisition and the possibility and the capability for the use of nuclear weapons.

I congratulate both sponsors of the amendment, and I hope we can get a recorded vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1125

Mr. UDALL of Colorado. Mr. President, I wanted to rise at this time in support of the Feinstein amendment No. 1125, which would modify the requirement that the Armed Forces detain suspected terrorists by adding the word "abroad" to ensure that we aren't disrupting domestic counterterrorism efforts. And I would like to correct the record because some of the opponents of the amendment have stated that by inserting the word "abroad," we would be preventing the military from detaining al-Qaida terrorists on U.S. soil, and that is simply not true.

The President knows and my colleagues know that I am not comfortable with the detention provisions in this bill because I think they will undermine our fight against terrorism. But this would be an important change, a narrowly focused change in the provisions that have already been put on the floor.

Mr. President, is the vote imminent?

The PRESIDING OFFICER (Mr. SANDERS). It is.

Mr. UDALL of Colorado. Mr. President, I rise in support of the Feinstein amendment No. 1125, which would modify the requirement that the Armed Forces detain suspected terrorists by adding the word "abroad" to ensure we are not disrupting domestic counter-

terrorism efforts. I wish to correct the RECORD, because some of the opponents of this amendment have stated that by inserting the word "abroad" we would be "preventing the military from detaining al Qaeda terrorists on U.S. soil." This is simply not true.

I am not comfortable with the detention provisions in this bill because I think they will undermine our fight against terrorism. While section 1031 of this legislation will authorize the military to detain terrorists, section 1032 requires that the military detain certain terrorists even if the FBI or local law enforcement is in the middle of a larger investigation that would yield the capture of even more dangerous terrorists.

This may disrupt the investigation, interrogation, and prosecution of terrorist suspects by forcing the military to interrupt FBI, CIA, or other counterterrorism agency operations—against each of these organizations' recommendations, including the military's. This would be an unworkable bureaucratic process that would take away the ability to make critical and split-second decisions about how best to save Americans' lives. That is why the director of the FBI and the director of National Intelligence have strongly opposed the underlying provisions.

The Feinstein amendment would simply provide the needed flexibility for the FBI and other law enforcement agencies to work to fight and capture terrorists without having to stop and hand over suspects to the military. However, even with the Feinstein modification, with the authorization in section 1031 the military could still detain a suspected terrorist but would not have to step in and interrupt other domestic counterterrorism operations.

In other words, the Feinstein amendment would do nothing to prevent the military from acting, it would simply take away the mandate that they interrupt other investigations. I still do not believe we should enshrine in law authorization for the military to act on U.S. soil, but to argue that adding "abroad" to section 1032 would take away from the authority given in this bill is just wrong.

Clarifying that the military is only required to detain suspected terrorists abroad is the best approach to address the FBI's concerns about this legislation, and it is the best approach for our national security. What we are doing is working. We should not take away the flexibility that is necessary to keep us safe.

Passing this amendment would be welcome news to Secretary of Defense Panetta, Director of National Intelligence Clapper, FBI Director Mueller, and CIA Director Petraeus—who oppose the intrusive restrictions on their counterterrorism operations that the underlying bill would create.

The other side has argued that this is fundamentally about whether we are

fighting a war or a crime. I think that is a false choice and it does a disservice to our integrated intelligence community that is fighting terrorism successfully using every tool it possibly can. We can debate this in theoretical, black-and-white terms about whether this is a war or a crime. Or we can get back to the business of taking on these terrorists in every way we know how, including by using our very effective criminal justice system. At the end of the day, it is about protecting Americans, protecting this country. Why on Earth would we want to tie our hands behind our back?

Our national security leadership has said the detention provisions in this bill could make us less safe. We should listen to their concerns and pass this amendment to preserve the U.S. Government's current detention and prosecution flexibility that has allowed both the Bush and Obama Administrations to effectively combat those who seek to do us harm.

Again, I encourage my colleagues to support the Feinstein amendment, to keep faith with the Directors of the FBI, the DNI, the Secretary of Defense, and our Attorney General, who say these provisions could create unwanted complications in our fight against terrorism.

Let's adopt the Feinstein amendment. It will help us win the war against terror.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on the Feinstein amendment No. 1125.

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—45

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Paul
Bennet	Harkin	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Conrad	Lee	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wyden

NAYS—55

Alexander	Brown (MA)	Cochran
Ayotte	Burr	Collins
Barrasso	Casey	Corker
Begich	Chambliss	Cornyn
Blunt	Coats	Crapo
Boozman	Coburn	DeMint

Enzi	Landrieu	Risch
Graham	Levin	Roberts
Grassley	Lieberman	Rubio
Hatch	Lugar	Sessions
Heller	Manchin	Shelby
Hoeben	McCain	Snowe
Hutchinson	McCaskill	Stabenow
Inhofe	McConnell	Thune
Inouye	Moran	Toomey
Isakson	Murkowski	Vitter
Johanns	Nelson (NE)	Wicker
Johnson (WI)	Portman	
Kyl	Pryor	

The amendment (No. 1125) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I rise today in support of the 2012 National Defense Authorization Act, the critical piece of legislation we are now working on that will strengthen our national security, provide for our troops and their families, and improve oversight of American taxpayer dollars.

Over the last half century, the Senate has successfully passed a defense authorization bill without fail every year. This strong tradition of bipartisanship continues today under the joint leadership of Senators LEVIN and MCCAIN.

As a member of the Armed Services Committee, I thank the chairman and ranking member, as well as the majority and minority staff, for their dedicated and tireless effort as we work to bring this important legislation to the floor.

Throughout this yearlong process, our committee takes on extremely difficult and contentious security issues, and at times we have our differences. However, we take on these disagreements in a respectful and openminded fashion, driven by a strong commitment to cooperation and compromise. Bipartisanship has never been easy, but it works, as the Armed Services Committee has proven year in and year out. I hope all of our committees in the Senate can work in this kind of cooperative fashion, especially these days when budget constraints are so difficult.

No department of the Federal Government is immune from the severe fiscal challenges facing our Nation. That includes our Department of Defense. We are cutting \$27 billion from the President's budget request in this bill,

nearly \$43 billion from the last year's authorization. We need to find ways to maximize our investments in defense by aggressively eliminating unneeded and underperforming programs and we need to streamline our business practices and invest strategically in future technology.

The bill before us helps ensure that our troops, especially the 96,000 serving in Afghanistan as well as their families, continue to receive the care and support they deserve. It provides hard-earned pay raises for all uniformed military personnel, funding for critical equipment, and training required for our men and women to succeed on the battlefield.

The Defense authorization bill before us makes important investments in defense, science, and technology. As I know the Chair agrees, we need to do more to prepare the next generation of scientists and engineers who will be so important to maintaining our Nation's superior technological edge. The current bill makes a small downpayment on this important effort, and I intend to continue to fight for more investment as we move forward.

The bill also includes a number of provisions that will enable the Defense Department to lead in the creation of a more secure energy future for our military and for our country. As the single largest consumer of energy in the world today, the U.S. military has taken some initial steps on energy efficiency, energy mitigation, and the use of renewable and clean energy alternatives. But we still have a very long way to go. I look forward to continuing to work with the Department of Defense to take advantage of more energy savings opportunities in the future.

This year's Defense authorization bill also includes significant resources to fight nontraditional threats, including the proliferation of nuclear, chemical and biological weapons and the growing challenge posed by cyber warfare. In addition, I am pleased a number of provisions I have been working on are currently included in the bill.

First, we are extending the Small Business Innovation Research Program for the next 8 years. This is critical to keep our defense manufacturing base and our small business innovators strong and competitive. This is a provision I have worked on. I commend Senators LANDRIEU and SNOWE for their leadership in the Small Business Committee for working on this effort and for working so hard to get this extension, a long-term extension, into the Defense authorization bill.

The bill also includes a version of the National Guard Citizen Soldiers Support Act, which will go far in providing our National Guard members with the unique services and support they need when they return home from the fight.

We also have a Navy shipyard modernization provision that has been in-

troduced by Senators SNOWE and COLLINS and Senator AYOTTE and I, from New Hampshire. It also includes a \$400 million cut to an unnecessary and underperforming weapons program that I have worked closely with Senators MCCAIN and BEGICH to include.

In addition, I was pleased to cosponsor Senator LEAHY's National Guard Empowerment Act, which gives a stronger voice to our 450,000 citizen soldiers in our National Guard.

Although we have a good bill before us, I believe it could be better, and I have introduced several additional amendments, two of which are designed to provide the nearly 214,000 women serving in our Armed Services with the reproductive health care they are currently denied under the law. Unfortunately, we were not able to get a vote on those amendments. But I hope to continue to work closely with the chairman and ranking member to address these important concerns.

In addition, I have worked closely with Senators COLLINS and CASEY on an amendment to address unsecured and looted stockpiles of tens of thousands of shoulder-fired missiles in Libya. If these weapons fall into the wrong hands, they pose a serious threat to civil aviation worldwide and to our deployed forces abroad.

I wish to thank the committee for including this provision in the legislation. I also wish to address, briefly, some of the concerns that have been raised with respect to the detainee provisions in the bill. The underlying legislation which I supported is an attempt to provide a statutory basis for dealing with detained members of al-Qaida and its terrorist affiliates.

In committee, we made some difficult choices on this extremely complex issue. But we did that in order to strike a bipartisan agreement to both protect our values and our security. I understand, similar to all the Members of this body, the concerns that have been raised on both sides of these issues.

Again, as a general principle, I believe our national security officials should have the flexibility needed to deal with the constantly evolving threat. But I also believe that clear, transparent rules of procedure are a bedrock legal principle of our constitutional system. I believe the military detention language in this bill includes a significant amount of flexibility for the executive branch, including a national security waiver and broad authorities on implementation.

Although I support the goals of the chairman and ranking member's underlying legislation, I also believe we can improve those provisions. I supported Senator FEINSTEIN's amendment that we just voted on which would restrict required military custody to only those terrorist suspects captured abroad.

I hope that despite the disagreements, we will continue to chart a bipartisan path forward with respect to these detainee provisions in the years ahead. We need to give our national security officials at home and abroad a clearly defined but yet flexible system which protects our constitutional rights and our national security.

In conclusion, I believe the 2012 Defense authorization bill before us will strengthen our national security, maintain our military power, keep our defense businesses competitive, help cancel and roll back wasteful spending, and support the men and women who defend our Nation every day. I hope the full Senate will quickly come to an agreement on the pending amendments and pass this important piece of legislation so it can go to the President's desk as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I call for the regular order with respect to the Merkley amendment No. 1174.

The PRESIDING OFFICER. The Senator has that right. That amendment is now the regular order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Is it necessary to lay aside the pending amendment so I may engage in a colloquy?

The PRESIDING OFFICER. There is no need to do that.

AMENDMENT NO. 1206

Mrs. BOXER. Senator LEVIN and Senator MCCAIN, I wish to thank you very much. Before we engage in a colloquy, I simply want to show one chart which tells a story as to why Senator GRASSLEY and I are so pleased the Senators are willing to accept this by voice vote.

If I could ask Senator LEVIN to take a peek at this because I think this tells the story. This is what our military leadership makes, about \$200,000. This is what the President of the United States as the Commander in Chief makes every year. This is what we have limited, and that was a reform, the top five defense contractors to—almost \$700,000. But all the rest of the contract employees have absolutely no limit and can make \$1 million a year. This is from the taxpayers.

Senator GRASSLEY and I feel, particularly in these times, but just as a matter of equity, we can fix it. We are very grateful to the two Senators for their willingness. So I would like to enter into a colloquy with Chairman LEVIN and, of course through him, Ranking Member MCCAIN.

I greatly appreciate their willingness to accept the Boxer-Grassley amendment No. 1206 that limits contractor employees' salaries to no more than the salary of the Commander in Chief, who is, of course, the President of the United States.

Mr. LEVIN. The Senator from California, my great friend, Mrs. BOXER, is

correct. We are willing to accept the Boxer-Grassley amendment by voice vote.

Mr. GRASSLEY. Mr. President, there currently is no cap at all on the amount taxpayers will reimburse contractor employees for compensation except for just a handful of executives, and that limit is already too high at \$693,951. That is far above what the chief executive of the U.S. Government gets paid at \$400,000 a year.

So that is why we would cap it at no more than what the President can get. I presume the Senator from Michigan is aware of that and willing to help us on that process by adopting this amendment.

Mr. MCCAIN. Where would the congressional and staff salaries fit on that?

Mrs. BOXER. That is a good question. We would be well below. We would be about here.

Mr. MCCAIN. I thank the Senator.

Mr. LEVIN. In response to Senator GRASSLEY's question, I am very much aware of what he referred to.

Mr. GRASSLEY. I thank the Senator.

Mrs. BOXER. Mr. President, just in conclusion, did the Senator from Iowa and I have word from the Senator from Michigan that during conference negotiations with the House of Representatives regarding this bill, he will work to ensure that contractor employees are covered by a reasonable limit so taxpayers are not on the hook for excessive salary reimbursements?

Mr. LEVIN. You do, indeed.

Mrs. BOXER. I thank the Chairman.

Mr. GRASSLEY. I say thank you to the managers of the bill for helping us with this very important amendment.

Mr. LEVIN. I thank the Senator from California and the Senator from Iowa for their efforts in this area.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1145

Mr. TESTER. Mr. President, first, I wish to start by thanking Chairman LEVIN and Senator MCCAIN for their continued dialog on a matter of overseas basing priorities. I very much appreciate their efforts to work to get at least the first steps in place for a thorough review of our overseas basing needs and finally getting some answers on the costs of these bases.

I also wish to especially thank my colleague from Texas, Senator HUTCHISON, for her continued leadership on this issue and for joining me on amendment 1145, a bipartisan effort to establish an overseas basing commission.

I realize there are concerns that this is not the right time to establish such a commission. However, I think it is the perfect time. So let me reiterate one point I mentioned yesterday. The commission would be charged with saving taxpayers money by identifying po-

tential savings from reevaluating and potentially realigning our overseas military base structure and investments.

It is time we take some common-sense steps to identify and cut overseas military facilities and construction projects that have minimal negative impacts on our national security and military readiness. There is no better time than the present to begin this work. In a spirit of compromise and understanding that establishing a commission is not currently acceptable to some, I have worked with my colleagues to include an independent assessment of our overseas basing in this legislation.

I ask unanimous consent to speak now as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX HOLIDAY

Mr. TESTER. What I would like to speak on now is regarding the payroll tax votes that we are going to be taking later today or possibly even this evening. I wish to tell you exactly why I am going to vote against both of these proposals. I believe they are gimmicks, designed more for political posturing than what Congress ought to be doing right now; that is, working together to create jobs on a long-term basis; to create long-term certainty for businesses throughout this country, Montana included, while we work to cut our deficit.

The Democrat's proposal is the same included in the President's American Jobs Act, which I voted against several weeks ago. My reasons for voting against that proposal have not changed. It would temporarily extend the Social Security payroll tax holiday through 2012 and pay for it by raising taxes on the wealthy. Although I support making sure millionaires and corporations pay their fair share in taxes, I do not believe this particular proposal will create jobs or give our economy the boost it needs right now.

A small 1-year temporary tax cut will not give Main Street businesses the long-term certainty they need to grow and hire.

The proposal by the Senate Republicans also temporarily extends the payroll tax holiday but only by cutting certain Medicare benefits and cutting jobs and extending a current pay freeze for our folks who serve in public service. Neither of these proposals is right for Montana and neither will earn my vote.

I want to take you back to a few weeks ago, in November, when Congress unanimously passed my veterans jobs bill, called the VOW to Hire Heroes Act. The President has already signed it into law. I believe Congress has a responsibility to spend more time passing legislation such as that—real solutions that create real jobs, and not political theater.

I know we can do it. It was appropriate for us to work together for the veterans. It is also appropriate for us to work together to create jobs for all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1126

Mr. CHAMBLISS. Mr. President, I rise in opposition to the second Feinstein amendment, No. 1126, I believe. I have the privilege as serving as vice chairman on the Intelligence Committee with Chairman FEINSTEIN. We have a good working relationship and agree on most every issue that comes before the committee. I know the diligence and seriousness with which she takes every issue but particularly this one.

We have had a number of discussions about the fact that we have a lack of a detainee and interrogation policy in this country now, and I know she is concerned about that and is trying to make the situation better. I remain committed to work with her on a solution.

Unfortunately, I am going to have to oppose her amendment today because of my concerns about the limitation it imposes on the authority to detain Americans who have chosen to wage war against America. My first concern is that it appears, from the debate yesterday, that there is confusion among some Members about what this amendment does. For example, my colleague and friend from Illinois, Senator KIRK, argued that he is in favor of robust and flexible U.S. military action overseas, including against American citizens such as Anwar al-Awlaqi. Senator KIRK said he supports the Feinstein amendment, however, because he believes in a zone of protection for citizens inside the United States.

But the Feinstein amendment does not apply to only those American citizens who commit belligerent acts inside the United States; it would also prohibit the long-term military detention of American terrorists such as Anwar al-Awlaqi, who committed terrorist acts outside the United States. As a result, this amendment would have the perverse effect of allowing American belligerents overseas to be targeted in lethal strikes but not held in U.S. military detention until the end of hostilities. That makes no sense whatsoever.

I am also concerned about the ambiguity in the amendment's language and the uncertainty it will cause our operators, especially those overseas. The

amendment exempts American citizens from detention without trial until the end of hostilities. But short of the end of hostilities, the amendment appears to allow detention without trial. Is it the Senator's intent to allow for some long-term detention of Americans without trial?

This is troubling because we don't know how the prohibition will be interpreted by our operators or the courts that will hear inevitable habeas challenges. Would the military be permitted to hold a captured belligerent for a month, a few months, or a few years, as long as it was not until the end of hostilities? Or would the military interpret the amendment as a blanket prohibition against military detention of Americans for any period of time? If the military rounded up American terrorists such as Adam Gadahn or Adnan Shukrijumah among a group of terrorists, would they have to let these Americans go because the military would not be permitted to detain them? Would more American belligerents be killed in strikes if capture-and-detain operations were perceived to be unlawful? I don't believe we can leave our operators with this kind of uncertainty.

Finally, we should all remember the provisions of the National Defense Authorization Act do not provide for a new authority to hold U.S. citizens in military detention. American citizens can be held in military detention under current law. Contrary to some claims that were made yesterday and debated on this floor, these Americans would be given ample due process through their ability to bring habeas corpus challenges to their detention in Federal court. The Supreme Court has held in the Hamdi case that the detention of enemy combatants without the prospect of criminal charges or trial until the end of hostilities is proper under the AUMF and the Constitution. Hamdi is a U.S. citizen. This is not a new concept. In reaching its decision, the Hamdi Court cited the World War II case, *Ex parte Quirin*, in which the Supreme Court held:

[C]itizenship in the United States as an enemy belligerent does not relieve him from the consequences of a belligerency.

In conclusion, I understand Senator FEINSTEIN's motivation, but I just don't believe this amendment does what she wants it to do, and there will be unintended consequences that could seriously hamper overseas capture operations. Mr. President, I urge my colleagues to oppose the Feinstein amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATF FAST AND FURIOUS OPERATION

Mr. GRASSLEY. For anybody interested in how long I might be, I would say roughly 10 minutes.

Mr. President, for nearly a year, I have been investigating the Bureau of Alcohol, Tobacco, Firearms, and Explosives' operation known as Operation Fast and Furious. I have followed up on questions from that investigation as the Senate Judiciary Committee held oversight hearings over the past few weeks with both Secretary Janet Napolitano and Attorney General Eric Holder. Each of them testified about the aftermath of the shooting of Border Patrol agent Brian Terry. I have sought to clarify with facts some of the half-truths that were said during these meetings.

Each claimed they were ignorant of the connection between Agent Terry's death and Operation Fast and Furious until my letters with whistleblower allegations brought the connection to light. However, documents that have come to light in my investigation draw those claims into question. I would like to address a couple of those discrepancies.

Secretary Napolitano went to Arizona a few days after Agent Terry's death. She said she met at that time with the FBI agents and the assistant U.S. attorneys looking for the shooters. She also said at that point in time that nobody knew about Fast and Furious. Yet documents show that many people knew about Fast and Furious on December 15, the day Agent Terry died.

Secretary Napolitano referenced the FBI agents looking for the shooters. The head of the FBI field division was present at the December 15 press conference about Agent Terry's murder. At that very press conference the FBI head told a chief assistant U.S. attorney about the connection to an ongoing ATF investigation. That same night, U.S. attorney Dennis Burke confirmed that the guns tied back to Operation Fast and Furious. These connections were made days before Secretary Napolitano's visit at that time. The very purpose of her visit was to find out more about the investigation.

So a very important question comes up: The Department of Homeland Security oversees the Border Patrol. Why wouldn't the Phoenix FBI head have told Secretary Napolitano that the only guns found at the scene of Agent Terry's murder were tied to an ongoing ATF investigation?

Let's not forget the U.S. Attorney's Office. Secretary Napolitano said she met with the assistant U.S. attorneys looking for the shooters. The chief assistant U.S. attorney for the Tucson office, which coordinated the Terry investigation, found out about the ATF connection directly from our Federal Bureau of Investigation.

So a very important question comes up that needs to be answered: Why

would they conceal the Fast and Furious connection from Secretary Napolitano days later?

The Tucson office is overseen by the U.S. attorney for the District of Arizona, Dennis Burke, who confirmed to Tucson that guns came from Operation Fast and Furious. When Ms. Napolitano served as Governor of Arizona, Mr. Burke served as her chief of staff for 5 years. Secretary Napolitano acknowledges that she had conversations with him about the murder of Agent Terry.

So a very important question comes up: Why would Mr. Burke conceal the Fast and Furious connection from Secretary Napolitano?

Even before Secretary Napolitano came to Arizona, e-mails indicate Mr. Burke spoke on December 15 with Attorney General Holder's deputy chief of Staff, Monte Wilkinson.

So a very important question is unanswered: Before finding out about Agent Terry, Mr. Burke e-mailed Mr. Wilkinson that he wanted to "explain in detail" about Fast and Furious when they talked. In that phone call—and this is a very important question—did U.S. attorney Burke tell Mr. Wilkinson about the case's connection to a Border Patrol agent's death that very day?

The next day, the Deputy Director of the ATF made sure briefing papers were prepared about the Operation Fast and Furious connection to Agent Terry's death. He sent them to individuals in Washington, DC, in the Deputy Attorney General's Office at the Justice Department. Within 24 hours, they were forwarded to the Deputy Attorney General. They were accompanied by personal e-mails from one of the Deputy Attorney General assistants explaining the situation.

Two weeks later, that Deputy Attorney General, Gary Grindler, was named Attorney General Holder's chief of staff. Yet a month and a half after Agent Terry's death, Attorney General Holder was allegedly ignorant of the Operation Fast and Furious connection to the murder of Agent Terry.

So a very important question is unanswered: Why wouldn't Mr. Grindler bring up these serious problems with Attorney General Holder, either as his Deputy Attorney General or as his chief of staff?

It is clear that multiple highly placed officials in multiple agencies knew almost immediately of the connection between Operation Fast and Furious and Agent Terry's death.

The Department of Justice and the Department of Homeland Security have failed to adequately explain why Attorney General Holder and Secretary Napolitano allegedly remained ignorant of that connection. Whether it is the Attorney General or the Secretary or members of their staff, somebody wasn't doing their job. Somebody wasn't serving their higher-ups as they

should have been, as proper staff people.

In the case of Secretary Napolitano, either she was not entirely candid with me and others or this was a gross breach on the part of those who kept her in the dark. The Border Patrol and the Department of Homeland Security lost a man—Agent Terry being murdered. It was their right to know the full circumstances surrounding that from people who served under them.

No one likes the unpleasant business of having to fess up, but the FBI, ATF, and U.S. Attorney's Office owed it to Agent Brian Terry and his family to fully inform the leadership of the Department of Homeland Security. This was the death of a Federal agent involving weapons allowed to walk free by another agency in his own government.

Let me explain "walking guns." The Federal Government operates under the rule of law, just like all of us have to live under that rule of law. There are licensed Federal gun dealers, and Federal gun dealers were encouraged to sell guns illegally to straw buyers and, supposedly, follow those guns across the border to somehow arrest people who were involved with drug trafficking and other illegal things. Two of these guns showed up at the murder scene of Agent Terry. So it is a very serious situation that we need to get to the bottom of.

If what I have just described, with all these unanswered questions, is not enough to brief up to the top of the Department, then I don't know what is. In other words, staff people ought to be doing their job or, if staff people were doing their job, then the Congress, in our constitutional job of oversight, is being misled.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX CUT AND UNEMPLOYMENT COMPENSATION

Mr. REED. Madam President, I rise today to urge my colleagues to extend and expand the payroll tax cut and to fully extend unemployment compensation insurance immediately. The payroll tax cut and full extension of unemployment insurance are two of our best tools for strengthening our economic recovery. We must work without let-up to pass this legislation before year's end.

Democrats are doing everything we can to create jobs and solve our unemployment crisis. Millions of Americans are still out of work, however, and looking for a job in the toughest economy since the Great Depression. Jobless benefits, which have been essential

to millions of Americans as they search for a job, are set to expire at the end of this year.

Congress has never failed to extend benefits when unemployment is this high. Unfortunately, right now, Republicans are refusing to fully extend unemployment insurance, despite our Nation's 9 percent unemployment rate. In extending benefits, we should not do any less for the recently unemployed than we did for those who were unemployed in the last year or two. That is why I introduced the Emergency Unemployment Compensation Extension Act of 2011, which fully extends Federal support for unemployment insurance through 2012.

Extending benefits doesn't just make sense for a person who has been laid off, it makes sense for the economy as a whole. In fact, during today's hearing in the Senate Banking Committee, a business operator recognized that failing to extend unemployment insurance would have a negative impact on their business. It was hard for him to quantify, but the sense he has, from operating a very dispersed convenience store operation throughout this country, is there would likely be a negative impact.

Those impacts will be magnified and multiplied throughout our economy. It will, ironically, cause not just those without jobs to lose benefits, it will also probably lead to further reductions in jobs as demand falls off and the need for employees, particularly in retail establishments, might lessen.

That is why, if Congress truly wishes to help strengthen our economy, we need to extend unemployment insurance now. The reason we must fully extend unemployment insurance is simple: If people don't have jobs, they can't spend money. If people can't spend money, businesses go under. If businesses fail, more people lose their jobs, and the downward spiral continues.

Extending unemployment insurance is not just the right thing to do, it is a wise investment with a strong rate of return that will provide a much needed economic boost to every State across the country.

Unemployment is, regrettably, a national crisis. This program will address a nationwide problem, and it will do it in an extraordinarily cost-effective way. The CBO has calculated that this has one of best returns on the dollar. The reason we must fully extend unemployment insurance is quite simple. People who are receiving unemployment benefits need that money to pay for groceries, to put some gas in the car, to take care of those immediate expenses. So, as the economists would say, their marginal propensity to consume—i.e., their willingness to take the dollar in and spend it out—is very high. As a result, this program not only helps families who are struggling,

it also immediately injects dollars and demand into the economy. These programs have a real benefit.

We understand what we have to do to address our unemployment crisis and that is to grow the economy, and that means we must create jobs. Again, this program will help stimulate demand, will help keep people at work and perhaps even—we hope—put more people to work.

When it comes to the efficacy of this program, the bang for the buck, it is among the most effective. I referred earlier to some economists—in specific terms—Alan Blinder and Mark Zandi have estimated that for every dollar spent on extending unemployment benefits, the economy grows by \$1.61. The Economic Policy Institute has estimated that failing to extend UI benefits for a year could result in the loss of \$72 billion in economic activity for 2012, which impacts 560,000 jobs across the country. The country cannot afford this hit. We cannot afford to miss the opportunity to maintain or create over 500,000 jobs. We cannot ignore the fact that, in this very critical budget situation, this is one of the most cost-effective ways to continue to stimulate demand and grow jobs in our country.

We also have to understand that we are dealing with a situation that is getting to be critical because we are running out of time. These benefits will expire at the end of the year, and we must move forward.

I think we can also do something else, and that is to improve this program. One way to improve it is to adopt a program that is very effective in my State of Rhode Island and several other States across the country, and that is work sharing. Work sharing is a voluntary program that prevents layoffs, it keeps people on the job, it helps employers retain skilled workers, and it strengthens the unemployment insurance system.

Over 20 States are utilizing this program. They estimate they saved 100,000 jobs in 2010 alone. Essentially what it does is it allows an employer—for example—to keep people on the job for 3 out of 5 days of the week, and the other 2 days are compensated for by the Unemployment Insurance Fund. The fund saves money, and the employer keeps these people in the workplace with all their skills and all their contributions to the firm. It is a win-win, and it is something over 20 States across this country have embraced. I think it should be national, and we have provisions in legislation I've introduced that would help extend it nationally.

Again, we cannot delay. I urge all of my colleagues to join me in taking the needed steps to help our economic recovery and extend our unemployment compensation insurance program before the end of this year.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak in regard to several amendments to the Defense authorization bill. First is in regard to the nuclear triad and the important role it plays in defense of our Nation and security of the world and also in regard to the Global Hawk unmanned aerial systems program and the important role it has for our forces, both today in our efforts around the world and what it means to us in the future.

First, in regard to amendment 1279 and the nuclear triad, this amendment was cosponsored by Senator TESTER, Senator ENZI, Senator BLUNT, Senator VITTER. Also, I ask unanimous consent that my colleague from North Dakota, Senator CONRAD, be included as a cosponsor of the amendment, as well as Senator BAUCUS of Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. The amendment declares that the United States should maintain a triad of strategic nuclear delivery systems which includes missiles, bombers, and submarines. It also declares that it is the sense of the Senate that the President should budget for the modernization of those systems and the weapons they deliver.

Over the past couple of years, numerous statements have been made in support of the triad. The 2010 Nuclear Posture Review concluded that the United States needs the nuclear triad. The Senate, in its resolution of ratification for the New START treaty, declared that the United States needs the nuclear triad. And President Obama last February certified that he intends to modernize the nuclear triad. However, the administration is now currently conducting a further review of the role nuclear weapons play in defending U.S. national security—a miniature Nuclear Posture Review. It is important that the Senate reaffirm its commitment to the nuclear triad once again.

I am particularly concerned by statements that we can reduce our nuclear arsenal significantly below the requirements laid out in the New START treaty. Given the threats we face and the responsibility we have to the American people and to our allies, I believe we must retain the nuclear triad. The reasons are clear and compelling. We need missiles to provide a persistent, dispersed, and cost-effective deterrent. We need submarines to provide an invisible, mobile, and survivable deterrent. And we need bombers to provide a visible, long-range, recallable deterrent.

The bottom line is that the triad provides us with a safe, credible, reliable nuclear deterrent that renders any effort to eliminate or sidestep our retaliatory capabilities completely meaningless. And those benefits accrue not only to the United States but to our allies as well. The Congressional Strategic Posture Commission, the resolution of the ratification to the New

START agreement, and the 2010 Nuclear Posture Review all concluded that the United States needs to maintain the triad.

The triad was developed out of a need to counter an immense threat from the Soviet Union, but it now gives us the flexibility to adapt to an ever-changing international security environment. And supporting a triad means supporting a program to maintain and enhance the weapons and a delivery system that make up the triad.

It is very important to point out—particularly given our fiscal situation—that the costs of updating and maintaining the weapons in the triad will not take up a very big percentage of the defense budget, particularly relative to the tremendous security advantages it provides. In fact, General Kehler, the head of Strategic Command, recently indicated his strong support for efforts to preserve the triad and modernize each of the associated delivery systems.

It is tempting to assume that because the Cold War is over, we don't need the nuclear arsenal anymore. In fact, people who defend the nuclear arsenal are often accused of being stuck in a cold war mindset. The truth is just the opposite. Only in a cold war mindset would we assume Russia is the sole reason we preserve our nuclear arsenal. Today, our nuclear deterrent counters a variety of threats that did not even exist during the Cold War, and it hedges against the emergence of new nuclear threats.

The decades following the end of the Cold War have made nuclear deterrence far more complicated than the old superpower confrontation of last century. We must now counter nuclear threats from multiple actors around the world.

First, consider China. China's military modernization program is built on a foundation of a large and growing nuclear arsenal. Intelligence estimates suggest that the number of warheads atop Chinese ICBMs capable of reaching the United States could more than double within the next 15 years. Recent reports indicate that China is fielding four different new nuclear-ready ballistic missiles. China is prioritizing the development of mobile land-based ICBMs and submarine-launched ballistic missiles. China's nuclear posture is also troubling. China has not defined what it would consider a minimum nuclear deterrent, making it difficult to understand the motivations behind China's nuclear force expansion and their modernization efforts.

Second, new nuclear powers such as North Korea and Pakistan further complicate how we calculate our need for deterrence. North Korea has pursued nuclear weapons using both plutonium and uranium and continues to develop long-range ballistic missiles that can threaten the United States. North Korea's nuclear arsenal forces our allies

in East Asia—especially South Korea and Japan—to put a premium on the U.S. nuclear deterrent. Pakistan's nuclear weapons greatly complicate the security situation in central Asia and create a serious risk of nuclear proliferation. The emergence of these two nuclear powers is a cautionary tale about the unpredictable ripple effects of new players in the nuclear game and a strong reason why reductions to U.S. strategic forces should only be made with the greatest caution.

Third, nuclear proliferation will remain one of our foremost security challenges in the world. The IAEA reports that Iran has been researching and developing nuclear weapons, and it expressed serious concerns about the military dimensions of Iran's nuclear program. Syria was so serious about developing a nuclear weapon—probably with the help of North Korea and Iran—that in 2007 Israel had to destroy a Syrian nuclear site. Terrorist groups and other rogue actors also seek the development or the acquisition of nuclear arms.

And, of course, fourth, we cannot yet forget about Russia. Under the provisions of the New START agreement, Russia can expand its nuclear force rather than pursue reductions. Russia intends to build a new heavy ICBM to be available by 2018. Russia expects to build eight new nuclear submarines, and it also plans on designing and building a new nuclear bomber.

We cannot afford to let our nuclear deterrent atrophy in light of so many nuclear threats. Once we lose our nuclear capabilities, it will be extremely hard to reconstitute them.

We need a reliable and credible nuclear arsenal. We need it to dissuade new nations from acquiring nuclear weapons. We need it to deter nuclear powers from using their weapons. And we need it to hold enemy arsenals at risk.

People may not always stop and think about the demands placed on America's nuclear deterrent, but they are real and they are extensive. We have nuclear weapons as a guarantor of the security of the American homeland. Our nuclear arsenal renders any plan to strike the United States with nuclear weapons sheer folly. The investments made over the last several decades continue to pay dividends by creating the space within which America can address other security threats.

Make no mistake, without a large nuclear arsenal other nations would move plans to strike the United States from the category of unthinkable to possibly thinkable.

Second, and nearly as important, the United States nuclear deterrent replaces the need for our allies to develop or acquire nuclear weapons, keeping the peace in critical regions around the world. East Asia is a particularly good example. The status of U.S. nuclear

posture is a major concern in Japan. Despite assurances from the United States that our nuclear umbrella will continue to protect Japan, Tokyo is worried about even the most subtle changes in U.S. policy. During his most recent trip, Secretary Panetta publicly reiterated the U.S. commitment to protect South Korea with our nuclear umbrella and our nuclear deterrent is probably the only reason South Korea has not developed a nuclear capability in response to North Korea's nuclear programs.

I will conclude on the triad. Our nuclear deterrent has been the foundation of U.S. national security since World War II. The nuclear triad provides an incredible return on our investment and I urge the Senate to send a strong signal of support for the nuclear triad as laid out in amendment No. 1279.

AMENDMENT NO. 1358

Madam President, if I may very briefly also address the importance of the Global Hawk with a brief overview of amendment No. 1358. This amendment simply states that it is the sense of Congress that the Secretary of the Air Force should continue to abide by the guidelines set forth in the acquisition decision memorandum issued June 14, 2011 from the Office of the Secretary of Defense. That memorandum on Global Hawk, the RQ-4 Global Hawk, found that the Global Hawk UAS is essential to national security and that there is no other program that can provide the benefits to the warfighter that the Global Hawk can provide.

The Global Hawk is a vital intelligence surveillance and reconnaissance asset. The Global Hawk flies at high altitude. It can fly at extended ranges and for long periods of time, and it can carry a wide array of sensors simultaneously.

We have invested a lot of time and a lot of money in this platform and it is paying fast dividends. The Global Hawk is flown in a wide variety of missions all over the world in support for things such as CENTCOM operations, humanitarian relief efforts in Japan and Haiti, and extensively for operations in Libya. For these reasons and many more, my amendment stresses that the Air Force must continue to heed the conclusions of the June 14, 2011 acquisition decision memorandum on the RQ-4 Program. The RQ-4, which is Global Hawk, remains essential for United States national security and is irreplaceable.

The bottom line is America needs to support and continue the Global Hawk. Our commanders require as much information about the battlefield as they can get. The RQ-4 represents a new generation of ISR aircraft with unprecedented capabilities.

Finally, we must invest in this essential capacity precisely because budgets are tight. As the Pentagon concluded in June, the Global Hawk represents

the most cost-effective way to meet the requirements of our warfighters now and in the future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1274

Mr. SESSIONS. Madam President, I wish to address amendment 1274, which would clarify what I believe is existing law that the President has authority to continue to detain an enemy combatant under the law of war, following a trial before a military commission or an article III court, and regardless of the outcome of that trial. Let me explain what I mean.

As I said yesterday, even under the law of war the President has the authority to detain an enemy combatant, a prisoner of war, a captured enemy soldier, a belligerent. The President can detain him through the duration of the hostilities. The President is not required—the Commander in Chief is not required to release an individual whose sworn duty it is to return to his military outfit and commence hostilities again against the United States. That individual could be killed on the battlefield, but if captured, you are not required, under all laws of war that I am aware of and certainly the Geneva Conventions—you can maintain that individual in custody to prevent him from attacking you. But you can also try an individual who has been captured if that individual violated the rules of war.

For example, a decent soldier from Germany—many of them were held in my State of Alabama. They behaved well. They made paintings of American citizens, they did a lot of things, and did not cause a lot of trouble. They were in uniform and they complied with the rules of war and they were not tried as illegal enemy combatants.

But many of the terrorists today do not wear uniforms, deliberately target innocent men, women, and children, and deliberately violate multiple rules of war. Those individuals are subject, in addition to being held as a combatant, as an unlawful combatant. They can be prosecuted and they should be prosecuted. In World War II a group of Nazi saboteurs in the *Ex parte Quirin* case were let out of a submarine off, I think, of Long Island. They came into the country with plans to sabotage the United States. They were captured and tried by military commissions. Several were American citizens. A number of them—most of them, frankly—after being tried and convicted, were executed. The Supreme Court of the United States approved that procedure.

But recent cases demonstrate the potential problem we have today. One Guantanamo Bay detainee has already raised the question I have discussed before the military commission where he is being tried. Abd al-Rahim al-Nashiri, the alleged mastermind of the USS

Cole bombing, was arraigned before a military commission on November 9. He was held not only as an al-Qaida, or a belligerent against the United States, but he was charged with a violation of the rules of war.

This was a group that sneaked into the harbor pretending to be innocent people and ran their boat against the *Cole*, killing a number of U.S. sailors.

I remember being at a christening of one of the Navy ships at Norfolk not long after this. I walked out of that area and I heard one of the sailors cry out: Remember the *Cole*. The hair still stands up on my neck when I hear it.

We have an obligation to defend our men and women in uniform. When they are out on the high sea or they are in a neutral port, they expect to be treated according to the laws of war and then they are murdered by an individual such as this.

This individual's lawyers filed a motion asking the military judge to clarify the effect of an acquittal, should the commission acquit him. He argued that the members of the committee had a right to know what would happen if he were acquitted because they might object to taking part in what he called a show trial if it turned out that he would continue to be detained at Guantanamo Bay.

There is another case in which the administration was almost confronted with the problem a year ago, in the case of a former Guantanamo detainee, an al-Qaida member named Ahmed Ghailani, who was responsible for the 1998 embassy bombings in Kenya and Tanzania. Most of us remember those early al-Qaida bombings against our embassies in Africa.

After the Justice Department chose to prosecute Ghailani in an article III civilian court and directed the United States Attorney not to seek the death penalty—I am not sure why that ever happened; we don't know—but the jury acquitted him on 284 out of 285 counts. Luckily, he received a life sentence on the single count of conspiracy, for which he was convicted.

But what if he had not been convicted? What if there was insufficient evidence to prove he committed a crime, but not insufficient evidence to prove he was a combatant against the United States? Al-Qaida has declared war against the United States, officially and openly. The U.S. Congress has authorized the use of military force against al-Qaida, which is the equivalent of a declaration of war.

What if he had received a modest sentence after being convicted and had credit for time served? What if he had been acquitted on all 285 counts? Would the President have been required to release him into the United States, if the government could not get some country to take him? That would be wrong. He was at war against the United States. He was a combatant against

the United States. Like any other captured combatant, he can be held as long as the hostilities continue.

By the way, let me note, military commissions are open. If they decide to try one of these individuals—not just hold him as a prisoner of war but hold him and try him for violation of the laws of war—they get lawyers, they get procedural rights. The Supreme Court has established what those rights are. Congress has passed laws effectuating what the Supreme Court said these trials should consist of, and a mechanism has been set up to fairly try them.

But enemy combatants are not common criminals. If a bank robber is denied bail, he remains in jail awaiting a trial, a speedy public trial, with government-paid lawyers. Enemy combatants are not sitting in Guantanamo Bay awaiting trial by a military commission, or by an article III court. They are held in military custody precisely because they are enemies, combatants against the United States. They should continue to be held there as long as the war continues and as long as they do not remain a threat to return to the battlefield against the United States.

This is an important point, considering that 27 percent of the former Guantanamo detainees who have been released—161 out of 600—have returned to the battlefield, attacked Americans. This Nation has no obligation to release captured enemy prisoners of war when we know for an absolute fact that 27 percent of them have returned to war against the United States. How many others have but we do not have proof of it? That is what the whole history of warfare is.

Lincoln ceased exchanging prisoners with the South after he realized they had more soldiers in the South. It was not to his advantage to release captured southern soldiers who would return to the fighting, so he held them until the war was over. Under the laws of war, the President has the authority to prevent an enemy combatant from returning to the battlefield. That is consistent with all history.

This amendment—please, Senators, I hope you would note—would make it clear that the President simply has authority to continue to detain enemy combatants held pursuant to the rules of war, even though they may have been tried, regardless of where that trial would be held and what the outcome was, as long as, of course, they could prove they were an enemy combatant and violating the rules of war.

I would note one thing.

I see my friend, the Senator from California, is here and probably is ready to speak.

On the question of citizenship, can a citizen be held in this fashion? The Supreme Court has clearly held they may. But the Senator is offering legislation

that might change that. My amendment does not answer that question. It simply says a combatant should be able to be held under the standard of a prisoner of war, a combatant, even if they had been prosecuted for violation of the laws of war and acquitted.

It is common sense. I believe the courts will hold that, but it is an issue that is out there. I think Congress would do well to settle it today.

I urge my colleagues to do so.

I thank the Chair, and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, in a few moments, Senator McCain and I will be seeking unanimous consent that the following pending and germane amendments be considered en bloc, that the amendments be modified with the changes that are at the desk where applicable: Begich 1114, as modified; McCain 1220; Reed of Rhode Island 1146, as modified; Levin 1293, as modified; Boxer 1206; Chambliss 1304, as modified; Pryor 1151; Nelson of Florida 1236; Blunt 1133; Murkowski 1287.

Further, that the amendments be agreed to en bloc—we are not making that request now. We will be making that request in a few minutes. This is not the so-called managers' package, by the way. These are the pending germane amendments which have been before us for some time but which we believe have now been cleared, and there is no opposition; however, if there is, there is an opportunity for people to come down.

I would yield now to my friend from Arizona.

Mr. MCCAIN. Reserving the right to object, and I will not object, I thank my friend. I believe the Senator overlooked Brown of Massachusetts amendment No. 1090, I think, was agreed to be a part of that.

Mr. LEVIN. That was not on my sheet, but that is fine, and that would be added.

Mr. MCCAIN. I note the presence of our friend from Texas, who would like to voice his objections to the package of amendments which is pending which have been agreed by both sides because of his concerns about a particular amendment he had. I would like to hear from him in a minute.

I would like to say to my colleagues on this side of the aisle, if you have an objection, please come to the floor. We would intend to vote—or seek approval of what the distinguished chairman just proposed—at 5 after the hour. That gives them 15 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, is there a unanimous consent request pending?

The PRESIDING OFFICER. There is not.

Mr. CORNYN. Thank you for clarification. I just wanted to make sure.

Madam President, I discussed with the distinguished chairman of the Senate Armed Services Committee and the distinguished ranking member my concerns that earlier I attempted to gain unanimous consent to modify my amendment regarding the sale of F-16s to Taiwan in order to make it germane. I was happy to do that in order to get a vote, but the chairman tells me there is an objection to that.

I wished to make clear that any amendment that is offered—whether now in this list or subsequently in the managers' package or otherwise—and is being treated differently than mine is, then I am going to object to unanimous consent.

Through the Chair, I would ask the distinguished chairman of the Armed Services Committee are there any amendments on this list that were modified in order to make them germane?

Mr. LEVIN. I doublechecked on this. The answer is no, and that is about as directly as I can say it. I checked with staff and the staff says they have been modified—in many cases as I indicated—but none in order to make them germane.

Mr. CORNYN. Madam President, I appreciate the direct response from the chairman. I will have no objection to any amendment that is being offered that is not being offered as modified in order to make it germane. I hope my point is clear as mud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I just wish to say I strongly support the amendment by the Senator from Texas, and I will do everything I can to see that this issue is raised. I cannot comprehend why we would not want to provide one of our closest allies with the equipment they need to defend themselves with the growingly aggressive mainland China exhibiting the characteristics of intimidation and bullying and perhaps threatening Taiwan.

I wished to state, first of all, my appreciation to both Senators from Texas, who have been very involved in this issue, and I wish to tell them I will do everything I can to make sure this amendment is adopted. We do need to send the signal that we support our friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I join with Senator MCCAIN in support of

Senator CORNYN's amendment. Taiwan has been a strong ally of the United States. Senator MCCAIN said we would provide them military aircraft, but, in truth, they would buy it. They are our allies. They are friends. They are prepared to purchase from an American company legitimate military equipment that they could use to help maintain the freedom they have cherished on the island, and it is hard for me to understand how that would be objected to.

I just wish to say, as someone who has looked at these issues for some time as a member of the Armed Services Committee, I do believe Senator CORNYN—also a member of that committee—is correct, and I strongly support the amendment and urge my colleagues to vote for it, if and when we can get a vote.

I thank the Chair, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1090

Mr. BROWN of Massachusetts. I have an amendment that has been accepted—almost—sort of kind of accepted—amendment No. 1090, which I would like to discuss briefly.

I thank Senators WYDEN and COONS for their bipartisan leadership as co-sponsors of this amendment. I believe we are going to vote on it shortly, and I ask that it be accepted, either by vote or by unanimous consent.

It is a simple amendment that will make sure the National Guardsmen who get deployed will receive the housing allowances they need and deserve. This is a bipartisan amendment. The Defense Department has agreed that the situation needs to be fixed—something that recently was developed.

There is a little bit of history behind this, but I don't think it is important because Senator WYDEN and Senator COONS and I have taken the lead on this issue, which is critically important to providing the funds that have been taken merely by a change in the regulations. This has happened at a time, quite frankly, when our men and women who are fighting need that money.

I am offering this amendment as a result of a bill I introduced last September, entitled the "National Guard Basic Allowance for Housing Equity Act." I introduced this legislation to fix an inequity that hurts National Guardsmen who are deployed. Merely as a result of their deployment, they could lose upward of \$1,000 per month in their monthly housing allowance.

Basic Allowance for Housing, or BAH, is a benefit paid to members of the military to help offset the cost of local housing markets. When a servicemember is deployed, for example, BAH is necessary to help offset the cost of a mortgage or rent in a particular geographic area. Everyone in the military, especially families, rely on this benefit. This benefit is especially critical when servicemembers deploy because, as we know, the spouse is often at home and she or he is responsible for taking care of the bills.

What would my colleagues say if I said that because you are ordered to deploy to Afghanistan, for example, the Department of Defense is going to withhold \$1,000 or more from your monthly housing allowance, a huge piece of your total household income—upward of \$12,000 or more per year—because of a new policy interpretation? That is right. It is merely a new policy interpretation.

Because of a DOD oversight, over 800 Guardsmen—some even in the Presiding Officer's State and 40 in Massachusetts who are deployed to Afghanistan right now—are losing, in the middle of the battle, up to \$1,000 per month in their housing allowance because they were ordered to deploy.

Title X mandates that full-time Guardsmen, when ordered to Active Duty for a contingency operation, even if there is no break in their active Federal service, must revert back to their home-of-record status rather than their current duty station. Because of this change in status, it alters a guardsman's basic allowance for housing on their monthly pay stub. Basically, guardsmen are being punished for being deployed to a war zone.

For example, take a full-time guardsman who is from Worcester. He calls Worcester, MA, home and probably votes there, but he is stationed in Washington, DC, let's say right down the street at the Pentagon. So he or she earns a housing allowance based on the cost of living in DC and, as we all know, it is higher than in Worcester, MA. Sounds pretty normal, pretty straightforward, right?

This guardsman is then ordered to Active Duty—to Federal status—for the purpose of deploying overseas. A new housing allowance rate kicks in that is based on his home of record back in Worcester, not where he or she was actually stationed, here in D.C.

As a result, the guardsman and his family immediately start losing up to \$1,000 per month because of that deployment to serve their country. So full-time guardsmen are entitled to the BAH rate they are receiving at the duty station because it is where they and their dependents live, and that is often where the spouses will reside until that servicemember comes back. Obviously, family members are not going back to Worcester while the

guardsman is stationed at the Pentagon or here in D.C.

This is not right. It is something DOD agrees with. Senator WYDEN and Senator COONS concur, and I appreciate their bipartisanship in moving this forward. I am all about finding savings, but the good thing is that this is no cost to the government. It is already budgeted in the DOD budget. I am not into savings that treat our service men and women unfairly.

So my amendment provides a simple, noncontroversial fix. It is germane. It is relevant. It helps people who are serving our country right now. It is bipartisan. It is how we should do things around here.

I am glad the DOD has realized this is a problem, and I hope my colleagues will move forward in a manner to make our citizens proud.

I wish to thank Senator MCCAIN for his effort in getting this important matter to our guardsmen who are serving presently overseas. It is a testament to his diligence. I thank Chairman LEVIN for putting up with the problems over the last few days, but it is important to the people. It is not about politics; it is about serving our men and women.

AMENDMENT NO. 1206

Mr. GRASSLEY. Madam President, at a time when the national security budget is under immense pressure, it is vitally important that we spend our defense dollars more wisely.

The Boxer-Grassley amendment will contain runaway spending in contractor salary reimbursements. Notice that I said "salary reimbursements," not salaries.

Someone not familiar with government contracting might ask why it's any of our business what government contractors get paid, and I would agree if we're talking about what their company pays them out of its own pocket.

When most people hire a contractor to renovate their bathroom or re-shingle their roof, they find the one that does the best work for the least cost.

Having done that, you are not likely to ask or care what their cut is or what they pay their crew.

To the extent that government contracts work the same way, the same principle applies. Unfortunately, not all government contracts do work that way.

A large proportion of government contracts actually reimburse the contractor directly for the costs they incur, including for the salaries of their employees. These types of contracts are risky because contractors lose the incentive to control costs. They are only supposed to be used when a fixed price contract is not possible for instance, if the scope or duration of the work is not possible to determine at the outset.

Nevertheless, cost-reimbursement type contracts are used extensively by Federal departments and agencies.

The Defense Department alone accounted for over \$100 billion in cost reimbursement type contracts in fiscal year 2010.

President Obama has criticized the widespread use of these types of contracts and has set a goal of slowing the growth and ultimately reducing their use.

He has made a little progress. However, we are talking about a small dent in a large bucket.

It's clear that cost type contracts are going to account for a major proportion of the dollars spent on federal contracting for the foreseeable future. As a result, we must take steps to limit unreasonable expenditures under these types of contracts.

Senator BOXER and I worked together to try to head off this problem back in 1997.

At that time, we proposed capping salary reimbursements at the salary level of the President of the United States.

However, a compromise was ultimately enacted that capped how much the top 5 highest earning contractor executives could charge the federal government for their salaries.

The cap was set at the median salary of the top five executives at companies with annual sales over \$50 million, which must be recalculated annually.

Since that time, the cap has more than doubled from \$340,650 to \$693,951. That's 53 percent faster than the rate of inflation.

The House-passed version of the National Defense Authorization bill expands the current cap to all contractor employees, not merely the top five executives, closing a loophole that was being exploited.

The version of the DoD Bill before the Senate extends the cap only to the top 10 to 15 executives.

However, Senator BOXER and I think it's time to reconsider a fixed cap at the level of the President's salary, which I should add was doubled by Congress to \$400,000 since our previous proposal.

That is more than generous.

Surely the taxpayers should not be asked to pay the salary of a contractor more than the President makes, which is twice what any cabinet secretary makes.

Keep in mind that this cap just limits how much Uncle Sam can be billed for, which is on top of whatever the company chooses to pay its employees out of its own pocket.

Not only would our straightforward cap save man-hours in the Office of Federal Procurement Policy, which has to gather the data every year to determine the current convoluted cap, but it would save millions of dollars that need not be spent.

Again, we cannot afford to go on wasting our increasingly limited defense dollars.

We have to be more aggressive in weeding out waste in defense spending and this is one unnecessary expenditure that we can easily eliminate in favor of higher priorities.

I urge my colleagues to join us in this commonsense cost cutting measure.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Massachusetts for his amendment. He has spent a great deal of time in his life serving in the National Guard, including spending time in Afghanistan recently. He understands the burdens our National Guard men and women bear. I am very grateful for his careful attention to their needs. This is clearly an issue that needed to be addressed. We are proud to have it as part of our legislation.

Again, my thanks to the Senator from Massachusetts as well as to my friend, Chairman LEVIN, for helping make this amendment possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1114, AS MODIFIED; 1220; 1146, AS MODIFIED; 1293, AS MODIFIED; 1206; 1304, AS MODIFIED; 1151, 1236, 1133, AS MODIFIED; 1287, AS MODIFIED; AND 1090, AS MODIFIED

Mr. LEVIN. Madam President, I now ask unanimous consent that the following pending germane amendments be considered en bloc; that the amendments be modified with the changes that are at the desk, where applicable: Begich No. 1114, as modified; McCain No. 1220; Reed of Rhode Island No. 1146, as modified; Levin No. 1293, as modified; Boxer No. 1206; Chambliss No. 1304, as modified; Pryor No. 1151; Nelson of Florida No. 1236; Blunt No. 1133, as modified; Murkowski No. 1287, as modified; and Brown of Massachusetts No. 1090, as modified; further, that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1220, 1206, 1151, and 1236) were agreed to.

The amendments (Nos. 1114, 1146, 1293, 1304, 1133, 1287, and 1090), as modified, were agreed to, as follows:

AMENDMENT NO. 1114, AS MODIFIED

At the end of subtitle E of title III, add the following:

SEC. 346. ELIGIBILITY OF ACTIVE AND RESERVE MEMBERS, RETIREES, GRAY AREA RETIREES, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

“§2641c. Space-available travel on department of defense aircraft: eligibility

“(a) **AUTHORITY TO ESTABLISH BENEFIT PROGRAM.**—The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis. The program shall be conducted in a budget neutral manner.

“(b) **BENEFIT.**—If the Secretary establishes such a program, the Secretary shall, subject to section (c), provide the benefit equally to the following individuals:

“(1) Active duty members and members of the Selected Reserve holding a valid Uniformed Services Identification and Privilege Card.

“(2) A retired member of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

“(3) An unremarried widow or widower of an active or reserve component member of the armed forces.

“(4) A dependent that—

“(A)(i) is the child of an active or reserve component member or former member described in paragraph (1) or (2); or

“(ii) is the child of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unremarried spouse; and

“(B) is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

“(5) The surviving dependent of a deceased member or former member described in paragraph (2) holding a valid Uniformed Services Identification and Privilege Card, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

“(6) Other such individuals as determined by the Secretary in the Secretary's discretion.

“(c) **DISCRETION TO ESTABLISH PRIORITY ORDER.**—The Secretary, in establishing a program under this section, may establish an order of priority that is based on considerations of military needs and military readiness.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft: eligibility.”.

(c) **REQUIREMENT FOR COMPTROLLER GENERAL REVIEW.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(2) **ELEMENTS.**—The review required under paragraph (1) shall include the following elements:

(A) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(B) Estimates of the effect on availability based on future projections.

(C) A discussion of the logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(D) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(E) Other factors relating to the efficiency and cost effectiveness of space available travel.

AMENDMENT NO. 1146, AS MODIFIED

On page 114, strike line 2 and insert the following:

(8) ensure the involvement and input of military technicians (dual status).

AMENDMENT NO. 1293, AS MODIFIED

At the end of subtitle C of title X, add the following:

SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) **TRANSFER FROM MARAD AUTHORIZED.**—The Secretary of the Navy may, subject to appropriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed \$35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) **USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.**—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

AMENDMENT NO. 1304, AS MODIFIED

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) **REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde and Reset Program for the equipment used in support of operations in Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at de-

pots under the control of the Defense Logistics Agency.

(3) **FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.**—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) **VIRTUAL AND FLEXIBLE.**—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) **SPEED TO MARKET.**—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) **RISK MANAGEMENT.**—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) **REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.**—

(1) **REPORT REQUIRED.**—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), An examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) **COOPERATION OF SECRETARY OF AIR FORCE.**—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

AMENDMENT NO. 1133, AS MODIFIED

At the end of subtitle H of title X, add the following:

SEC. ____ . REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(F) ordered to full-time National Guard duty (other than for training) under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.”.

AMENDMENT NO. 1287, AS MODIFIED

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C-23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

(d) SUSTAINMENT.—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated with operating, maintaining, sustaining, and modernizing the aircraft.

AMENDMENT NO. 1090, AS MODIFIED

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty under Title 10, United States Code, to full-time National Guard duty under Title 32, United States Code, or from full-time National Guard duty under Title 32, United States Code, to active duty under Title 10, United States Code, when the transition occurs without a break in active service of at least one calendar day.”

AMENDMENTS NOS. 1105 AND 1158 WITHDRAWN

Mr. LEVIN. I ask unanimous consent now that the following two amendments be withdrawn: Collins No. 1105 and Collins No. 1158.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendments are withdrawn.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I ask unanimous consent to speak for up to 10 minutes on a different topic than the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. VITTER. Madam President, I come to the Senate floor to discuss another very important issue for our economy, which is the National Flood Insurance Program.

The National Flood Insurance Program is a vital Federal program that helps provide flood insurance for properties all across the country. It is absolutely vital to citizens and to our economy, to the real estate market, to closings which cannot happen without this type of insurance in many instances. It is important all across the country. It is nowhere more important than in Louisiana, which, unfortunately, has pretty severe flooding risks.

In the last few years, we have extended this necessary and important program but sometimes with real fits and starts and even lapses of the program. As you know, Madam President, in 2010, it got worse than ever. Congress allowed the National Flood Insurance Program to lapse four times—for a total of 53 days—for no good reason. It was not a money issue; it was not a cost issue; it was not a deficit issue because continuation of the program along the current structure does not raise deficit and debt. But we had these deadlines that kept approaching, and we let, in many instances—in four instances—the deadline actually come and the program to lapse—four times in 2010, for a total of 53 days.

That had enormous negative consequences. Real estate closings that were scheduled to happen had to be canceled. Here we are in the middle of a horrendous recession—clearly the worst since World War II—led by problems in the real estate market, and we had good, solid real estate closings which had to be put off and canceled for no good reason. Really crazy.

We learned a little bit from that experience, and this year, in 2011, we have done better. We have continued the program without lapse. But I am afraid we are getting back into this habit of extremely short-term extensions, which brings with it the threat of lapses. We extended the program a few weeks ago, but we only extended it for the duration of the current CR, until this December 16. So, again, the program is set to completely expire nationwide this December 16.

The ultimate solution is a long-term, full reauthorization of the flood insur-

ance program. I support that full 6-year bill, and we have voted out of the Senate Banking Committee a full, long-term, 6-year reauthorization bill. However, that is not going to pass into law between now and December 16, and it is pretty clear it is not going to pass into law for several months.

That is why I am urging all of us to come together in a bipartisan fashion in the meantime to pass a clean extension of the program for the remainder of this fiscal year, through September 30, 2012, or for some significantly long time within that year. I think that is needed right now to assure the real estate market there will not be disruptions, to take that threat and that uncertainty out of the market and out of the line of closings, that we want to encourage, we want to build, as we try to build up the real estate market and the economy in general.

Because I believe this is clearly the right path, I have done two things. First, I have filed that extension, that clean extension—a bill under my name—through September 30, 2012. This is very similar to the extension we passed in late 2010 to get us through that fiscal year to September 30, 2011. That was my bill. We passed it unanimously here in the Senate, again, to avoid these deadlines and disruptions, which hamper economic recovery. So I filed that bill. That would be a clean extension of the program through September 30, 2012.

The second thing I did today is write Senator REID, the majority leader, and ask him to focus on this important program and the need for this extension as soon as possible, and to hotline it through the Senate, to ask for unanimous consent from both sides, all Members, as we did about a year ago, pass this so we extend this important, vital program through September 30, 2012, or some similar, significant timeframe.

Again, I wrote Senator REID today to highlight this need. I will be following up with him. I have already followed up and talked to many other interested Members, starting with those leaders on the Banking Committee under whose jurisdiction this falls.

This should be a no-brainer. This should be a completely nonpartisan or bipartisan exercise. This is not some big ideological dispute. This is simply extending, continuing a vital, necessary program without in any way increasing deficit and debt, in a way that we take out uncertainty, take out the specter of this necessary program lapsing yet again, as it did four times in 2010, for a total of 53 days.

We cannot let this lapse. And, quite frankly, we should not even go near the deadline before we extend it because that in and of itself—even if we do not technically allow it to lapse—creates uncertainty and chaos in the real estate market and disrupts real estate closings.

We need every good real estate transaction we can get. We need every bit of additional economic activity we can get in this horrible economy, this recession that was led by a bad real estate market. We need to lead recovery with a recovering real estate market. So let's do this in a simple, straightforward, commonsense, bipartisan way in that effort. We did it around my bill in that nearly full-year extension about a year ago. Let's do it again.

In closing, I want to underscore I am fully committed to the full, detailed 6-year reauthorization bill. It has come out of the Senate Banking Committee. It needs to pass through the Senate. We need to resolve differences with the House. We need to pass that into law. But that is not going to happen between now and December 16, and it is not going to happen for several months. So, in the meantime, let's remove the threat of disruption, of lapses in the program, of uncertainty. All of that is extremely harmful in this very fragile economy.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. THUNE. Madam President, yesterday a number of us—I think the number now is somewhere in the 37-to-38 ballpark of Senators—introduced legislation to expedite consideration of the Keystone XL Pipeline. What is interesting to me about all of this is that this is a project that has been literally reviewed and analyzed and studied and scrutinized now for the better part of 3 years.

In fact, they have had two comprehensive environmental evaluations and 3 years of study and review. Then, just recently, the Obama administration deferred a decision on the permit until after the 2012 elections, essentially putting off the decision for about 18 months.

Well, what is ironic and sort of interesting about that is this is a project which—after having been carefully vetted for the past 3 years, carefully reviewed, carefully studied, all of the environmental impact analysis done—would lead to all kinds of economic development for this country and job creation in many of the States that are impacted.

Our State of South Dakota happens to be one of those. The pipeline tra-

verses South Dakota as it heads down to refineries in other places in the country. But it would benefit my State by generating significant amounts of State and local tax revenue, revenue that is much needed by many of the local jurisdictions: school districts, counties, municipalities in the State of South Dakota.

So there is a tremendous benefit to the construction of this pipeline to the various States that are impacted simply as a result of the additional tax revenue that would be raised by it. Add to that, in my State of South Dakota, the hundreds of jobs that would be created, the half billion dollars of economic activity that it would generate—and this is very clear, from the State of South Dakota's standpoint, which is why I believe our Governor has weighed in behind this project, that this is something that ought to at least be decided. There is no reason why, no rational reason why, no logical reason why this project would be delayed for 18 months simply to get past the next election.

All of the work has been done. It seems to me at least there ought to be a decision made. We are talking about a \$7 billion investment in this country and partly in Canada to get from where the oil sands are to get the oil to the refineries in the United States. If we look at the overall, as I said, economic impact, number of jobs created, it is pretty impressive—20,000 jobs, I think, is the estimate that it would create in this country.

Those are jobs that, frankly, many of these States could certainly benefit from. Not to mention the fact that we are doing business with someone who is favorable and friendly to us. Canada is our biggest trading partner. I think we do about \$640 billion annually in bilateral trade with Canada. Canada is a country with which we have a very good, strong trading relationship. It strikes me at least that if we are going to get oil from somewhere, it makes sense to get it from a country such as Canada as opposed to some of the other countries around the world that are much less friendly to the United States.

In fact, the Keystone XL Pipeline would transport daily about 700,000 barrels of oil that would come through that pipeline. That is the equivalent of the amount that we get on a daily basis from Venezuela.

So if you are thinking about getting 700,000 barrels of oil from somewhere in the world, would it not make more sense to get it from Canada as opposed to Venezuela? I think in terms of what it does for our energy independence, for our energy security, dealing with a friendly nation, and making it more possible for our country to become less dependent upon foreign countries for this energy we need, it strikes me that at least this particular project makes a lot of sense.

You have not only the economic impact, in terms of the activity it would create in the various States that would be impacted by it, the number of jobs created—as I said, 20,000 jobs is the estimate, with a \$7 billion initial investment—and all the tax revenue generated for State and local government along the way, but wouldn't it be nice if the United States got into the situation where we were actually an energy exporter?

Believe it or not, this is the first year in the last 62 years—and this is according to a story that ran in the Wall Street Journal yesterday—according to data released by the U.S. Energy Information Administration on Tuesday, the United States has sent abroad 753.4 million barrels of everything from gasoline to jet fuel in the first 9 months of this year, while it imported 689.4 million barrels. That means that, for the first time in 62 years, in 2011—if this trend continues—and it looks as though it will—we will have exported more energy than we imported. We are still a net importer of petroleum, or oil. Hopefully, we can change that in the future by developing these resources we have in this country, one of which is the Bakken Reserve in North Dakota, which is generating enormous amounts of oil for this country. So we are still a net oil importer.

In terms of refined gasoline and other products—refined energy—for the first time in 62 years, in 2011, we may be a net exporter of energy. I think that is an amazing data point, and it suggests this is something that could benefit enormously the American economy. Well, in order for that to happen, we have to have those resources we can get from the oil sands in Canada and bring them into the United States, where they are refined here and then either used here or sent abroad. But it is a way we can generate additional economic activity and jobs for our economy.

This is a quote from the Global Director of Oil, which tracks energy markets. He said this trend we are going to see this year, 2011—again, first time in 62 years we will be a net exporter of energy—he says it looks like a trend that could stay in place for the rest of the decade. That is a remarkable change in terms of the flow of energy from this country. The last time we were a net exporter of energy was during World War II and shortly thereafter. It has been over 60 years.

That is what a project such as this could do for our country—not just the immediate impact on those States through which this pipeline would traverse, in terms of the tax revenue that would be generated for State and local governments, but you also have the economic activity it creates in those States, the jobs it creates in those States, and what it does in order to move us increasingly away from dependence upon other countries in the

world with whom we have, at best, shaky relationships to start with.

Doing business with our largest trading partner—a country with which we do enormous amounts of trade every single year—seems to me at least to be a much better solution to this country's energy needs than is getting that same amount of energy from other countries around the world.

Madam President, 700,000 barrels a day is what the pipeline would transport into this country. That is the equivalent that we get on a daily basis from Venezuela. This is a project that ought to be decided. Whether it is decided affirmatively—obviously, as you can tell, I believe it should be. There are people in South Dakota who are opposed to this. There have been ample opportunities for public forums and hearings for people to comment on it. There have been lots of opportunities for those opposed to it to weigh in.

Notwithstanding that, again, all the analyses have been done, the review done, and the studies are now completed, and they have indicated there is no reason for this not to move forward—particularly given the fact that the State of Nebraska has negotiated with TransCanada, the builder of the pipeline, an agreement that would take it in a different direction through that State. All those hoops have been gone through, and the hurdles have been cleared. There isn't a reason why this should be delayed another 18 months until after the next Presidential election—other than, purely and simply, for political reasons.

I hope we will be able to get good, strong support in the Senate for this legislation that would allow this to be decided in a more immediate timeframe. As I said, right now, the administration has punted until after the next election, 18 months down the road. This legislation would enable this to be decided in the next couple of months—the next 60 days or so—subject, obviously, to some requirements that are in there—obviously, the strongest environmental requirements. But all that having been reviewed and having been accomplished, it is time for a decision on this important project.

I hope we can get strong support in the Senate for this legislation. It has been introduced by a number of my colleagues, including the Senator from North Dakota, Senator HOEVEN, Senator JOHANNES from Nebraska, Senator MURKOWSKI from Alaska, and a number of others. I am a cosponsor. At last count, I think it has somewhere along the lines of 37 or 38 cosponsors. Incidentally, it passed in the House of Representatives already. So there is a vehicle out there that has passed one body of Congress. It is my hope we will be able to get action here in the Senate, and that it might be something we can do that would have an immediate impact on jobs.

We always talk about shovel-ready projects. This is a shovel-ready project. This is ready to go. They are ready to start construction of this project. It has been through in the last 3 years all of the process this government can require it to go through in order to make sure this project should move forward.

I think it is important for this body to act on this legislation and allow us to get to where we can get a decision on this project that will lead to more economic activity, more economic impact, more jobs for Americans, more energy security for this country, and hopefully, at the end of the day, a lessening of the dangerous dependence we have on foreign sources of energy, which we want to get away from. I think it is a win-win. I congratulate the sponsors of the legislation for the thoughtful way they have considered this and put this legislation together. I hope it gets consideration in the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

THE ECONOMY

Mr. NELSON of Florida. Mr. President, here we are, stuck again, and I want to speak just a little bit about getting this country moving again and getting Americans earning again.

This great country of ours has endured a lot. We have endured despite the Civil War, the Great Depression, the two World Wars we have been in, the assassination of leaders, and the slaughter of innocents by terrorists. This great Nation of ours has confronted racism and civil unrest and political scandal at all levels, and always we have endured.

In the throes of the Great Depression, the words of President Roosevelt reassured most Americans when he said:

This great Nation will endure as it has endured. It will revive and it will prosper.

Today, we are once again walking a rugged path, and the most recent example of the failure of the supercommittee has been the latest crash caused by super-rigid ideology and hyper-political partisanship. Truth be told, we are in a most difficult time in our Nation's economic life—still facing a decision of how to pay for an enormous debt. We owe this money mostly due to the misconduct of the money changers, the misuse of the Tax Code that favors special interests, and years of excessive spending. Yet there are Members of this Congress who propose we should first not address those underlying

causes, and that those most responsible should not even have to pay their fair share toward reducing the debt.

Instead, they propose we first take away from Social Security savings and Medicare health coverage for the elderly, and that we pull back the hand this Nation compassionately extends to those among us who are less fortunate. That would seem somewhat to erase all the progress we have made since those words of President Roosevelt by declaring war not on poverty but on the poor, the middle class, and the elderly.

Because a host of our citizens face the grim problems of unemployment, the loss of their homes, and depletion of their savings, this Congress should fight any measure that unfairly inflicts pain on those least responsible for our present economic condition. The American people deserve a lot from their Congress. They deserve honesty. They expect us to work together, and they want action that is evenhanded.

So as we move forward, I hope all my colleagues in the Senate and in the House will be guided by the words of a young President Kennedy, who said:

Let us not seek the Republican answer nor the Democratic answer—but the right answer.

In this spirit, can't we work to pull our Nation out of its financial doldrums? Can't we just ask: What is the right thing to do?

Is it right that household income for the average American is actually in decline? Is it right that a hedge fund manager pays a lower tax rate than the person who cleans his office? Is it right that an oil company gets to write off \$11 billion on its tax return because it polluted the Gulf of Mexico? Is it right that the Congress cannot agree on a deficit reduction plan because of partisan politics?

The American people know what is right and they know what is not right. If we could just for 1 minute put all this partisanship aside and do what is right, then we might be able to balance our Nation's books to get this country moving again and to get Americans employed and earning again. While we are at it, we might just restore the American public's confidence in our government.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask that I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL CRISIS

Mr. SESSIONS. Mr. President, our country is facing a very serious financial crisis.

We have seen what happened in Europe. We had some numbers on the stock market for a while. But if I understand what happened, there was a very real crisis facing the Europeans, and at the very last moment they took some action that was received positively.

But they are not out of the woods yet and neither are we. Our debt is surging. We have gone from 5 years ago a \$161 billion deficit to a \$450 billion deficit in President Bush's last year to \$1.2 trillion in President Obama's first year, \$1.3 trillion in President Obama's second year, \$1.2 trillion this year, and over \$1 trillion predicted in deficits next year.

We are going to have a proposal that comes before us to provide a payroll holiday, and it is sold as avoiding a tax increase. That is what the President says it is; we are avoiding a tax increase. So we ought to ask ourselves exactly how that is so and if it is so. Let me just say, I don't think that is accurate.

Two years ago, there was an employer payroll tax holiday that went only to the employer. It cost the Treasury \$7.6 billion. Last year, as part of the final compromise, a bipartisan compromise, it was agreed that there would be a 2-percent tax holiday for working persons. So instead of paying 6-plus percent on your withholding tax, you would pay 4. That cost \$111 billion for that year.

So the President said: If we don't extend that, we are going to have a tax increase. But is he accurate? No, not really. This year's proposal would be to reduce not the 4 percent but the 3.1 percent, cutting the 6.2 withholding to 3.1 for the employer and for the employee, and it would cost in 1 year \$265 billion—\$265 billion that would not be going into the Social Security trust fund so that those who retire would have the retirement funds they have been promised. It would not go there. It weakens Social Security, the integrity of the system, in my opinion.

But we are told not to worry, the U.S. Treasury will replace this \$265 billion with Treasury money. But the problem is, the Treasury doesn't have any money. The Treasury is already in debt. The Treasury is going to add another \$1 trillion to the deficit this year. So now it is going to be added to—\$265 billion more in one fell swoop, in one bill, right here at the end of the session. If you don't vote for it, the President says, you are raising taxes on the American people. That is not an accurate statement.

In an economic sense, in my opinion, the real essence of this is the U.S. Treasury will borrow \$265 billion. Then, it will direct the Social Security Ad-

ministration to send that money out in the form of a reduced withholding amount to be paid by workers. It is a direct borrow and it is a direct delivery of money and it uses Social Security trust fund moneys as a vehicle to transfer the money. In an economic sense, it borrows \$265 billion to spend.

How much is \$265 billion? The supercommittee, the committee of 12, was trying to find \$1,200 billion in savings over 10 years—not 1 year, 10 years. This one bill, this one proposal of \$265 billion would be spent this 1 year.

To achieve the committee of 12's goal, they would simply have needed to have cut \$120 billion a year for 10 years out of the entire Federal Government. They failed. Immediately now, the President and our majority leader are demanding this Congress pass an expenditure—unexpected, not before done; nothing like such a large expenditure ever has come out of Social Security—to spend another \$265 billion. How will we ever get our house in order? I wish I could figure out a way to be supportive. I don't see how I can be.

I am pleased the Republicans are trying to work up a bill that would not cost as much as \$265 billion and some way to pay for it. But, in truth, if we are going to be able to cut spending to pay for any kind of new expenditure, wouldn't we be better to do what the committee of 12 tried to do: cut spending to reduce the debt? Shouldn't we be seeking ways, if we are going to raise taxes, to use those taxes to pay down the debt, instead of taking 10 years under the President's plan in a new tax that takes 10 years of that tax to pay for this 1 year's expenditure? That is what the proposal is.

I would say to my colleagues, this goes beyond partisan politics. This gets to the point: Are we in control of the Treasury and the spending of the United States of America? Can we defend what we are doing?

Don't think that is the only thing that is going to come up. I am the ranking Republican on the Budget Committee. We look at these numbers. This also will be taken care of in December, count on it: We are going to deal with the alternative minimum tax. That is going to cost \$50 billion. We are going to deal with unemployment insurance, an additional \$70 billion to extend those payments beyond 90-some-odd weeks. We are going to fix the doctors payment, because we have to. We can't cut the doctors that much, \$21 billion. We are going to extend most, if not all, of the tax extenders we call them, \$90 billion. The total is \$500 billion.

Some of this we have been expecting to take care of. But we weren't expecting or planning in any way to have a continuation of the payroll holiday that is going to cost \$265 billion. I just would say to my colleagues, when are

we going to think more rationally about it?

I just heard: How are we going to pay for the AMT, unemployment insurance, doctors payments, and the tax extenders? Somebody said: We are going to count the savings from the war. The Congressional Budget Office will show a decline in expenses for the Iraq and Afghanistan war will be a savings. We can spend that. That is fraudulent, that is a gimmick, and it should not be acceptable.

Everybody knows the war costs are going to be coming down and we have been planning for that. We can't assume that money is available to spend willy-nilly. We were bringing the war costs down to bring the debt down, not to fund new spending. We need to bring the war costs down to try to reduce our debt and our deficit, not to fund new spending. But that is how they are going to do this, I have been told. I am not surprised because there is no other way they are going to do it.

I just would share that. We will be voting in a little bit on this issue. I don't know what the answer is. I don't know how to fix our problems, but I know one thing. We remain in denial. Our country is in greater debt crisis than we realize. Mr. Erskine Bowles and Alan Simpson of President Obama's debt commission say we are facing the most predictable financial crisis in our Nation's history as a result of our debt, and we need to get serious about how to fix it.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEING ALAN GROSS

Mr. CARDIN. Mr. President, I rise to address the human rights issue of deep concern.

For 2 years, since December 3, 2009, an American citizen and a Marylander, Alan Gross, has been imprisoned by the Cuban Government. For 2 years, he has been held by the Cuban authorities.

Alan was in Cuba to help the country's small Jewish community establish an Internet and improve its access to the Internet, which would allow the community to go online without fear of censorship or monitoring.

After being held for 14 months without charge and then a cursory 2-day trial, he was convicted and sentenced to 15 years in prison. His appeal to the Cuban supreme court was denied in August of this year.

Alan Gross is a caring husband and a father, a devoted man who has dutifully promoted U.S. foreign policy interests while serving the needs of thousands of foreign citizens, from Afghanistan to Haiti, over a career that has spanned more than 25 years of public service.

Unfortunately, Alan has been caught in the middle of a conflict between two nations with a long and difficult relationship. But it is entirely unacceptable that his personal freedoms have been violated every day he continues to be incarcerated.

Alan's health has deteriorated during his imprisonment. He has lost 100 pounds and suffers from a multitude of medical conditions, including gout, ulcers, and arthritis, that have worsened without adequate treatment.

Last night, I had a chance to talk to his wife Judy, who had a chance to visit with her husband in Cuba earlier last month. Judy informs me that Alan Gross's health conditions are deteriorating and that he is in need of adequate health care. In addition, his mother and daughter are both struggling with serious health care issues, and his wife is struggling to make ends meet.

The Gross family should not have to suffer through such a trying period of time without Alan for support. Sentencing Alan Gross to 15 years behind bars also sentences his family to 15 years without a husband, father, and son. There is no reason for the Gross family to continue to suffer the consequences of political gamesmanship any longer. I urge the Cuban Government to remember that this is a real man and a family who are suffering.

I have already written the Cuban Government urging them, in the strongest possible manner, to immediately and unconditionally release Alan Gross. His continued imprisonment is a major setback in our bilateral relations, and it is unlikely any positive steps to improve that relationship can or will happen while he remains in prison.

As a Senator and as a Marylander and as a fellow human being, I urge the Cuban Government to see Alan Gross, who has dedicated his life to serving others, for who he is—a man who believed he was helping others by stepping in when he saw a need. Enough is enough. I call on the Cuban Government to release Alan Gross immediately and to allow him to return to his family.

Ms. MIKULSKI. Mr. President, Mr. Gross has worked with Cuban communities for many years. In 2009, he was working with USAID to assist Cuba's Jewish community by improving their access to the Internet. As a former social worker who has worked for 25 years in international development, he has a long record of helping people around the world to improve their lives.

He was arrested and held without charge for 14 months and later sentenced to 15 years for crimes against the state.

Mr. Gross is in failing health. He has lost 100 pounds and suffers from arthritis. He is being held in harsh conditions on trumped-up charges.

His family in Maryland has had very limited contact with him. They, too, have faced health challenges and are facing significant financial hardships.

I was hopeful that America and Cuba could move closer together—in trade, in community connections, and for individual families who have been separated. I thought these links would help open up Cuba, improve human rights, and enable their country to move toward democracy. Yet the case of Mr. Gross shows that Cuba is not serious about moving forward—for its own people or for its relations with the United States.

If Cuba wants to improve relations with the United States, they need to release Mr. Gross now. I will not support easing restrictions or sanctions on Cuba until Mr. Gross is allowed to come home to Maryland. I thank my colleagues for joining me in standing up for Alan Gross and urge the Government of Cuba to release him immediately.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that upon the conclusion of the postcloture time, the pending germane Feinstein amendment, No. 1126, be the pending business; that the Senate proceed to vote in relation to the following Feinstein amendments in the order listed: Feinstein amendment No. 1126, Feinstein amendment No. 1456; that there be 2 minutes equally divided in the usual form prior to the second vote—there will be more time than that prior to the first vote; that no amendment be in order to either amendment prior to the votes, and that all postcloture time be considered expired at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, for the benefit of our colleagues, after spirited discussions for a long period of time we have reached a compromise with the Senator from California on language concerning detainees and there are certain Members on my side who wanted a vote on the original amendment as written. We modified it, so that there will be a vote on the original Feinstein amendment and then on the one which is modified by agreement among most of the people involved. There may be some who will still oppose it, but we have reached an agreement among the Senator from California, the chairman, myself, the Senator from Idaho, the Senator from South Carolina and oth-

ers, that I think will be agreeable to the majority of the Members.

I suggest to my friend, the chairman, that when the vote starts at 6, perhaps we can line up the other remaining amendments, on some of which we hope to get voice votes, some of which will require recorded votes, as is the procedure under postcloture.

Mr. LEVIN. Mr. President, this has not yet been ruled on. I want to modify very slightly what I said in the unanimous consent request. I said that the Senate proceed to votes in relation to the following Feinstein amendments. I should have said the Senate proceed to votes on the Feinstein amendments in the order listed.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I have two other unanimous consent requests before we turn this over to the Senator from California. I ask unanimous consent that it be in order to make a point of order en bloc against the list of amendments in violation of rule XXII that is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the points of order are sustained and the amendments fall.

The nongermane amendments are as follows:

Amendments Nos. 1255, 1286, 1294, 1259, 1261, 1263, 1296, 1152, 1182, 1184, 1147, 1148, 1204, 1179, 1137, 1138, 1247, 1249, 1248, 1118, 1117, 1187, 1211, 1239, 1258, 1186, 1160, 1253, 1068, 1119, 1089, 1153, 1154, 1171, 1173, 1099, 1100, 1139, 1200, 1120, 1155, 1097, 1197; as being dilatory: No. 1174: as being drafted in improperly: No. 1291

Mr. MCCAIN. Mr. President, in the minutes remaining between now and 6 p.m. I hope we could roughly divide time on the amendment between the two sides.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I would hope and I ask the time between now and 6 o'clock be divided between the two sides. We will yield immediately to Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I have one more unanimous consent.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1290 AND 1256 WITHDRAWN

Mr. LEVIN. I ask unanimous consent that the following amendments be withdrawn: Rubio amendment No. 1290 and Merkley amendment No. 1256.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are withdrawn.

AMENDMENT NO. 1126

Mr. LEVIN. I thank the Presiding Officer and all those who have been involved in working out this approach that allows us now to vote on two

amendments, the original Feinstein amendment that is pending, plus an alternative which I think, hopefully, will command great support.

Mr. MCCAIN. I ask how much time is remaining?

The PRESIDING OFFICER. Eight minutes on each side.

Mr. MCCAIN. I wish to give 3 minutes to the Senator from South Carolina, preceded by 2 minutes from the Senator from Idaho, and 2 minutes for the Senator from New Hampshire if she arrives.

Mrs. FEINSTEIN. Shall I go first?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to explain what has happened this long afternoon. Originally some of us, namely Senators LEAHY, DURBIN, UDALL of Colorado, KIRK, LEE, HARKIN, WEBB, WYDEN, MERKLEY, and myself, realized that there was a fundamental flaw in section 1031 of the bill. There is a difference of opinion as to whether there is this a fundamental flaw. We believe the current bill essentially updates and restates the authorization for use of military force that was passed on September 18, 2001. Despite my support for a general detention authority, the provision in the original bill, in our view, went too far. The bill before us would allow the government to detain U.S. citizens without charge until the end of hostilities. We have had long discussions on this.

The disagreement arises from different interpretations of what the current law is. The sponsors of the bill believe that current law authorizes the detention of U.S. citizens arrested within the United States, without trial, until "the end of the hostilities" which, in my view, is indefinitely.

Others of us believe that current law, including the Non-Detention Act that was enacted in 1971, does not authorize such indefinite detention of U.S. citizens arrested domestically. The sponsors believe that the Supreme Court's Hamdi case supports their position, while others of us believe that Hamdi, by the plurality opinion's express terms, was limited to the circumstance of U.S. citizens arrested on the battlefield in Afghanistan, and does not extend to U.S. citizens arrested domestically. And our concern was that section 1031 of the bill as originally drafted could be interpreted as endorsing the broader interpretation of Hamdi and other authorities.

So our purpose in the second amendment, number 1456, is essentially to declare a truce, to provide that section 1031 of this bill does not change existing law, whichever side's view is the correct one. So the sponsors can read Hamdi and other authorities broadly, and opponents can read it more narrowly, and this bill does not endorse either side's interpretation, but leaves it to the courts to decide.

Because the distinguished chairman, the distinguished ranking member, and the Senator from South Carolina assert that it is not their intent in section 1031 to change current law, these discussions went on and on and they resulted in two amendments: our original amendment, which covers only U.S. citizens, which says they cannot be held without charge or trial, and a compromise amendment to preserve current law, which I shall read:

On page 360, between lines 21 and 22, insert the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens or lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

I believe this meets the concerns of the leadership of the committee and this is presented as an alternative. There are those of us who would like to vote for the original amendment, which I intend to do, as well as for this modifying amendment. They will appear before you as a side-by-side, so everyone will have the chance to vote yea or nay on the original or yea or nay on the compromise. As I said, I would urge that we vote yes on both.

This is not going to be the world as we see it postvote, but I will tell you this, the chairman and the ranking member have agreed that the modified language presented in the second vote will be contained in the conference; that they will do everything they can to contain this language in the conference.

In the original amendment—the original amendment—which affects only U.S. citizens, that is not the case. They are likely to drop that amendment. So I wish to make the point by voting for both, and I would hope others would do the same. I think a lot has been gained. I think a clear understanding has been gained of the problems inherent in the original bill. I think Members came to the conclusion that they did not want to change present law and they wanted to extend this preservation of current law not only to citizens but to legal resident aliens as well as any other persons arrested in the United States. That would mean they could not be held without charge and without trial. So the law would remain the same as it is today and has been practiced for the last 10 years.

I actually believe it is easy to say either my way or the highway. I want to get something done. I want to be able to assure people in the United States that their rights under American law are protected. The compromise amendment, which is the second amendment we will be voting on, does that. It provides the assurance that the law will remain the same and will not affect the right of charge and the right of trial of any U.S. citizen, any lawful legal alien or any other person in the United

States. We have the commitment by both the chairman and the ranking member that they will defend that in conference.

There are those who say I wish to just vote for the original amendment. That is fine. I am not sure it will pass. I don't know whether it will pass, but in my judgment, the modification is eminently suitable to accomplish the task at hand and has the added guarantee of the support of the chairman, the ranking member in a conference committee with the House, which I think is worth a great deal. They have given their word, and I believe they will keep it. This RECORD will reflect that word.

AMENDMENT NO. 1456

I call up my amendment No. 1456, which is the modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1456.

Mrs. FEINSTEIN. I ask unanimous consent that the reading of the amendment be dispensed with.

There are others who wish to speak.

The amendment is as follows:

On p 360, between lines 21 and 22, insert the following:

(e) Nothing in this section shall be construed to affect existing law or authorities, relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

I will yield the floor.

Mr. LEVIN. How much time is there on our side?

The PRESIDING OFFICER. One minute.

Mr. LEVIN. I wanted to have a couple minutes. I wonder if Senator MCCAIN is here, if there is an objection to extending this by 10 minutes. Is there objection? I am not going to do that without him here.

Madam President, if the other side is ready to go, they can start using the time on their side.

Mr. GRAHAM. How much time do we have?

The PRESIDING OFFICER. Eight minutes. You were allotted 3 minutes.

Mr. GRAHAM. Will the Chair warn me when I use 2 minutes.

The PRESIDING OFFICER. Yes.

Mr. GRAHAM. To Senator FEINSTEIN, I do believe the second provision is where we want to be, at least from my point of view. To my colleagues, I never intended by 1031 to change the law imposing a greater burden on American citizens or more exposure to military detention, nor did I wish to have additional rights beyond what exist today. The problem I have with Senator FEINSTEIN's amendment is it says the authority in this section for the Armed Forces of the United States to detain a person does not include the

authority to detain a citizen of the United States without trial until the end of hostilities.

Here is my concern. When you tell a judge, as a defense attorney: I want my client's rights preserved regarding a civilian trial guaranteed in this section—and the end of hostilities could be 30 years from now—Your Honor, if these rights mean anything, they need to attach now—if the civilian rights attach immediately upon detention, what I think would be a problem is that the military interrogation is lost. American citizens are not subject to a military commission trial. A lot of people on my side didn't like that.

I do want to make sure American citizens go into article III courts, but the law has been since World War II, if a person joins the enemy, even as an American citizen, they are subject to being detained for interrogation purposes. That is my goal and that has always been my goal. We can detain an American who has sided with al-Qaida, if they are involved with hostile acts, to gather intelligence, and that is a proper thing to have been doing. It was done in World War II when American citizens helped the Nazis. If an American citizen wants to help al-Qaida involved in a hostile act, then they become an enemy of this Nation. They can be humanely detained, and that is my concern about the Senator's amendment; that it would take that away.

We have common ground on the second amendment, and at the end of the day, the Senate has talked a lot about different things. This has been a discussion about something important and I, quite frankly, enjoyed it.

I yield my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. First of all, let me say I think there has been an adequate compromise that has been reached, and we are to have a side-by-side to vote on which will give everybody the opportunity to express themselves. Let me say that every single one of us on this floor has a goal to protect the rights of U.S. citizens.

This country was founded by people who had just gone through some very difficult times with a government that was very oppressive on them, and they wrote the Constitution specifically to protect themselves and to protect individuals from the government. Those constitutional provisions today are as good as they were then. Every single one of us wants to see that American citizens are protected; that is, protections that take place in the case of criminal cases.

In the case of a war, in the case where a U.S. citizen joins enemy combatants and fights against the United States, there is a different standard—although a delicate division—that exists. If we look at the provisions of sec-

tion 1031, where covered persons are defined, it is very clear it applies only to people who participated in the September 11, 2001, attack on the United States, and it applies to people who are part of it or who have substantially supported al-Qaida and the Taliban or its associated forces and have actually committed a belligerent act or have directly participated in the hostilities.

This is drawn very carefully and very narrowly so a U.S. citizen can—as my good friend from Kentucky always says—be able to file a writ of habeas corpus in the U.S. district court and have the U.S. district judge determine whether a person is actually an enemy combatant. If that U.S. district judge turns it down, that person does not necessarily go free. The U.S. Government can then charge them with treason or any one of a number of crimes, but they will be tried in the U.S. district court.

On the other hand, if they are found to be an enemy combatant by a U.S. district judge whose decision is reviewable by the circuit court and if the Supreme Court chooses—by the Supreme Court, if they are found to be the enemy combatant, then they will, indeed, be subject to this.

So this has been very narrow. People who are watching this and who are concerned about the civil liberties of U.S. citizens, as I am, as people in Idaho are, as people in every State in America are, under those circumstances, those people will be well protected. We will have the amendment here that everybody will have the opportunity to express themselves on.

I will yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I would ask that there be 5 additional minutes, evenly divided, so we could have 3 minutes left on our side. I would split that with the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. We have no objection.

Mr. LEVIN. Mr. President, we are soon going to be voting on two amendments. The first amendment that is proposed, the first Feinstein amendment restricts the authority that was available and is available currently to the President of the United States under the laws of war. That authority is if an American citizen joins a hostile Army against us, takes up arms against us, that person can be determined to be an enemy combatant. That is not me saying that; that is the Constitution. That is the Supreme Court of the United States in the Hamdi case: "There is no bar to this Nation's holding one of its own citizens as an enemy combatant."

The problem with the Feinstein amendment is that current authority of the President to find and designate an American citizen who attacks us,

who comes to our land and attacks us as an enemy combatant would be restricted. We should not restrict the availability of that power in the President. Now we have an alternative. In the second Feinstein amendment, which I ask unanimous consent to be a cosponsor of—

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. In the second amendment, we have an alternative because now it would provide the assurance that we are not adversely affecting the rights of the U.S. citizens in this language. Senator MCCAIN, Senator GRAHAM, and I have argued on this floor that there is nothing in our bill—nothing which changes the rights of the U.S. citizens. There was no intent to do it, and we did not do it.

What the second Feinstein amendment provides is that nothing in this section of our bill shall be construed to affect existing law or authorities relating to the detention of the U.S. citizens or lawful resident aliens of the United States or any other persons who are captured or arrested in the United States. It makes clear what we have been saying this language already does, which is that it does not affect existing law relative to the right of the executive branch to capture and detain a citizen. If that law is there allowing it, it remains. If, as some argue, the law does not allow that, then it continues that way. We think the law is clear in Hamdi that there is no bar to this Nation holding one of its own citizens as an enemy combatant, and we make clear whatever the law is. It is unaffected by this language in our bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleagues, Senators GRAHAM and LEVIN, and particularly Senator FEINSTEIN for working so hard to come to an agreement on section 1031. I was concerned that the United States would, for the first time in the history of this country, with the original language, authorize indefinite detention in the United States. But we have agreed to include language in this bill with the latter amendment that makes it clear that this bill does not change existing detention authority in any way.

It means the Supreme Court will ultimately decide who can and cannot be detained indefinitely without a trial. To this day, the Supreme Court has never ruled on the question of whether it is constitutional to indefinitely detain a U.S. citizen captured in the United States. Some of my colleagues see this differently, but the language we have agreed on makes it clear that section 1031 will not change that law in any way. The Supreme Court will decide who will be detained; the Senate will not.

I ask unanimous consent to be added as a cosponsor to the second pending amendment by Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired on the majority side.

Mr. GRAHAM. How much time do we have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. GRAHAM. Mr. President, I would like to take the opportunity to end what I think has been a very good debate. Senator FEINSTEIN—and I know she is busy—said something on the floor that I wish to reiterate: that the second amendment which Senator DURBIN just suggested we have reached a compromise on, I am fully committed to making sure it stays in the conference report. Some folks in the House may have a problem, but I think it is good, sound law.

The goal for me has never been to change the law, to put an American citizen more at risk than they are today. It is just to keep the status quo and acknowledge from the point of view of the Congress that the Obama administration's decision to detain people as enemy combatants lies within the President's power to do so. The Court has said in *In re Quirin* and in the *Hamdi* case that at a time of war the executive branch can detain an American citizen who decides to collaborate with the Nazis, as well as al-Qaida, as an enemy combatant. They can hold them for interrogation purposes to collect intelligence. We don't have to take anybody into court and put them on trial because the goal is to protect the Nation from another attack.

The law also says no one, including an American citizen, can be held indefinitely without going to an article III court. Every person determined to be an enemy combatant by the executive branch has to have their case presented to an independent judiciary, and the government has to prove to a Federal judge by a preponderance of the evidence that they fall within this narrow exception. The government has lost about half the cases and won about half the cases.

My concern with Feinstein 1 is that it would change the law; that the law would be changed for the first time ever, saying we cannot hold an American citizen who has collaborated with the enemy for intelligence gathering purposes. I think homegrown terrorism is growing. If an American citizen left this country and went to Pakistan, got radicalized in a madrassah, came back and started trying to kill Americans, I think we should have the authority to detain them as with any belligerent, just like in World War II, and gather intelligence as to whether somebody else may be coming.

So that is what I want to preserve. With all due respect to Senator FEIN-

STEIN, I think her first amendment very much puts that in jeopardy. It is going to be confusing, litigation friendly, so let's just stay with what we believe the law is.

As to Senator DURBIN, he has one view, I have another, but we have a common view; that is, not to do anything to 1031 that would change the law. The ultimate authority on the law is not LINDSEY GRAHAM or DICK DURBIN, it is the Supreme Court of the United States. That is the way it should be, and that is exactly what we say here. We are doing nothing to change the law when it comes to American citizen detention to enhance it or to restrict whatever rights the government has or the citizen has. I think that is what we need to say as a nation.

One last word of warning to my colleagues, the threats we face as a nation are growing. Homegrown terrorism is going to become a greater reality, and we need to have tools. Law enforcement is one tool, but in some cases holding people who have decided to help al-Qaida and turn on the rest of us and try to kill us so we can hold them long enough to interrogate them to find out what they are up to makes sense. When we hold somebody under the criminal justice system, we have to read them their rights right off the bat under the law or we don't because the purpose is to gather intelligence. We need that tool now as much as at any other time, including World War II.

Thank you all for a great debate. I hope we can vote no on Feinstein 1 and have a strong bipartisan vote on Feinstein 2.

With that, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRAHAM. If anybody wishes to speak, speak now.

All time is yielded back.

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 1126 offered by the Senator from California.

Mr. LEVIN. Could I just interrupt with a unanimous consent request that prior to each vote there be 2 minutes of debate equally divided in the usual form and that it start with the vote after this one.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 1126.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—45

Akaka	Franken	Moran
Baucus	Gillibrand	Murray
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Paul
Boxer	Johnson (SD)	Reid
Brown (OH)	Kerry	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Kohl	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Tester
Collins	Lee	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Wyden

NAYS—55

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Portman
Begich	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Risch
Boozman	Inouye	Roberts
Brown (MA)	Isakson	Rubio
Burr	Johanns	Sessions
Chambliss	Johnson (WI)	Shelby
Coats	Klobuchar	Snowe
Coburn	Kyl	Stabenow
Cochran	Landrieu	Thune
Corker	Levin	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Whitehouse
DeMint	Manchin	Wicker
Enzi	McCaIn	
Graham	McConnell	

The amendment (No. 1126) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1456

The PRESIDING OFFICER (Mr. UDALL of Mexico). Under the previous order, there will be now be 2 minutes of debate equally divided prior to a vote on amendment No. 1456 offered by the Senator from California, Mrs. FEINSTEIN.

The majority leader is recognized.

Mr. REID. I ask unanimous consent that all votes relating to the Defense authorization bill be 10 minutes in duration, including final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, a number of my colleagues have asked where we are. We are going to have probably three or four more rollcall votes, hopefully including final passage. There is also a package—and everyone should listen to this because at least 70 of us are affected. There is a package of about 70 amendments which have been cleared. However, as of the moment, there is an objection to that package being adopted.

When I say the package has been cleared, what I am saying is there has been no objection to the substance of any of those 70 amendments. If there was an objection to the substance, they would not be cleared. So there is no objection to the substance of those approximately 70 amendments, but you

should be aware, because most of us have amendments in that cleared managers' package, that unless that objection is removed, we cannot get that package adopted tonight.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wonder if I might be able to make a few comments.

This amendment is a compromise amendment. I think it is actually a very good amendment. I want to thank the chairman of the committee, the ranking member, and Senator GRAHAM, who participated in a rather lengthy discussion, and this is the result.

The amendment—I will read it. It says:

Nothing in this section shall be construed to affect existing law or authority relating to the detention of United States citizens or lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

There is a commitment from both the chairman and the ranking member and Senator GRAHAM that they will defend this amendment in conference. So I hope everyone will vote for it because essentially it just supports present law, whether one supports the broad interpretation of present law, or one supports a more narrow interpretation of present law. There is no change in law.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I very much support this amendment, I am a cosponsor, and I hope we can all vote for it. This does what we said—those of us who wrote this bill—the bill does and does not do all along. It does not change current law. This amendment reinforces the point that this bill does not change current law relative to this section of this bill. The section of this bill does not change current law relative to the detention of people in the United States.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not repeat what the chairman said except that I would like to thank Senator FEINSTEIN for her willingness to sit down and negotiate with us, and Senator DURBIN, who has been a passionate advocate. I would also like to thank all of the people who came to the floor so often. I think the Senate is a better institution as a result of the debate, and I am sure the Senate and the American people are much better informed on this very important national security aspect of this bill.

I thank my colleagues. I urge an aye vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—99

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kerry	Schumer
Carper	Kirk	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—1

Kyl

The amendment (No. 1456) was agreed to.

AMENDMENT NO. 1414

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote on amendment No. 1414, offered by the Senator from New Jersey, Mr. MENENDEZ, and the Senator from Illinois, Mr. KIRK.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, the Menendez-Kirk bipartisan amendment is sponsored by over half of the Members of the Senate. It makes it very clear that the Treasury Department's own determination under the PATRIOT Act that the Iranian Central Bank is the central source for money for Iran's nuclear march toward a nuclear weapon needs to be addressed. That is exactly what we do in this amendment. It creates the maximum effort against the Iranians, and it ensures that we do not have any oil disruption as a result of those sanctions by giving the President the opportunity to make a determination that there are sufficient oil supplies so as not to create a disruption, and it gives him in addition a national security waiver.

This is the maximum opportunity to have a peaceful diplomacy tool to stop Iran's march to nuclear weapons.

I urge my colleagues to give it a strong bipartisan vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I support the amendment. I think this amendment is vital at this time to send a strong signal to Iran, which recently tried to pull off the assassination of the Saudi Ambassador here in Washington, DC. It is long overdue, and it is too bad that the United States has to do it by ourselves rather than having the U.N. Security Council act. This is a strong amendment. I think it is very important and, again, I strongly support it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, this Menendez-Kirk amendment is a strong, bipartisan amendment. Over half of the Senate has formally cosponsored it. I urge its adoption, especially after the bomb plot in Washington, DC, the IAEA report on nuclear development in Iran, and the overrunning of our British ally's embassy site by Iran 2 days ago.

I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—100

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

The amendment (No. 1414) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if we have this consent agreement that I am going

to ask in just a second, we will have four votes remaining for the evening, and that would be all. We will be in session tomorrow. We have some things we need to do procedurally, but there shouldn't be any votes tomorrow.

Mr. President, I ask unanimous consent that upon disposition of S. 1867, the Defense authorization bill, the Senate proceed to vote on the Reid of Nevada motion to proceed to Calendar No. 238, S. 1917; that there be 2 minutes equally divided between the two leaders or their designees prior to the vote; that upon disposition of the Reid motion to proceed, it be in order for the Republican leader or his designee to move to proceed to Calendar No. 244, S. 1931; that there be 2 minutes of debate equally divided between the two leaders or their designees prior to the vote; that both motions to proceed be subject to a 60 affirmative-vote threshold; finally, that the cloture motion relative to the motion to proceed to S. 1917 be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1209

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1209 offered by the Senator from Florida, Mr. NELSON.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is my understanding that both leaders have decided to accept this. So I don't see any need for a rollcall vote.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. Our time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1209) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1080 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1080, offered by the Senator from Vermont, Mr. LEAHY.

The Senator from Michigan.

Mr. LEVIN. Mr. President, Senator LEAHY authorized me and told me he was withdrawing this amendment relative to military custody because of all of the actions which have been previously taken. I am very confident that is what he told me, so I am going to withdraw that amendment on his behalf.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 1274

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1274, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, this amendment is crafted to simply clarify and affirm what appears to be the law, and logic tells us should be the law today.

If an individual is apprehended as a prisoner of war, they are detained under the laws of war until the conflict ends. But if, after being detained or when they are detained, it is determined they have committed crimes against the laws of war, they can be tried for those crimes.

There is a slight ambiguity. I think it is pretty clear the military would have a right to continue to detain them as a prisoner of war if they were not convicted of the much higher burden crime against the laws of war.

So the essence of this is simply to say what the judge said in the case involving the African Embassy bombing, the Ghailani case. The guy was acquitted of 284 out of 285 counts, and the judge said: You probably would be detained under the laws of war. So this would clarify that.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I think this can be accepted on a voice vote. I have great problems with it, but I think there is probably a majority here that will favor it and a distinct minority perhaps that would not. But it is something which basically doesn't add to the existing law, which says this is theoretically possible, and all this does is say it is possible one could be acquitted of a criminal case and still be held as an enemy combatant.

Mr. PAUL. I object. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—41

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Vitter
DeMint	Manchin	Wicker
Enzi	McConnell	

NAYS—59

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Paul
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Kirk	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	McCain	Warner
Corker	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

The amendment (No. 1274) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

THE 9,000TH VOTE OF SENATOR FRANK

LAUTENBERG

Mr. REID. Mr. President, the next rollcall vote will be the 9,000th vote cast by Senator FRANK LAUTENBERG. Senator LAUTENBERG, the senior Senator from New Jersey, has always been a fighter for his State, for progressive causes.

Before coming to the Senate, Senator LAUTENBERG served his country admirably in World War II, graduated from Colombia Business School, and became—and this is an understatement—a successful businessman.

The determination that made him successful in the private sector served him well in the Senate, where he worked tirelessly on behalf of the State of New Jersey. Frank tried to retire once—in 2000—but he just couldn't stay away from serving the State and the Nation and returned to the Senate a little over a year after he had retired.

As the top Democrat on the Senate Budget Committee, Senator LAUTENBERG negotiated the balanced budget amendment of 1997, which restored fiscal discipline while cutting taxes for students and families with children.

He has been at the cutting edge of environmental issues in this country since he came to the Senate. He has worked as a member of the Environment and Public Works Committee, doing a good job with highways, railways, and runways in New Jersey, and has done that in conjunction with being a member of the Environment and Public Works Committee but also the Appropriations Committee.

During his time in the Senate, he has done things that will be a lasting mark on his career, his legacy, forever. Our Nation's roads are safer because he was responsible for our passing the 21-year-old drinking age. He established a national drunk driving standard, a standard throughout the country. He banned triple-trailer trucks—so-called killer trucks—from the roads of New Jersey and many other States. He dedicated his time in the Senate to holding terrorists accountable and protecting New

Jersey's ports, which are important to all of us, not only to New Jersey.

Senator LAUTENBERG has done many things. He authored the domestic violence gun ban—the only significant gun legislation to become law since the Brady bill—which prevents convicted abusers from buying guns.

The thing I recognize as very important—one of my boys couldn't stand the cigarette smoke in airplanes. Even though the airlines tried to set up a standard for smoking, you know that if there was smoking in the airplane, the fact that you were someplace else in the airplane didn't matter; everybody got the secondhand smoke. He fought this and banned smoking on airplanes, which I will always remember, and certainly my boy Key will always remember that.

For three decades, FRANK LAUTENBERG has left a mark that is very impressive, and his 9,000 votes will be something people will look back on and determine that FRANK LAUTENBERG is one of the most productive Senators in the history of our country.

Congratulations, FRANK.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I would like to associate myself with the remarks of the majority leader and congratulate the Senator from New Jersey on this milestone in his long and very distinguished career here in the Senate.

(Applause.)

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know we want to hear from our colleague shortly. I wish to join in recognizing over a quarter of a century of distinguished service from the senior Senator from New Jersey on this 9,000th vote, which is only emblematic of the type of work he has done, which is with a view toward not the next election but the next generation, whether it is saving lives by raising the drinking age; whether it is allowing workers to understand and have the right to know the toxic chemicals they were working with and the community in which those toxic chemicals were located; whether it is making sure all of us don't have to breathe secondhand smoke on an airplane; whether it is making sure that those who pilfer the land and contaminated it were held responsible to clean it up in the Superfund or to have cleaner air to breathe, FRANK LAUTENBERG's legislation has touched millions of lives not only in New Jersey but across the Nation, and we salute him for his tremendous service.

The PRESIDING OFFICER. The senior Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the leader for his kind words and the help he has given me to make some

of the decisions we labored with. I thank my colleague, the Senator from New Jersey, BOB MENENDEZ, who has worked very hard to do his share in moving legislation and doing the right thing by the people in our State and our country.

One of the things that is, to me, pretty important is when I said to my mother in 1982: Mom, I am going to run for the U.S. Senate; I think there is an opportunity there. I was running ADP and in quite good company at the time. So she said: FRANK, what do you need it for? I said: Mom, I don't need it. On the night of the election, we were gathered at my house in New Jersey—and my mother was then committed to a wheelchair—and she had tears running down her face. I said: Mom, you asked me why I needed it. I said: Why are you crying? She said: Because I always wanted you to win.

The people in New Jersey were very kind over these years, electing me five times to the Senate and giving me the honor and the opportunity to give something back to this country of ours.

I came from a family that was a poor family, immigrant family. My parents were young when they were brought by their parents to America. They were hoping that maybe good things could happen as a result of their becoming Americans. So I stand here and I am glad we are not taking a vote on whether I should be commended for this. I might not get all the votes you gave me because you didn't ask for unanimous consent, but nevertheless, it passed, and so I thank all of you, even those with whom I might occasionally disagree. It is shocking, but it does happen here. But I have respect for everybody who is sent here by their constituents from every State in the country and for their point of view. It doesn't mean I agree, but I have respect for the fact that we can say what we want in this free country of ours, say things that sometimes maybe we wish we had not said, but we have a chance to speak out on the things we believe in.

I thank all of my colleagues for their service and for the accolades given to me this night.

With that, I yield the floor.

AMENDMENT NO. 1087

The PRESIDING OFFICER. There will now be 2 minutes of debate on the Leahy amendment No. 1087.

Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the germane Leahy amendment No. 1087 be modified with the changes at the desk; further, that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Reserving the right to object, could the manager clarify exactly what that is?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. There was a provision in the bill relative to the Freedom of Information Act which, by agreement, was modified.

Mr. THUNE. This doesn't have anything to do with the managers' package.

Mr. MCCAIN. It is agreeable on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1087), as modified, is as follows:

Strike section 1044 and insert the following:

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt certain Department of Defense information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the information is Department of Defense critical infrastructure security information; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term “Department of Defense critical infrastructure security information” means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term “data file” means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

Mr. LEAHY. Mr. President, I am pleased that the Senate has unanimously adopted my Freedom of Information Act, FOIA, amendment to the National Defense Authorization Act. This measure appropriately narrows the overbroad exemptions to FOIA contained in the bill and will help ensure that the American public has access to important information about potential threats to their health and safety at or near Department of Defense facilities.

I thank Senator LEVIN and Senator MCCAIN for working with me on this issue and including this language, with our agreed-to modifications, in the managers’ package for this bill. I also thank the many open government groups from across the political spectrum that support this amendment, including OpentheGovernment.org, the Liberty Coalition, the Sunlight Foundation and the American Library Association.

For more than 45 years, the Freedom of Information Act has been a cornerstone of open government and a hallmark of our democracy, ensuring that the American people have access to their Government’s records. The addition of this measure to the National Defense Authorization Act will help ensure that FOIA remains a viable tool for access to Department of Defense information that impacts the health and safety of the American public.

I am particularly pleased that the language adopted by the Senate includes a public interest balancing test that requires the Secretary of Defense to consider whether the Government’s interests in withholding critical infrastructure information are outweighed by other public interests. This improvement to the bill will help ensure

that truly sensitive information is protected, while allowing the public to obtain important information about potential health and safety concerns.

This language adopted by the Senate strikes an appropriate balance between safeguarding the ability of the Department of Defense to perform its vital mission and the public’s right to know. I am pleased that this measure has been included in this important legislation with the unanimous support of the Senate.

Mr. LEVIN. Mr. President, I move to reconsider the vote on the Leahy amendment.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1202, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate on the Udall amendment.

Mr. LEVIN. Mr. President, there is a pending amendment which apparently the clerk will need to report at this point.

The PRESIDING OFFICER. The Udall amendment is pending.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending germane Udall of New Mexico amendment No. 1202 be modified with the changes at the desk; further, that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1202), as modified, is as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

“(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the ‘Buy American Act’), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

“(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are

(A) installed on property or in a facility—owned by the Department of Defense;

(B) generate power consumed by the Dept of Defense and counted toward Federal renewable energy purchase requirements

“(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a

manner consistent with the obligations of the United States under international agreements.

“(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term ‘photovoltaic devices’ means devices that convert light directly into electricity.

“(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into after such date of enactment.”.

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

Mr. UDALL of New Mexico. Mr. President, I thank the chairman for working with me on this amendment. I think he gave us a modification that is a good one. This amendment I offer with Senator SCHUMER and Senator SANDERS closes the Buy American loopholes, and applies Buy American requirements to solar projects that are funded by the Department of Defense to meet energy goals in this bill. If American taxpayer funds are used to improve our military bases’ energy security, then American solar firms should have the ability to compete.

I ask unanimous consent that my full statement be printed in the RECORD.

Mr. UDALL of New Mexico. Mr. President, solar power increases energy security for American military installations and our troops in the field. With solar power, our military is less dependent on the surrounding electricity grid or fuel supplies for generators. As a result, the Department of Defense is a leader on utilizing solar power—not for environmental reasons, but for energy security reasons.

However, if we are going to use taxpayer funds to support military solar power—which also qualifies for federal solar tax incentives—we must provide a level playing field for U.S. solar manufacturers in the contracting process. Last year’s Defense Authorization bill took an important step, by clarifying that DOD’s Buy American Act requirements apply to solar.

Previously, when solar was installed on DOD property, Buy American would not apply because DOD purchases the power, not the panels. DOD uses that arrangement for two reasons—first, it spreads the cost out through long term power purchase agreements instead of up-front costs; second, it allows the project to use tax credits DOD cannot use.

While last year’s bill attempted to fix this situation, it left two loopholes. First, the Buy American requirements from last year’s bill are limited “to the extent that such contracts result in ownership of [solar] devices by DOD.” The nature of power purchase agreements means that often this requirement is not fulfilled, thus allowing Chinese solar makers to undercut bids for DOD funded solar projects.

Second, last year's provision also only applied when "reserved for the exclusive use" of DOD for the "full economic life" of the device. Solar power projects may sometimes sell back to the grid, and DOD may use them for 20 years, when they are warranted for 25. The combined effect of these loopholes is that Buy American does not currently apply to DOD-funded solar.

The amendment I am offering with Senator SCHUMER and SANDERS closes these loopholes and applies Buy American requirements to solar projects that are funded by DOD to meet the energy goals in this bill.

If American taxpayer funds are used to improve our military bases' energy security, American solar firms should have an ability to compete. We know that other nations like China are spending vast resources to become leaders in the solar power market. They do not play by our trade rules, and they are taking advantage of our taxpayer funds.

Think about it this way: China does not spend its tax dollars on U.S. solar panels at Chinese military bases. Why should Congress provide market access that is not extended to U.S. manufacturers?

This amendment halts that practice, while maintaining all existing provisions of the Buy American Act: Nations who are in the WTO are not discriminated against—"Buy American" does not bar nations that allow reciprocal access to U.S. firms to their government procurement. Existing exemptions such as availability and cost still apply, so we do not expect this to harm DOD's procurement in any way.

Our amendment is supported by a strong coalition of U.S. solar manufacturers and U.S. workers.

I thank Senator SCHUMER and his staff for working with us, along with Chairman LEVIN and his staff, and I urge the Senate's support.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. UDALL of New Mexico. I thank Senator MCCAIN, I thank Senator LEVIN, and I appreciate their help on this amendment.

FOREIGN SUBSIDIARIES OF U.S. PARENT
COMPANIES ACTIVE IN IRAN

Mr. LAUTENBERG. Mr. President, I wish to engage in a colloquy with my friend, the distinguished chairman of the Senate Banking Committee, regarding U.S. companies that continue to do business with Iran. I know the chairman shares my concern about Iran's continued violations of international norms. As the International Atomic Energy Agency's recent report starkly highlights, Iran continues to work to build a nuclear weapon despite the current sanctions in place. While we have made great strides in strengthening sanctions on Iran, more work clearly needs to be done to place pressure on Iran to change its behavior.

For the past 7 years, I have been working to close a loophole in current law that allows foreign subsidiaries of U.S. companies to continue doing business with Iran without facing the same penalties that would be placed on the parent company. I have now filed an amendment to the National Defense Authorization Act for Fiscal Year 2012 currently under consideration to try and close this loophole once again. Although I am not going to call for a vote on this amendment at this time, it is time we work to close this loophole once and for all.

Mr. JOHNSON. I thank Senator LAUTENBERG for his longstanding leadership on this issue. It is timely for him to raise it again now in the wake of the IAEA's recent report on Iran's illicit nuclear activities and in the midst of our efforts in the Banking Committee to ratchet up the pressure on Iran's leaders through additional sanctions. As President Obama noted last week when he imposed a new round of sanctions using the tools Congress gave him, Iran's government has persistently refused to abide by its international obligations, and it is time to turn up the heat in an effort to persuade its leaders to come clean on their nuclear program. While U.S. sanctions enacted last year, multilateral sanctions, and other efforts have slowed Iran's nuclear program and damaged its key revenue-generating energy sector, it remains my urgent priority to strengthen sanctions further to ensure that Iran effectively has no choice but to change its current path. That is why we are acting to sanction Iran's Central Bank today as well. On the issue you have raised, I think it is long past time for U.S. subsidiaries to withdraw from doing business in Iran. That is already happening due to U.S. and other international pressure on the business and financial sectors. Firms realize the huge risks this activity poses, reputationally and otherwise, to their companies. I note that it is already a violation for American subsidiaries to engage in sanctionable activity in Iran's energy sector and certain other activities under U.S. sanctions laws. It is also a violation of U.S. trade law for a U.S. firm to do business of any kind in Iran via a subsidiary. What that means is that if a U.S. parent is acting through its subsidiary, directing its activity, that violates U.S. law. The balance that has been struck so far is that we have directed our law, including our trade embargo, to U.S. companies and what U.S. companies do. Foreign subsidiaries are not, by definition, U.S. persons. But I agree with you that we can and should do more to stop the foreign subsidiaries of American companies from doing business with Iran, and I intend to address this problem in our upcoming legislation to expand Iran sanctions.

Mr. LAUTENBERG. My amendment would have applied the same penalties

that can be imposed on U.S. companies that violate the U.S. trade ban with Iran to foreign subsidiaries of U.S. companies. Does the chairman agree that this loophole remains an issue that must be addressed?

Mr. JOHNSON. I agree that we must address the problem of foreign subsidiaries of U.S. companies doing business in Iran not being penalized for it under U.S. law. I know that, as in the past, there will be opposition from some in the business community, and elsewhere including European and other foreign governments who have long objected to the extraterritorial application of U.S. laws to reach companies organized under their jurisdiction. They will argue that the activities of U.S. subsidiaries are not legally U.S. persons, but are rather foreign persons organized under other countries' laws, and so should not be reached by U.S. law. But I am committed to working with my friend and with my committee members to address this issue.

Mr. LAUTENBERG. I thank the chairman. As we know, Iran funds Hamas, Hezbollah, and other terrorist organizations. We should not allow American-controlled companies to provide cash to Iran so that they can convert these funds into bullets and bombs to be used against us and our allies. It is inexcusable for American companies to engage in any business practice that provides revenues to terrorists, and we have to stop it. I look forward to working with Chairman JOHNSON to close this loophole.

Mrs. FEINSTEIN. Mr. President, I rise to respond to a colloquy yesterday that occurred between Senators AYOTTE, LIEBERMAN, and GRAHAM regarding amendment No. 1068 offered by Senator AYOTTE to the Defense authorization bill.

Senator AYOTTE's amendment would eliminate measures that provide our interrogators with the guidance and clarity they need to effectively solicit actionable intelligence while upholding American values. In doing so, the amendment would override the better judgment of our military and intelligence professionals in a manner that will harm, not improve, our short- and long-term security.

Yesterday, Senator LIEBERMAN said on the Senate floor that he wants prisoners taken captive by the United States to be "terrified about what is going to happen to them while in American custody." He also said he wants "the terror they inflict on others to be felt by them." I believe that such statements are antithetical to fundamental American values. I firmly believe that America will not and cannot lower itself to the level of terrorists. To do so would be to abandon our most cherished principles and what our country stands for.

There was also discussion of abuses at Abu Ghraib, which diminished

America's standing and outraged the American public.

As chairman of the Select Committee on Intelligence, I can say that we are nearing the completion a comprehensive review of the CIA's former interrogation and detention program, and I can assure the Senate and the Nation that coercive and abusive treatment of detainees in U.S. custody went beyond a few isolated incidents at Abu Ghraib.

Moreover, the abuse stemmed not from the isolated acts of a few bad apples but from fact that the line was blurred between what is permissible and impermissible conduct, putting U.S. personnel in an untenable position with their superiors and the law.

That is why Congress and the executive branch subsequently acted to provide our intelligence and military professionals with the clarity and guidance they need to effectively carry out their missions. And that is where the September 2006 Army Field Manual comes in.

However, Senator AYOTTE's amendment would require the executive branch to adopt a classified interrogation annex to the Army Field Manual, a concept that even the Bush administration rejected outright in 2006.

Senator AYOTTE argued that the United States needs secret and undisclosed interrogation measures to successfully interrogate terrorists and gain actionable intelligence. However, our intelligence, military, and law enforcement professionals, who actually interrogate terrorists as part of their jobs, universally disagree. They believe that with the Army Field Manual as it currently is written, they have the tools needed to obtain actionable intelligence from U.S. detainees.

Further, in 2009, after an extensive review, the intelligence community unanimously asserted that it had all the guidance and tools it needed to conduct effective interrogations. The Special Task Force on Interrogations—which included representatives from the CIA, Defense Department, the Office of the Director of Intelligence, and others—concluded that “no additional or different guidance was necessary.”

Since 2009, the interagency High Value Detainee Interrogation Group has assured the Senate Intelligence Committee that it has all the authority it needs to effectively gain actionable intelligence.

Unfortunately, amendment No. 1068 would overrule the judgments of these professionals—who have served under both the Bush and Obama administrations—and impede their important work.

If our intelligence community is telling us that the current guidelines and interrogation techniques are effective, why would we add secret interrogation methods?

Senator AYOTTE's amendment would muddy the waters on what is and isn't

permissible in interrogating U.S. detainees. Her amendment would overturn not only the Executive order on lawful interrogations but also roll back the McCain amendment passed in 2005—which the Senate approved in a 90-to-9 vote—by allowing some interrogators, including some military interrogators, to evade established interrogation protocols.

In creating unnecessary exceptions to existing interrogation guidance, Senator AYOTTE's amendment would deprive our military and intelligence professionals of the clarity they deserve and threaten to reopen the door to secret techniques and other abuses of U.S. detainees.

While Senator AYOTTE has insisted that her amendment would continue to prohibit cruelty, the colloquy on the floor suggests otherwise. When Senator GRAHAM asked her if the amendment was needed to bring back enhanced interrogation techniques—techniques we now know included induced hypothermia, slapping, sleep deprivation, and forced stressed positions she responded in the affirmative.

We cannot have it both ways. Either we make clear to the world that the United States will honor our values and treat prisoners humanely or we let the world believe that we have secret interrogation methods to terrorize and torture our prisoners.

The Ayotte proposal also ignores the dangerous practical implications for our intelligence and military partners overseas.

The colloquy between the Senators yesterday suggests they believe the United States will have some advantage by having a secret list of interrogation techniques and that this will have no negative implications, aside from giving interrogators more options.

Last year, GEN David Petraeus said it best when he unequivocally asserted that we should not return to so-called “enhanced” techniques because they “undermine your cause” and “bite you in the backside in the long run.”

Current U.S. law and policy makes clear that America is committed to fundamental humane treatment standards. By overturning the status quo, the Ayotte amendment would create dangerous pockets of uncertainty to the detriment of our international standing, our intelligence collectors, and our national security.

Should this amendment ever come to the floor of the Senate, I urge my fellow Senators to oppose it.

Mr. AKAKA. Mr. President, I rise to express my deep concerns with the payroll tax alternative that our colleagues have proposed. Their alternative would be paid for by extending the current pay freeze for Federal employees through 2015 and requiring each agency to cut its workforce by 10 percent.

I strongly oppose putting the entire cost on the backs of two million middle

class Federal employees, who already have contributed to deficit reduction through a 2-year pay freeze. These men and women are working harder than ever with tighter budgets and, in many agencies, continued staffing shortages. If adopted, these provisions would hamper investments in national defense, homeland security, veterans' services, food safety inspection, and other critical areas for a short-sighted approach that does little to address our current fiscal challenges and does nothing to create jobs. In the end, these policies would cost the government more, by harming the Federal Government's ability to recruit and retain highly-skilled workers and increasing our reliance on high-cost contractors.

Arbitrary caps on Federal employees often lead to waste, fraud, and abuse as contracting expands without investment in oversight. Already, over the past decade, Federal contracts have nearly doubled in size, but the acquisition workforce charged with overseeing our Federal contracts has remained constant. We should not be adding to this trend, but working to reverse it.

While I agree it is important that all Americans share the sacrifice in these challenging economic times, I believe Federal workers have already done so. The 2-year Federal pay freeze enacted as part of the Budget Control Act of 2011 will save approximately \$60 billion over the next 10 years. It is important to remember that a pay freeze affects employees much longer than just the years it is in place; future salaries will build from a lower base throughout employees' careers. The pay freeze will also reduce future retirement benefits, because they are calculated using the high three years' of earnings.

Nearly two thirds of our 2 million Federal employees are employed by the Departments of Defense, Veterans Affairs, or Homeland Security—and according to the Office of Personnel Management, 4 out of 5 jobs filled since President Obama took office have been to these same agencies. These employees do critical work to keep our Nation safe and care for our veterans.

Approximately 85 percent of Federal employees work outside of the Washington, DC area, and they are our neighbors and constituents in each of our States. Like the rest of our constituents, they are struggling with the deepest recession since the Great Depression. Although fortunate to have more job security than most workers, many have unemployed spouses and adult children, their home values and retirement savings have fallen dramatically, and like everyone else they face high health care, college, and other costs. Contrary to what you might hear from our colleagues, Federal employees are not overpaid. Those guarding our airports and borders, and working at our naval shipyards, may start at less than \$30,000 per year.

Many make less than what they could in the private sector, but they work for the American people because they love their country and they are committed to service. Further cuts to Federal pay and benefits will not only hurt these individual families, but will hinder the larger economic recovery.

At a time when close to half our Federal workforce will soon be eligible to retire, I worry that extending the pay freeze could further harm our ability to recruit the best and brightest to government service. As chairman of the Federal workforce subcommittee, I have been working with my colleagues to adopt policies to ensure that the Federal Government is viewed as the employer of choice in this country. Guaranteeing fair and competitive pay for its civilian workforce should be part of our commitment to the American people that the Federal Government has the right people, with the right skills to run their government in an effective and efficient manner.

Our Federal civil service is made up of hard working, talented people who have dedicated their lives to serving this country. These honorable men and women provide many essential services to the American people, including keeping our Nation safe, caring for our wounded warriors, ensuring our food and drugs are safe, and responding to natural disasters. America's public servants deserve our gratitude and respect. I thank them for their dedication, and I urge my colleagues to support them by opposing these efforts to freeze Federal pay and hiring.

Mr. COONS. Mr. President, earlier this week, the Senate adopted an amendment to the bill we now consider that would, among other things, give the Chief of the National Guard Bureau a seat on the Joint Chiefs of Staff. I was a strong supporter of this amendment, as I was its two legislative predecessors, the Guardians of Freedom Act and the National Guard Empowerment and State-National Defense Integration Act.

Since then, I have actively lobbied my colleagues to support the measures, and I am glad that this week, so many of them came together to support it. With more than 70 cosponsors from across the political spectrum and ultimately, the unanimous consent of this body, the deep bipartisan support shown for the National Guard this week is not only indicative of the immense respect the brave citizen soldiers of this Nation have earned, but of the extraordinary potential they have for enhancing our national security.

A National Guard in one form or another has served our Nation bravely and honorably for 375 years. Their courage is no less respected, their families no less concerned for their well-being. They have done extraordinary work these last 10 years in in Operation Enduring Freedom, Operation

Iraqi Freedom, and in Operation New Dawn. But that is not what this amendment was about. This amendment was not about rewarding what has been done in the past.

Rather, it was about recognizing what we need to do for our future in order to keep our country safe. That is the key here: bringing to bear every resource we have for the defense of this Nation.

The Joint Chiefs of Staff are the top military advisers to the President and to the Secretary of Defense. They are responsible for making sure our military is prepared for every threat to our national security, but as those threats tilt toward the asymmetric, so must our military planning.

The wars in Afghanistan and Iraq have begun a fundamental transformation of our military, shifting away from a posture designed to counter Soviet aggression in Europe toward a posture that confronts asymmetric threats to American lives and interests.

Writing in a report for the Center for New American Security last year, retired General Gordon Sullivan described the National Guard as at a crossroads: "Down one path lies continued transformation into a 21st-century operational force and progress on the planning, budgetary and management reforms still required to make that aspiration a reality. Down the other path lies regression to a Cold War-style strategic force meant only to be used as a last resort in the event of major war."

There was a clear choice, and this week the Senate made it, taking what I believe is a significant step toward strengthening our national security.

When national defense solely meant fighting our enemies abroad, the current organizational strategy made sense. But now that we are more likely to have to defend against threats to America's national security here on American shores at the same time, we need the National Guard to have a seat at the table. We need the National Guard's resources and capabilities to be a first-line consideration that matches their first-line mandate.

In my home State of Delaware, the 31st Civil Support Team is the tip of the spear of the military response to a chemical, biological, radiological, or nuclear attack by terrorists. Following closely behind police, fire, and EMS services, our CST would diagnose the threat, inform and update the chain of command, and prepare the affected area to receive a response by larger units, coordinating as far up the chain as U.S. Northern Command.

When the Joint Chiefs sit down to plan for a biological attack on this country, they need someone at the table who fully understands the mission of units like the 31st Civil Support Team, whose members are full-time Guard, but not Active Duty military.

One area that needs more thought by the Joint Chiefs, and that I hope General McKinley and his successors will help them focus on, is the important role the Guard can play in cyber security, an area where most threats are decidedly asymmetric.

The Delaware Air National Guard's 166th Network Warfare Squadron is already playing a key role in our nation's defensive and offensive cyber capability working with U.S. Cyber Command, but its potential as a bridge between the Departments of Defense and Homeland Security, between Federal and State governments, and between the public and private sectors has barely been considered outside of a few circles. Determining what unique role the Guard can play in cyber security to create a more robust, more flexible defense-in-depth is just one of the new ideas I believe the Chief of the National Guard Bureau can bring to the planning process.

The men and women of the National Guard bring extraordinary capabilities to our Armed Forces, and because of the action we have taken here this week, I know that our military will be better prepared for new and emerging threats to our Nation.

Mrs. MURRAY. Mr. President, I rise today to reiterate my support for section 526 of the Energy Independence and Security Act of 2007. Section 526 prohibits Federal agencies including the Department of Defense—from contracting for fuels that have higher emissions than conventional petroleum.

This is not only an issue of clean energy and a better environment but, more importantly, our Nation's security and ability to fight. The Department of Defense is the world's biggest energy consumer, using 300,000 barrels of oil every day. Given our reliance on foreign sources of oil, this is a formidable security challenge for our country.

The efforts underway at the Department to increase efficiency and expand the use of renewable energy and alternative fuel sources are critical to both the bottom line of Pentagon and to increase the safety of our warfighters. As you know, a record number of casualties in Iraq and Afghanistan have occurred while units transport fuel and supplies in military convoys. Increasing our energy and fuel efficiency not only reduces the overhead costs of the military, but it will also decrease the need to move as much fuel and supplies, lessening the risks posed by these convoys to our troops.

This is an important and timely issue because while the National Defense Authorization Act we are considering on the Senate floor does nothing to affect section 526, the House version of NDAA repeals this important law.

The Department of Defense supports this existing law and has said that it

does not prevent them from purchasing the fuel it needs to meet its current mission needs. Hundreds of veterans who served in the Armed Forces from World War II through the Iraq and Afghanistan wars have asked the Senate to oppose repeal of section 526.

I urge my colleagues to join with the Department and our veterans to support this law.

I also applaud the work the DOD has done to date to move toward homegrown, renewable fuel sources, including the Navy's commitment to reduce petroleum use in its fleet by 50 percent through programs such as the Green Fleet.

To help the DOD realize its goals and to increase the security of our troops, we must dramatically scale up advanced biofuels production in the United States. Companies here in the United States have already developed technologies to produce "drop-in" ready fuels, so no new infrastructure or engine modifications are needed. These fuels are based on plants like camelina, jatropha, and algae—plants that can be grown all over the country in a variety of climates.

I believe section 526 has laid the foundation for this needed scale up of advanced biofuels, and it is time to take the next step toward ensuring that the DOD has access to a greater range of energy options than foreign sources of fossil fuels. That is why I have been working with my colleagues, Senator CANTWELL, Congressman INSLEE, and others, to put in place multiyear contracting authority for the purchase of biofuels.

We have introduced legislation in both the Senate and the House to do just that, and while that legislation is not included in this bill, I am pleased that we were able to include language that will require the Department to clarify its existing authorities for multiyear contracts for the purchase of advance biofuels and what additional authorities are needed for the Department to enter into such contracts going forward.

Mr. President, I look forward to working with my colleagues to ensure the final NDAA bill keeps the Department moving forward on securing and supporting renewable energy and fuel alternatives.

Mr. BAUCUS. Mr. President, I rise in support of Senator MERKLEY's calling for the withdrawal of American troops from Afghanistan. I support bringing our troops home for two reasons: First, we can't afford what we are spending today in Afghanistan. Second, we need to focus on nation building here at home.

We are spending \$10 billion per month in Afghanistan. Every dime of it is deficit spending. We should listen to the former Chairman of the Joint Chiefs of Staff, Admiral Mullen. He said our debt is the top security threat facing the

United States. We can't continue down this path.

Our troops continue to serve heroically on some of the toughest missions imaginable. They have done everything we have asked of them—and we have asked a lot through weekends and holidays, over frigid mountains and hot deserts. The service of the men and women of the military has been nothing short of remarkable.

It is now time to hand over the responsibility of this war to the Afghans. Afghan President Hamid Karzai recently held a Loya Jirga, or grand assembly, among leaders and elders from across Afghanistan.

The assembly approved a resolution calling for the Afghans to take the lead role of the war effort. Let's take them up on their offer. Let's not have American men and women doing the work that Afghans want to do for themselves.

For years we have been putting war spending on our national credit card. In 2003, I joined Senators BIDEN and CONRAD in offering an amendment to the Iraq supplemental appropriations bill that would have offset the war spending.

Instead of adopting the amendment, Congress elected to pay for the war with deficit spending. Over the past decade, we have grown our debt by \$1.3 trillion due to war spending alone. The President's budget projects \$500 billion dollars in war spending in the coming decade. This spending is in addition to the trillions we will spend on the defense base budget. This endless deficit spending is simply not sustainable.

During our work on the Joint Select Committee on Deficit Reduction, every member of the panel came to a better appreciation of the difficult financial decisions we face as a nation. There is no choice: we have to balance our books.

But how we balance our books will reflect who we are as a nation, what our values are, what our goals are. Most important, these choices will determine whether the 21st century will be the American century or whether we will cede our leadership to countries such as China.

In the year ahead, Congress will make a number of hard choices, and we must be strategic about these choices. We will choose among essential investments in education, infrastructure, health care for our veterans and seniors, and maintaining the best military in the world.

And every month we spend \$10 billion dollars in Afghanistan will limit what we can do at home. Every dollar we send to Afghanistan is one less dollar we have for health care for our seniors or education benefits for our veterans.

The tough choices must be made at a time when the world is changing rapidly. During his final press conference as the U.S. Ambassador to Japan on November 14, 1988, Mike Mansfield said:

[Japan and the United States] will work together in the next century which will be the Century of the Pacific.

Our two nations working together will be able to compliment and guide the rest of the world as it moves into this area, into the [Pacific] basin, because we both realize that it is in that Basin where it all is, where it is all about, and where our joint future lies.

Looking back 23 years later, his remarks seem prescient. According to the World Bank, China's average annual GDP growth rate since 2001 has been 10.4 percent. Asian developing nations collectively had an average growth rate of 9.1 percent. The United States has seen an average growth of just 1.7 percent.

The 21st century will not be the American century if we don't change course. During the first decade of this century, we spent \$5.9 trillion dollars on defense spending, much of it in Iraq and Afghanistan. During that same decade, China spent \$1.1 trillion. Now, which nation's power increased more during that period?

China is flexing muscles abroad not with shiny new weapon systems but with their growing financial power. China is now the second-largest economy in the world, and it continues to grow.

We are seeing our influence wane around the world not because we are short an aircraft carrier but because some have begun to question American resolve, the ability of American political process to solve basic problems and to govern.

Meanwhile, millions of Americans are out of work and struggling to make ends meet. Last year, I asked the Congressional Budget Office to prepare a report on income inequality in this country. The statistics are sobering. The top 1 percent of earners in the United States more than doubled their share of income in the past 30 years. The wealthiest fifth of the country earned more than the other four-fifths combined.

These are only but a few of the great challenges we face at home, and to overcome these challenges we have to work together. To compete and win in today's world, we need to balance our budget, grow our economy, and invest in education and infrastructure. We can't afford another year of spending tens of billions of dollars on nation building overseas.

For the 21st century to be the American century, we are going to have to make some changes. We need to bring our troops home from Afghanistan and focus on nation building here at home. I urge my colleagues to support Senator MERKLEY's amendment.

Mr. COONS. Mr. President, another amendment that I filed to S. 1867, the Senate's Fiscal Year 2012 National Defense Authorization bill, would have advanced new clean energy opportunities and enjoyed bipartisan support. The amendment's cosponsors included

Senators SHAHEEN, PORTMAN, GILLIBRAND, MERKLEY, and KERRY. Unfortunately, we were not able to offer it this week because of a disagreement over scoring. It was an important opportunity missed so I wanted to take a moment to note what this amendment entailed.

Amendment No. 1265 would have confronted a critical long-term challenge facing our Nation's military: the spiraling cost of its reliance on petroleum. As we look for ways to save taxpayer dollars and reduce our Nation's dependence on foreign oil, utilizing more electric vehicles should become a priority for the Defense Department and the entire Federal Government.

Investment in clean energy technology is an investment in America's energy security. Liquid petroleum accounts for three-quarters of our Armed Forces' energy consumption, and approximately 60 percent of that comes from abroad. The Defense Department has explicitly cited the operational risk inherent to our dependence on foreign oil and has committed itself to aggressively reducing energy consumption.

Senate Amendment No. 1265 would allow the Defense Department and other Federal agencies to purchase electric vehicles and charging infrastructure under Energy Savings Performance Contracts, ESPC. ESPCs themselves aren't new: the government has used ESPCs for years to pay for energy efficiency upgrades. It has been enormously successful and costs the government nothing up front. That's right, ESPCs are paid for, financed, performed and guaranteed by the private sector with the government paying back the private sector through guaranteed energy savings over time. Our amendment would have made electric vehicles and charging infrastructure eligible for the program.

Energy efficiency is about more than turning the lights off when you leave a building. It is about the appliances you buy, the tools you use, and the vehicles you drive.

The Federal Government is America's largest energy consumer and within the government, the Defense Department is the biggest energy consumer. One out of every three vehicles owned by the Federal Government is owned by the Pentagon, which is why we raised this amendment this week.

Amendment No. 1265 would have helped increase the share of the government-owned fleet that is cost-efficient, energy-efficient electric vehicles. On top of that, it would not add a dime to the Federal deficit. By buying these vehicles in through ESPCs, the government does not put up any money up front. Rather, it enters an agreement with a private-sector contractor—a job-creating private-sector contractor—where the agency pays the contractor over an agreed-upon period of time—as many as 25 years.

What they are paying each month, though, is the net savings achieved by using the electric vehicle instead of a conventional vehicle. This is an unconventional, but creative and cost-efficient way to save money, reduce our dependence on foreign oil, and even to help support a growing private industry.

This amendment would have simply provided the Defense Department with a new tool for acquiring cost-efficient electric vehicles, which is what they are asking us to do. They want to add electric vehicles to their fleets. The Defense Department has already done extraordinary work in leveraging energy efficiency to reduce its costs and reduce its dependence on foreign oil. We want to help them do more.

This is a challenging economic time for our country, and our military needs every advantage it can get as it confronts dangerous threats to our national and energy security. By empowering the Pentagon to buy more of these energy-efficient, cost-efficient electric vehicles, we are saving taxpayer dollars and reducing our dependence on foreign oil. Investment in clean energy technology is an investment in America's energy security, and energy security is, without a doubt, an increasingly important, and increasingly fragile, aspect of America's national security.

This is a common-sense policy that unfortunately cannot be considered at this point because of a technicality in how the Congressional Budget Office scores ESPCs. It has been going on for 10 years and, as I understand, it has provided endless frustration to my colleagues on the Senate Energy and Natural Resources Committee and several other congressional committees, and this problem reaches beyond the electric vehicle option alone.

A key point to make here is that whenever Congress tells the Federal Government to become more efficient but does not provide appropriated funding for the purpose, a score is triggered because the government might use ESPCs to meet the mandate. Effectively, Congress cannot tell the Federal Government to save money through efficiency. Further, while ESPCs are scored by the CBO rules, OMB does not score them because the government does not incur any costs through their use. This specious score has essentially limited our ability to reduce appropriated dollars and achieve energy efficient simultaneously using private sector expertise and funding.

This amendment is something that is important to me. I am hopeful it is something that we will be able to pass down the road. In the meantime, it is an opportunity lost, to help our military prepare for the threats facing our nation.

Mrs. SHAHEEN. Mr. President, I rise today to express my disappointment

that the Senate was not able to reach agreement to consider an important amendment to the Defense authorization bill that would allow women in the military access to the same health care coverage as civilian women.

There are almost 214,000 women currently serving in our Armed Forces. Many of these brave women are risking their lives for our national security. Despite the sacrifices these women make to protect our freedom, they are not given the same rights as civilian women when it comes to their reproductive health care.

If a service woman becomes pregnant as a result of rape or incest, her insurance will not cover an abortion if she decides to seek one; the law as currently written expressly prohibits it. This is unconscionable. To correct this injustice, I offered an amendment to the bill that we are currently debating that would allow a service woman the ability to receive insurance coverage for an abortion if her pregnancy is the result of rape or incest. Unfortunately, because there are some in this body who do not want this unfair law changed, we were not able to bring this amendment to the floor for a vote.

Women currently serving in the armed services are victims of discrimination. They do not have access to the same critical—and legal—reproductive health care as the civilians they protect.

Bans on abortion coverage exist for millions of women who receive their health care through government programs, but in most cases these bans allow for coverage of such care if the pregnancy is the result of rape or incest. Women receiving their health care through Medicaid, Medicare, the Federal Employees Health Benefits Program, and the Indian Health Services all have access to the care they need if the pregnancy is a result of rape or incest. Even women serving time in our Federal prisons can get abortions covered in the case of rape. Sadly, this is not the case for our Nation's women in uniform.

I believe that every woman should have the reproductive health care coverage she needs wherever she is and whenever she needs it. I do not think that any ban on abortion is appropriate. However if Federal bans do exist, they should at least be consistent.

My amendment is simple. It would permit a service woman to have an abortion covered by her military health insurance if the pregnancy is the result of rape or incest. Repealing the current ban on such coverage will simply bring the Department of Defense in line with most other federal policies.

I recently met a woman who was a victim of rape during her military service. She was stationed in Korea and was unable to receive the health care

she needed and deserved. Her story was heartbreaking. Because of her unwanted pregnancy, she had to leave the service and return home.

The reality is that women in the military, especially those posted overseas, have few safe or legal reproductive health care options when they cannot rely on the military. Without access to these services, some women will be forced to resort to unsafe care or delay the health services they need. Women who give their lives for our country deserve better.

While the bill we are considering today will move forward without this important change, I pledge to all the women in our military who are victims of this law that I will continue my fight to bring the Department of Defense in line with other Federal agencies to allow coverage for critical reproductive health care.

Mr. LUGAR. Mr. President, I commend Chairman LEVIN and Ranking Member MCCAIN, our distinguished Armed Services Committee leaders, for their amendment regarding the problem of counterfeit parts, Senate amendment 1092, which was agreed to, as modified, last Tuesday. The amendment establishes a prudent framework for countering the dangerous infiltration of counterfeit parts into our defense supply chain. I also want to commend Senator WHITEHOUSE for his work on this important issue.

The amendment would create criminal penalties for those trafficking in counterfeit parts so as to ensure that our Armed Forces have the best equipment from trusted suppliers in order to carry out their critical roles and missions. It would also significantly strengthen our supply-chain management to detect and prevent surreptitious attempts to supply our Armed Forces with counterfeit parts and components.

I have followed the hearings in the Senate Armed Services Committee regarding these matters. I wanted to take time today to raise in relation to the amendment a problem that I believe could complicate its enforcement. If we truly intend to grow our economy through exports, then we ought to pay attention to any risks that may stem from liberalizing our present export controls so as to ensure that our industrial base benefits—and not those who deal in counterfeit parts and components in other nations.

A person who commits an offense under this amendment may be punished if that person “had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.”

I am concerned that the amendment may be undermined by the export control initiatives of the administration. The administration is engaged in an effort to remove most, if not all, of the

military-grade parts and components controlled on the U.S. Munitions List. Many of these will be decontrolled altogether for export and import purposes. Others will be placed under the Commerce Department’s Export Administration Regulations. Hundreds of thousands of military-grade parts, components and systems are involved.

The reasons why this agenda presents significant challenges to dealing with counterfeit parts center on the relatively liberal legal and policy considerations that govern our commercial trade with China. Senators Levin and Whitehouse pointed to the many problems emanating from counterfeit Chinese parts in their remarks on the floor. As we know from the hearings and studies to date, Chinese suppliers play the major role in the unauthorized supply of counterfeit parts.

We also know from the Commerce Department’s January 2010 report on counterfeit electronics, which was commissioned by the Navy Department, that the counterfeit electronics infiltrating the Defense Department supply chain and affecting weapon system reliability are predominantly commercial and industrial grade parts—so-called commercial off-the-shelf, COTS, technology.

The drawings and specifications needed to produce those parts can be—and are—freely exported to China under the Commerce Department’s Export Administration Regulations, EAR. There is no legal bar to exports of such drawings and parts to China and, in all but rare cases, they may be sent to China without an export license. The same holds true for the import of such parts into the United States after they are produced in China.

In contrast, there has been a much lower incidence to date of counterfeit parts specifically designed for military use. Such parts are currently controlled on the U.S. Munitions List. Maintenance of the U.S. Munitions List is authorized by the Arms Export Control Act, AECA, and it is administered by the State Department in consultation with the Defense Department. The Foreign Relations Committee has unique jurisdiction over these matters in the Senate.

The reasons for the lower incidence of counterfeit military-grade parts are threefold: One, it is illegal to export any drawings or specifications to China that are controlled on the U.S. Munitions List, due to the statutory arms embargo imposed on China following the Tiananmen Square massacre; two, it is illegal under the International Traffic in Arms Regulations, ITAR—the State Department’s regulations which contain the U.S. Munitions List—to import any defense article into the United States from China; and three, willful violations of the ITAR and the AECA are vigorously enforced by U.S. courts, with the majority of

convictions resulting in prison sentences, while the majority of willful violations involving illegal exports of industrial or commercial products result in probation. The latter are currently enforced under the International Emergency Economic Powers Act because the Export Administration Act has lapsed.

Unfortunately, all of the deterrents inherent in control on the U.S. Munitions List could go away if and when the administration’s export control reform initiatives are implemented.

I congratulate and welcome the efforts of Senator LEVIN, Senator MCCAIN and other Senators to close down the infiltration of counterfeit parts into our defense supply chain, but I remain concerned that the administration’s agenda for export control reform will increase these problems in the future and frustrate enforcement of this amendment.

In addition, it is my understanding that the administration not only plans to remove nearly all the military-grade parts and components from the U.S. Munitions List, but also to redefine those few categories of high-end parts and components remaining on the Munitions List in a way that would seriously complicate enforcement of the amendment.

We will continue to consult with the administration on its reform agenda in the Foreign Relations Committee.

Mr. WARNER. Mr. President, I would like to ask for the attention of my colleagues on two amendments that I have filed to S. 1867, the National Defense Authorization Act of 2012.

Each of these amendments relates to the Navy’s proposal to build a new nuclear pier facility to support East Coast aircraft carriers. With annual recurring costs, this new project would likely cost just shy of a billion dollars.

At a time when our Nation is in a severe fiscal crisis the Navy cannot pay to maintain the infrastructure it currently owns. As Admiral Mullen has said, the greatest challenge to our national security is our mounting debt.

Together, these amendments would save nearly \$30 million for an unnecessary Navy military construction project at Naval Station Mayport, Florida. We are awaiting completion of an independent GAO assessment of the strategic risks to our carrier fleet which include manmade and natural disasters. The study would also consider the cost and benefits of what other measures we can take to mitigate risk.

This is not a small project. The Navy estimates its homeporting plan will cost nearly \$600 million, but those costs could rise to up to \$1 billion over the next eight years. Tack on to that more than \$25 million in annual maintenance costs currently estimated for an additional homeport and we are signing the taxpayer up for a big bill,

much of which is not funded. It's in the "out years" as they say.

The justification for a new homeport is the mitigation of the risk of a terrorist attack, accident, or natural disaster occurring at the nuclear handling facility at the existing carrier homeport at Norfolk, VA.

However, the current Navy plan fails to take into account the two additional East Coast carrier capabilities facilities at Newport News, VA, and the Naval Shipyard. Each of these facilities maintains separate nuclear handling sites located many miles apart. If there were damage to the existing Naval base, the Navy could simply disperse the carriers to other piers. That is a lot cheaper and more efficient than building a new, duplicative facility.

Additionally, recent Navy briefings indicate there is a 50 percent greater chance of a major hurricane hitting Mayport than Norfolk. Why would we want to build a new facility at a higher risk location?

The Navy has also identified unfunded priorities totaling \$11.8 billion dollars. These priorities are in critical areas including shipbuilding, military construction, maintenance, and acquisition programs—programs which are critical to both our current and future readiness.

We must maintain our existing infrastructure properly before pursuing a duplicative homeporting project. It is more fiscally responsible for the Navy to reduce its current unfunded requirements, which total tens of billions of dollars.

We have had some recent developments that I want to highlight that cast more doubt on the wisdom of embarking on this enormous expenditure. Responding to a letter I wrote, along with other colleagues in the Virginia delegation, the Navy's new CNO, Admiral Greenert has said that it is time to take a fresh look at the costs of this project, given the current fiscal constraints. Admiral Greenert wrote the Navy will be making a "comprehensive strategic review, examining every program element, including the funding required to homeport a CVN in Mayport." I agree with Admiral Greenert. With the serious fiscal issues facing our Nation, the prudent course of action is to focus on taking care of the infrastructure we already have instead of buying new infrastructure which we do not need and cannot afford.

Mr. JOHNSON of South Dakota. Mr. President, I want to discuss the amendment to the pending Defense authorization bill negotiated between my two Banking Committee colleagues, Senators MENENDEZ and KIRK, designed to address the deceptive and fraudulent practices, sanctions evasion, facilitation of proliferation, and other illicit behavior of Iran's Central Bank.

Ten days ago, President Obama issued an Executive order designed to

further isolate and penalize Iran for its refusal to live up to its international obligations regarding its nuclear program. As he noted, for years the Iranian Government has failed to abide by its obligations under the Nuclear Non-Proliferation Treaty, violated repeated U.N. Security Council resolutions, and ignored its legal commitments to the International Atomic Energy Agency. In the face of this intransigence, the world has spoken with one voice—at the IAEA, at the U.N., and in capitals around the world—making it clear that Iranian actions are a threat to international peace and stability and will only further isolate the Iranian regime.

The President targeted, for the first time, Iran's petrochemical sector, prohibiting the provision of goods, services, and technology to this sector and authorizing penalties against any person or entity that engages in such activity. He also designated for sanction a group of individuals and entities for assisting Iran's prohibited nuclear programs, including its enrichment and heavy water programs. And he escalated the financial and economic pressure by using provisions of the USA PATRIOT Act to identify the entire Iranian banking sector—including Iran's Central Bank—as a threat to governments and financial institutions that do business with Iran.

I strongly support enhanced sanctions on Iran, including its Central Bank, and have been working with my ranking member, Senator SHELBY, on another sanctions measure to expand and reinforce the Comprehensive Iran Sanctions and Accountability Act, CISADA, enacted last year. That legislation will be marked up soon in our committee. But as in all areas of complex sanctions law, it is important to craft these provisions with an eye to ensuring that they do not have negative unintended consequences for the United States and American consumers in terms of substantially increased oil and gas prices; for our allies, whose cooperation is crucial in further isolating Iran; for central banks around the world. We also want to avoid the result—if this measure is not further refined and then implemented by the White House in close consultation with our allies—that Iran itself could benefit from an oil price premium we in the West would pay if notoriously volatile world oil markets respond negatively and if non-Iranian oil supplies are not sufficient to fill the gap caused by countries that seek their oil elsewhere than from Iran.

The amendment seeks to address that concern by providing for a lag time of 6 months for oil markets to prepare and providing for a Presidential certification on oil price and supply availability before the petroleum sanctions would become effective. But that may not be sufficient, given the complexity of oil markets, which I

am told by the Energy Department tend to pull such dates forward, anticipating oil price supply shortfalls—and oil price increases—and building them into oil traders' assumptions well before sanctions actually take effect.

I have heard a number of concerns about this amendment in its current form from senior officials at the Treasury Department charged with implementing it. First, Treasury officials have indicated that they have concerns about how this amendment could affect our close allies, including foreign central banks of those governments that have worked with us in recent years to sanction Iran and that hold large reserves in the United States but who have thus far decided they cannot, because of their current dependence on Iranian oil, completely and relatively quickly withdraw from purchasing its oil. We must avoid having these central banks begin to pull their reserves from the United States out of fear that enforcement of this amendment might limit their access to the U.S. financial system. That is why the signals sent by the Treasury Secretary and the President about implementing this provision are so important.

The administration also has concerns regarding effective implementation of this amendment, especially its requirement that the President prohibit accounts outright instead of, as elsewhere in U.S. law, allowing discretion to impose strict conditions on accounts—on trade finance limits, on the nature or size of transactions, on preapproval of transactions and about the timelines it presents, the confusing and seemingly conflicting interaction of some of its provisions, its lack of an exception for countries that are closely cooperating with the United States on sanctions enforcement, and others. I ask consent to print in the RECORD following my statement a copy of a letter from Secretary Geithner indicating his strong opposition to the amendment.

The PRESIDING OFFICER. Without objection, so ordered (see Exhibit 1).

Mr. JOHNSON. We all agree that interactions by the international financial community with Iran's financial system should be severely reduced, not least because such interactions pose serious risks for the international banking system. But we do not want to do it in a way that could have negative consequences for some of our closest allies or for ourselves. We want to be careful that we don't end up shooting ourselves in the head and Iran in the foot.

I know my colleagues have worked in the last week, including over the Thanksgiving holidays, to make the provision more effective and to provide for additional targeting by the President, building in a national security waiver, a lag period for implementation of the crude oil sanctions, and other measures. But I think the provision could use further refinement. That

is why I had hoped to be able to address this issue through the more deliberative committee process.

Even though I have concerns about some of the effects of this amendment in its current form, I will support it as a signal of my support for tightening the financial and economic noose around Tehran and for further isolating its government as a means of prompting it to turn aside from its current path and come clean on its nuclear program. Even so, these implementation issues should be addressed in conference prior to the legislation being finalized.

Finally, I want to remind my colleagues that the Banking Committee is working expeditiously to adopt new comprehensive sanctions legislation and I hope will be ready to bring that legislation to the full Senate soon. It will complement and reinforce the Comprehensive Iran Sanctions and Accountability Act, CISADA, enacted a little over a year ago, and international diplomatic efforts led by the President to further isolate Iran and ratchet up the pressure on its leaders. I think all of us would agree that the most effective sanctions are those that are imposed and enforced by a coalition of nations, and the administration's success in building and sustaining a coalition to do precisely that is to be commended. I look forward to working with my colleagues on that effort.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, December 1, 2011.

Hon. CARL LEVIN

Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: I am writing to address amendment 1414 to S. 1867, the National Defense Authorization Act for Fiscal Year 2012, regarding the imposition of sanctions on foreign financial institutions that conduct business with the Central Bank of Iran (CBI).

The Obama Administration's determination to prevent Iran from acquiring nuclear weapons is unwavering. We are resolved to build and sustain as much pressure as necessary to bring Iran to meet its international obligations and address the international community's grave concerns with its nuclear program. I know that you and your colleagues in the Senate share this commitment.

We understand that this amendment was offered in this spirit. However, I am writing to express the Administration's strong opposition to this amendment because, in its current form, it threatens to undermine the effective, carefully phased, and sustainable approach we have undertaken to build strong international pressure against Iran. In addition, the amendment would potentially yield a net economic benefit to the Iranian regime.

We have steadily increased the pressure on Iran by tightening sanctions, closing loopholes, and encouraging other countries to do the same. Congress has been absolutely critical in providing some of the tools that we have used to accomplish that goal, and we are seeing genuine results. The collaborative

approach the U.S. has taken with our international partners has led many to impose sanctions on Iran that were not even contemplated three years ago, including on Iran's energy sector.

Iran's greatest economic resource is its oil exports. Sales of crude oil line the regime's pockets, sustain its human rights abuses, and feed its nuclear ambitions like no other sector of the Iranian economy. We are committed to doing as much as possible to reduce Iran's oil revenue while concurrently working to stabilize global oil markets. Today, the United States does not permit the import of Iranian crude. Other countries have already begun to reduce their consumption of Iranian crude and the Administration is working hard to discourage anyone from taking advantage of the responsible policies of these countries. Our closest allies are seriously considering curtailing their own crude purchases altogether in the near future and we are doing everything possible to encourage them to make the right decision.

However, as currently conceived, this amendment threatens severe sanctions against any commercial bank or central bank if they engage in certain transactions with the CBI. This could negatively affect many of our closest allies and largest trading partners. Rather than motivating these countries to join us in increasing pressure on Iran, they are more likely to resent our actions and resist following our lead—a consequence that would serve the Iranians more than it harms them. Further, there is a substantial likelihood that this amendment, particularly if passed into law at this time and in its current form, could have the opposite effect from what is intended and increase the Iranian regime's revenue, literally fueling their suspect nuclear ambitions. The Administration is prepared at your convenience to share the details of our analysis on this point, in a classified briefing.

The Obama Administration strongly supports increasing the pressure on Iran significantly, including through properly designed and well-targeted sanctions against the CBI. The Administration has several legislative proposals to both enhance and expand the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) and to strike at the CBI that we would like to discuss with you and your colleagues. We intend to work with our partners to achieve the objectives of this amendment, but in a fashion that we believe will have a greater and more sustainable impact on Iran. We ask that you continue to work with us on ways to improve this amendment and to consider other, more immediate and more effective steps that we can take to accomplish our shared goals while we work with our partners to bring about the effects this amendment is intended to achieve.

Sincerely,

TIMOTHY F. GEITHNER.

Mr. BROWN of Massachusetts. Mr. President, I rise today to protect the families of our men and women in uniform. While these brave members of our community put their lives on the line to protect our freedoms abroad, courts here are using their service against them when making child custody determinations.

Although I did not submit my amendment due to concern expressed by the Senate Veterans Affairs Committee, it is important that the committee take up this issue to ensure

that servicemembers have a uniform standard of protection when determining the best interests of their children.

Servicemembers risk their lives in support of the contingency operations that keep our Nation safe. The amendment prohibits courts from permanently altering custody orders during a parent's deployment, and requires pre-deployment custody to be reinstated unless that is not in the best interest of the child.

This language of my amendment has enjoyed widespread support in the House for the past five years and was recently endorsed by the Department of Defense. Earlier this year Secretary Gates stated that he wanted to work with Congress to pursue the creation of a Federal uniform standard. In his letter of support dated February 15th, 2011, Secretary Gates stated: "I have been giving this matter a lot of thought and believe we should change our position to one where we are willing to consider whether appropriate legislation can be crafted that provides servicemembers with a federal uniform standard of protection."

Our men and women in uniform sacrifice a great deal to serve our country. We owe it to them to provide uniform legal standards regarding child custody. Servicemembers should never be in the position of having to choose between their country and their family.

Mr. REID. Mr. President, tonight the Senate will vote overwhelmingly to support our men and women in uniform, including the more than 1,100 Nevadans serving overseas, as they continue to put their lives on the line. I congratulate Senators LEVIN and MCCAIN for their stewardship of this bill and for working through several difficult issues.

There is still work to be done in conference to perfect parts of this bill, including the provisions dealing with military detainees and efforts to improve key elements of TRICARE.

I am pleased that today an overwhelming, bipartisan majority agreed that protecting our national security is more important than partisan politics. Today we came together to support our troops, and ensured that this Nation does everything in its power to keep America safe from those who would do us harm.

Mr. MCCAIN. I yield back the 1 minute of time remaining.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the bill, as amended.

The Senator from Michigan.

Mr. LEVIN. Mr. President, we are going to be making a unanimous consent request. I am not even going to

use my 1 minute on this other than to say thanks to everybody who has been so heavily involved, which is just about everybody in this Senate.

I want to particularly thank Senator MCCAIN. His staff and my staff have been utterly incredible. We have had hundreds of amendments we had to get through. We have done the best we can, and I want to tell my friends this so we can prepare a path for a unanimous consent agreement. It is not prepared yet, so I cannot read it, but it is going to be something like this. For those amendments which were germane, not because of modification, but were germane—

Mr. UDALL of New Mexico. Will the Senator from Michigan yield? I don't think we disposed of the Udall amendment.

Mr. LEVIN. I believe we did.

The PRESIDING OFFICER. The Udall amendment was agreed to.

Mr. MCCAIN. Reluctantly.

Mr. LEVIN. Let me describe what this is about so we can be thinking about it before it is offered. There were 71 amendments, approximately, which were cleared. We spoke about those before. If anyone had an objection, they were not cleared. So by definition there is no objection on the substance of these amendments. However, there is objection for other reasons, one of them being that if an amendment was modified to make it germane, there would be an objection on that basis.

So what Senator MCCAIN and I are talking about—and we will put it in a unanimous consent proposal and then you all can decide if you want to agree to this—is that we would work—we pass a bill tonight and do all the other things we need to do because that has to be done. We have to get to conference.

In the next couple of days Senator MCCAIN and I, working with the Parliamentarian, would go through the 71 amendments, or whatever the number is. The Parliamentarian would then advise us as to which of those amendments is germane and were germane—and these are all cleared amendments. And for that group, whatever the number is, that we are informed by the Parliamentarian is germane and were germane, we would then put in a bill which would be introduced next week. If we can get that done, then the unanimous consent request would have that bill introduced, read a third time, and passed. That would be the most we could ask for.

It would seem to me if we could pass this tonight, we could do the same thing with a bill—providing Senator MCCAIN and I agree after talking to the Parliamentarian—that the only amendments that would be in that bill would be amendments which were germane.

How do we get that bill into the conference report? We have not figured

that out yet, but we are working on that piece as well. At least we can get the bill passed so we can go to conference and show the Senate passed these X number of amendments. This is the best we could do. It is the cleanest we could do. The Parliamentarian did not like the different idea that we proposed, and I don't blame him and her, but that is what we are going to be offering in a few minutes.

Mr. MCCAIN. I have nothing more to add. I wish to vote.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. If I may be permitted to thank the distinguished chairman for that offer. It is unclear to me how it will actually be executed—and all of this could have been avoided, from my perspective, if a simple unanimous consent request had been allowed to modify an amendment that I had that was not germane to make it germane so we could have a simple up-or-down vote, something that was in the nature of a technical correction, which I would think as a matter of custom and courtesy would be allowed. But apparently that is not the way things are operating.

All of these convulsions are being engaged in simply to avoid an objection to a unanimous consent request to modify an amendment to make it germane. It could all be avoided and we could have taken care of this in 10 or 15 minutes. I don't understand if the distinguished chairman is actually making that unanimous consent request at this time or is merely explaining what his intentions are. I will try to work with him, but I am not yet sure this is going to work as he hopes it will. My objection will remain that any amendment that was not germane when filed but could be made germane by modification, as mine could, would not be permitted to be in this managers' package or passed by unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. It sounds simplistic, and the hour is late and we need to vote, but the fact is there were 382 amendments that were submitted. There were hundreds of amendments that were waiting, and the fact is that initially the Cornyn amendment was not agreed to, so it is a little more complicated than that. There were literally 400 or 500 amendments that were filed, and we had to at some point cut off the process. For next year's bill we will try to get a situation where it is far more inclusive and far more informative. When you are dealing with 500 amendments, I know that each is important, but there is no way you are going to be able to get through the authorization bill with that many amendments that are filed, and that is just a fact. We are doing the best we can to accommodate the Senator from Texas and the Senator from Oklahoma and

every other Senator who didn't get their amendment voted on.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that upon passage of S. 1867, the Armed Services Committee be discharged from further consideration of H.R. 1540 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 1867, as amended, and passed by the Senate, be inserted in lieu thereof; that H.R. 1540, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that no points of order be considered waived by virtue of this agreement; and all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I thank everybody and I thank the Chair.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—93

Akaka	Feinstein	Menendez
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coats	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker

NAYS—7

Coburn	Merkley	Wyden
Harkin	Paul	
Lee	Sanders	

The bill (S. 1867), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. HARKIN. Mr. President, as a Senator, I have no greater responsibility than to work to ensure the security of the United States, and I believe the military should have all the tools they need to keep our Nation safe. I support the vast majority of the Defense authorization bill. However, because I believe we can protect our national security without infringing on critical constitutional values, I could not support this bill. The bill fails to clarify that under no circumstance can an American citizen be detained indefinitely without trial. And it mandates for the first time that suspects arrested in the United States will be detained by the military rather than domestic and civilian law enforcement, who since 9/11 have successfully convicted in civilian courts over 400 terrorists. Finally, the bill would make it more difficult to close the detention center at Guantanamo Bay, for which I have long fought because the detention facility is a stain on our honor and a recruiting tool for terrorists around the world.

Not only do these provisions violate the core values upon which our freedom rests, but they won't make us safer. The Pentagon, CIA Director Petraeus, Intelligence Director Clapper, and FBI Director Mueller all said these provisions will needlessly hurt, rather than help, our national security.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be very brief for obvious reasons. But this is a golden moment for us. The proud tradition of the Senate Armed Services Committee has been maintained every year since 1961 and continues with the Senate's passage of the 50th consecutive national defense authorization bill. It always takes a huge amount of work to get a bill of this magnitude done. It could not happen without the support of all the Senators on the committee. I will not thank each and every one—the subcommittee chairs, the ranking members, our staff, the floor staff here, who do extraordinary work. But the bipartisanship of this committee dominates again, and we hope that flavor will continue to dominate forever in the committee and hope it will permeate this Senate.

We always have to work long and hard to pass this bill and no two of these bills are alike. But it's worth every bit of effort we put into it because it is for our security, for our troops, and for their families. I thank all Senators for their roles in keeping our tradition going.

Our committee's bipartisanship also makes this moment possible. I am proud to serve with Senator MCCAIN and grateful for his partnership and friendship. I also want to thank our very dedicated and capable Senate floor staff on both sides of the aisle—Gary Myrick, Trish Engle, Tim Mitchell, and Meredith Mellody on the Democratic side and David Schiappa, Laura Dove, Ashley Messick, and Patrick Kilcur on the Republican side. They have all helped us get this bill across the finish line and we are very grateful to them and all others here on the floor and in both cloakrooms.

Finally, I thank all our committee staff members for their extraordinary drive and many personal sacrifices to get this bill done. Led by Rick DeBobes, our committee's staff director; Peter Levine, our general counsel; and Dave Morriss, our minority staff director, our staff really has given their all to get this bill passed. So to all of you and to all your families, thank you for your hard work. Take a few minutes to celebrate this moment and then put all your talents to work in conference with the House so we can bring a conference report back to the Senate before the holidays.

Mr. President, they all deserve recognition and, as a tribute to their professionalism and as a further expression of our gratitude, I ask unanimous consent that all staff members' names be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Richard D. DeBobes, Staff Director; David M. Morriss, Minority Staff Director; Adam J. Barker, Professional Staff Member; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Christian D. Brose, Professional Staff Member; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; Christine E. Cowart, Chief Clerk; Jonathan S. Epstein, Counsel; Gabriella E. Fahrner, Counsel; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member.

Ozge Guzelsu, Counsel; John W. Heath, Jr., Minority Investigative Counsel; Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Jessica L. Kingston, Research Assistant; Jennifer R. Knowles, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Kathleen A. Kulenkampff, Staff Assistant; Mary J. Kyle, Legislative Clerk; Gerald J. Leeling, Counsel; Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Hannah I. Lloyd, Staff Assistant; Mariah K. McNamara, Staff Assistant.

Jason W. Maroney, Counsel; Thomas K. McConnell, Professional Staff Member; William G. P. Monahan, Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Professional Staff Member; Bryan D. Parker, Minority Investigative Counsel; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Pro-

fessional Staff Member; John H. Quirk V, Professional Staff Member; Robie I. Samanta Roy, Professional Staff Member; Brian F. Sebold, Staff Assistant; Russell L. Shaffer, Counsel; Michael J. Sistik, Research Assistant; Travis E. Smith, Special Assistant; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Barry C. Walker, Security Officer; Richard F. Walsh, Minority Counsel; Bradley S. Watson, Staff Assistant; Breon N. Wells, Staff Assistant.

Mr. LEVIN. To end my thanks—I do not see Senator MCCAIN here. I think he had to leave for a few minutes.

He is here. Let me personally thank him. I thought Senator MCCAIN had to leave.

I put in some thank-yous here on behalf of the committee, and I just want to tell the Senator how tremendous it is to work with him and how this tradition of bipartisanship in our committee has been maintained. The Senator is a very major part of the reason for that happening, and I thank him.

Mr. MCCAIN. I thank the chairman. One of the things I look back on with great nostalgia and appreciation is the relationship we have developed over many years. I must say that we have had spirited discussions from time to time, but they have been educational, enlightening, and entertaining. I thank the Senator for his leadership.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. As the order that is now before the Senate indicates, I have the ability to designate who will be the speakers. We have 1 minute on one and 1 minute on the other. Those 2 minutes will be used by the senior Senator from Pennsylvania, Mr. CASEY.

The PRESIDING OFFICER. Under the previous order, the Armed Services Committee is discharged from further consideration of H.R. 1540 and the Senate will proceed to its consideration; all after the enacting clause is stricken and the text of S. 1867, as amended, is inserted in lieu thereof; the bill, as amended, is considered read a third time and passed, and the motion to reconsider is made and laid upon the table.

The Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN,

and Mr. VITTER conferees on the part of the Senate.

MIDDLE CLASS TAX CUT ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote on the motion to proceed to S. 1917.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, this Middle Class Tax Cut Act is very simple. It does two things for employers and also helps employees.

Last year, the Senate came together in a bipartisan bill. We passed a tax bill that, among other things, reduced payroll taxes for employees. This legislation expands that. Instead of just saying we are going to have a reduction of 2 percent of the payroll tax, this legislation cuts it in half. So you are cutting the payroll tax in half. That is take-home pay, \$1,500 in the pockets of the average working family in America.

Secondly, it allows us to provide a cut as well for businesses, cutting in half the payroll tax for businesses. It is good public policy. It will create lots of jobs at a time when the American people are telling us, with one voice, they want us to do one thing here: create jobs or create the conditions for job creation so small businesses can hire. At the same time, they want us to come together in a bipartisan way.

I urge a "yes" vote.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from South Dakota.

Mr. THUNE. Mr. President, there are a lot of Republicans here who agree with one of the basic principles in the Democratic bill; that is, there is no reason why people ought to suffer even more than they already are from the President's failure to turn this job crisis around.

What the Republicans have proposed is an alternative to this bill that ensures that no one sees a tax hike this year. The biggest difference is that the Republican proposal ensures that no one's taxes get raised in a down economy.

There is simply no reason that preventing a tax hike in this bad economy needs to be paid for by raising taxes on the very employers whom we are counting on to help jolt this economy back to life, which is exactly what the Democrats have put forward. So the Republican proposal would ensure that no one sees a tax increase next year. It avoids the gratuitous hit on job creators, and, even better, our plan reduces the Federal deficit by more than \$111 billion.

This is a dramatic expansion of this particular provision, which we cannot afford when we already have a \$15 trillion debt. There is a right way and

wrong way to do this. This is the wrong way in the Democratic proposal. The Republican proposal is the right way.

I urge our colleagues to vote against this bill.

The PRESIDING OFFICER. The time has expired.

Mr. BROWN of Massachusetts. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. Under the previous order, 60 votes are required for adoption.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—51

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kerry	Reid
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—49

Alexander	Grassley	Murkowski
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Brown (MA)	Inhofe	Rubio
Burr	Isakson	Sanders
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kirk	Snowe
Cochran	Kyl	Tester
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Wicker
Enzi	McConnell	
Graham	Moran	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion to proceed, the motion is rejected.

TEMPORARY TAX HOLIDAY AND GOVERNMENT REDUCTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on the motion to proceed to S. 1931.

The Senator from Nevada.

Mr. HELLER. Mr. President, the Senate today has an opportunity to put aside some of the partisan differences and come together and do something that will benefit all Americans. The legislation I propose is a solution, and I support solutions which Republicans, Democrats, and Independents can all support.

By supporting my legislation and imposing tax increases on employers,

Congress can also preserve opportunity for job growth in the future. Increasing taxes on small businesses will not help my State overcome the highest unemployment rate in the Nation. By asking millionaires and billionaires to pay higher premiums for government health care, my proposal asks the richest Americans to do more, just like my colleagues on the other side of the aisle ask that they should.

Lastly, this proposal is the only one that has a chance of passing the House of Representatives and be signed into law. I urge all of my colleagues to support this piece of legislation and this effort to help Americans already struggling to make ends meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, the problem with this proposal—and I hope we are reaching the point where we are actually coming together in a bipartisan way—is that it does not help small business. What we should be doing is cutting the payroll tax in half for employees and cutting it in half for employers so we can help small businesses.

This bill does not do that. All it does is take the existing cut in the payroll tax and keep that in place.

We like that part of it. We should expand the tax cut for workers and also have a separate cut in the payroll tax for employers, so 160 million workers and lots of businesses can get the benefit of this payroll tax cut to put money in people's pockets, grow the economy, and move the economy forward. I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, 60 votes are required to adopt the motion to proceed.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 78, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—20

Ayotte	Enzi	Lugar
Barrasso	Grassley	McConnell
Brown (MA)	Heller	Murkowski
Collins	Hoeven	Paul
Crapo	Hutchison	

Portman
Risch

Rubio
Snowe

Vitter
Wicker

NAYS—78

Akaka
Alexander
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Conrad
Coons
Corker
Cornyn
DeMint
Durbin

Feinstein
Franken
Gillibrand
Graham
Hagan
Harkin
Hatch
Inhofe
Inouye
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kirk
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lee
Levin
Lieberman
Manchin
McCaskill
Menendez

Merkley
Mikulski
Moran
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Sessions
Shaheen
Shelby
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Kerry

McCain

The PRESIDING OFFICER (Mr. COONS). Under the previous order requiring 60 votes for the adoption of this motion, the motion is rejected.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on the motion to proceed to legislation to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes, S. 1931. If I were able to attend today's session, I would have opposed cloture on this bill.●

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CAITLIN JOAN HALLIGAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 43, and I send a cloture motion to the desk. In fact, it is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Christopher A. Coons, Amy Klobuchar, Al Franken, Richard Blumenthal, Sheldon Whitehouse, Richard J. Durbin, Dianne Feinstein, Herb Kohl, Kirsten E. Gillibrand, Tom Udall, Ron Wyden, Robert P. Casey, Jr., Sherrod Brown, Jeanne Shaheen.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, December 6, 2011, at 11 a.m., the Senate proceed to executive session to consider Calendar No. 43; that there be 1 hour for debate, equally divided in the usual form prior to the cloture vote; further, that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now ask unanimous consent to resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

PAYROLL TAX HOLIDAY

Mr. MORAN. Mr. President, just a few moments ago we cast several votes in regard to the so-called payroll tax holiday. I opposed both the Republican amendment and the Democratic amendment.

There were significant differences between these two versions of this legislation; in part, the differences at least included the way that the provisions were paid for. While I may support the pay-fors, I objected to what the pay-fors are paying for.

I support freezing the pay of Members of Congress, the elimination of certain benefits to millionaires, and reducing the Federal workforce. But wouldn't we be better using the proceeds of these reductions in spending to reduce the debt and deficit rather than a short-term change that reduces the revenues going to the Social Security and Medicare trust funds? When are we going to admit we are broke?

I am reminded of a plan approved by Congress just several years ago where we borrowed money to give citizens a \$600 rebate, all in the name of a stimulus. We wanted to stimulate the economy and, in my view, what we did was we stimulated little and increased the debt a lot.

Many of us have expressed support for the concepts contained in the Bowles-Simpson deficit reduction plan. Their recommendations are very important and we have paid a lot of attention to them and expressed our desire to proceed in that way. Many times we have said that. But the legis-

lation we just voted on uses many of their suggested reductions in spending, not for deficit reduction but for another stimulus plan. The Bowles-Simpson plan has been hijacked once again in the name of stimulating the economy.

These proposals also undermine the foundation of Social Security. We are reducing the payments into the trust fund. We should leave the trust fund alone and cut spending and use those savings to pay down our annual deficits and live within our means. Once again, we are putting off difficult decisions and leaving it up to our children and grandchildren to pay for our irresponsibility.

Finally, let me, once again, on this floor make the case for certainty in our Tax Code. Congress is tinkering tonight with the Tax Code, creating greater uncertainty. In almost every conversation I have with a business owner, they ask for certainty in the Tax Code and certainty in the regulatory environment. But instead, tonight we are changing or attempting to change the Tax Code one more time, for a short period of time, claiming some benefit for doing so. Instead, we should focus on long-term tax policy and a Tax Code that is simpler and certain. Certainty is something that will create jobs.

I expect there to be some criticism of the votes I just cast, and I can hear the campaign sound bites. But we have to get beyond the next election and get to the next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

DEFENSE AUTHORIZATION

Mr. MERKLEY. Mr. President, tonight, I voted against final passage of the Defense authorization bill, and I rise now to explain why I voted against it and the considerable concerns I have about the vast expansion of the powers of detention of American citizens that were contained in that bill.

These provisions related to the detention of American citizens—without the standard rights of the fifth and sixth amendment—have been an object of intense debate on the floor of the Senate over the last several days.

As a Senator who has now been here 3 years, I can say unequivocally that this debate was extremely valuable. Folks came from both parties on both sides of this issue and shared their insights, both from their life experiences, from their scholarly knowledge of the law, and certainly from their philosophy, and I commend all who participated in that debate. I listened to a great deal of that debate on both sides. I thought this was extraordinarily important; issues surrounding our Bill of Rights and the rights of American citizens, protection from the abuse of power.

Some came to this floor and said that essentially the detention provisions in this bill simply clarify existing law and will enhance our national security, and they did so with sincere hearts and sharp minds. Others came, equally sincere, equally learned, and argued the opposite side; that the detention provisions in this bill constitute a devastating circumvention of the fifth amendment right to due process and the sixth amendment right to a speedy trial by impartial jury, as well as a sixth amendment right to confront the witnesses against him or her. Maybe it is useful to take a look at what the fifth and sixth amendments actually say.

One of the last clauses of the fifth amendment notes that:

No person shall be deprived of life, liberty, or property without due process of law.

I think we all grow up in this country absolutely believing in this fundamental value that the government cannot take from you your life, your liberty or your property without the process of law.

The sixth amendment notes that, in prosecutions, the accused shall enjoy the right to a speedy and public trial—and I emphasize public trial—by an impartial jury of the state. It goes on to note that the accused shall be able to confront the witnesses against him and to have the assistance of counsel. So these basic issues of speedy and public trial, an impartial jury, the assistance of counsel, and the ability to confront the witnesses against you, all of these are contained in the sixth amendment and all relevant to this debate over detention.

Most of this conversation is about a section of the bill called section 1031, subtitle D, and it is referenced subtitle D, “Detainee Matters.” I will just read the title of the section to give a sense of what this is all about.

Section 1031. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the authorization of the use of military force.

It uses this fancy word “covered persons,” and it is what is referred to in everyday speech as enemy combatants. So section 1031 is about the ability of the Armed Forces to detain enemy combatants.

The reason this is framed this way is that there is a historical exception under constitutional findings of the Supreme Court to amendment five and amendment six of the Constitution. That exception is that if an individual is fighting on the side of the enemy against the United States, they do not have the same rights because they are now an enemy combatant in time of war, and they can be detained for the duration of that conflict. This was adjudicated in World War II over individuals who assisted with sabotage in New York, and it was found that the standard rights of speedy public trial,

by jury, right to counsel do not apply if you are an enemy combatant. Instead, you are put into the framework of a war setting to be treated as a member of the opposing army.

So this exception has historically been extremely narrow. You are on the battlefield or you are directly working as a member of the enemy force against the United States. It should be extremely narrow, and it should be substantial hurdles for the State to be able to simply claim that you are an enemy combatant and thereby strip you of your fifth and sixth amendment rights.

But what we have in this bill, in section 1031, is not this narrow set of provisions based on the historical understanding of an enemy combatant. Instead, we have a definition that says “a person who was a part or substantially supported al-Qaida, the Taliban, or associated forces, engaged in hostilities against the U.S. or coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of enemy forces.”

On first reading, it may sound as if that individual is directly involved in combat, but listen to the words embedded in this. First of all, it says “a part of,” with no conception of what “a part of” means. Did you write one sympathetic e-mail in your lifetime? Does that make you “a part of”? We have no standard here.

“Substantially supported” is understood to mean material support, but no contingency for intent. If you donated money to a charity and that charity used it to support Taliban activities somewhere in the world or some other group that had an association with the Taliban, you have substantially supported, under this conversation.

Then it says “the U.S. or its coalition partners.” Who are these coalition partners? What is the definition of that? A few weeks ago, you might have noticed in the news that there were a lot of protests going on in Bahrain. We have a military facility in Bahrain. Is Bahrain a coalition partner since we utilize a partnership with them to supply our forces in the Middle East? Yes, probably so, because there is no definition of “coalition partner.” With individuals who were standing up for human rights and got into a battle with police in a public square, they are engaging in a belligerent act against a coalition partner.

I hope you can start to see that the standard understanding that has been constitutionally established over time is completely taken apart in this simple paragraph. That should be of grave concern to all Americans who care about our constitutional rights to a fair hearing.

What happens when the government suspects you have done something? I want to take you to a case in Oregon.

We had a case regarding an individual named Brandon Mayfield. Brandon Mayfield was born in Kansas. Brandon Mayfield got his law degree in Topeka, KS. Brandon Mayfield is an Army veteran. Brandon Mayfield is married with three children and lives with family in a Topeka suburb.

Brandon Mayfield is a Muslim convert, and in 2004 FBI agents raided his law office, his home, and his family farm to collect evidence, believing he was a terror mastermind behind the Madrid bombings. The reason why is an FBI agent concluded that a partial fingerprint matched Brandon Mayfield’s fingerprint. Under this framework, the government now labels him an enemy combatant, and what right does Brandon Mayfield have to contest this? Basically, no rights. The law provides only that there will be a hearing; that the rules of the hearing will be set by the executive branch—by the President, if you will; that the attorney will be assigned by the executive branch; that the rules of evidence will be determined by the executive branch; that this hearing will occur sometime—but when? We don’t know. There is no right to a speedy trial, there is no commitment that it will be public; in other words, no protections from the force of the State whatsoever—completely the opposite.

This gateway around the fifth and sixth amendments is very loosely defined rather than tightly defined. The entire process by which an individual might try to say “You are wrong, that was not me, I was not there” is extraordinarily without powers for the defendant.

I find that outrageous because once that hearing occurs, possibly in secret without an attorney that the individual would like to employ, without rights to evidence, without an ability to confront the witnesses against him or her—without any of these rights, that person can now be locked away forever under this law. There is no right to appeal, no right to contest, and therefore this completely works against the principles we hold dear. Those principles were set up—the fifth amendment and sixth amendments were set up to defend us against the overreach of an executive branch. Yet tonight we have stripped away those protections.

A lot of the conversation over the last few days has noted that there was a historical gate through which you did not have the fifth and sixth amendment but also recognized how narrow that was. What we have done today changes that.

I hope this continues to receive substantial attention. I would have hoped there would be hearings about this phenomenal change in U.S. law adopted tonight because this sort of thing should not be done lightly. It should not be placed at the last second into a Defense

authorization bill without extensive consideration, extensive testimony by experts on all sides of this issue.

There is another feature of this bill that I think deserves attention, and that is that it creates a presumption for certain types of crimes to be tried in military tribunals rather than in civilian courts. Many of my colleagues are much more familiar with this than I am, but they have come to the floor and noted that 300 individuals who have been accused of terrorist-related crimes have been tried in civilian courts and found guilty, versus 6 in military courts. They have noted that because the FBI is immersed in the process of getting evidence out of individuals, they are masters at it, which helps to explain these 300 convictions versus the 6 in military courts. But the law tonight creates a presumption that they can be tried in a military court under an argument that several of my colleagues have made that simply the military is better at it. But there is not one shred of evidence brought that the military is better and lots of evidence about the sophisticated, experienced, systematic, and successful efforts of the FBI.

Mr. President, I would like to conclude by summarizing that all that we hold dear as Americans in this Constitution about our fair rights as citizens has been trampled on tonight. This has happened twice before in this Chamber, and the Supreme Court has thrown it out twice before. I hope they will find a case that this will put before the Court again because it is the responsibility of the Court to keep taking us back to this document, this Constitution, when we waver from the course it lays out. There should not be a situation that the government can simply assert that the President, no matter what President it is—this President or any future President, whether it be President Bush, whether it be President Obama, whether it be the next President of the United States or one of five Presidencies into the future—they should not be able to say: You, Joe American, I am calling you an enemy combatant. I am locking you up. I am assigning your defender—your court attorney if you will. I am deciding the rules of evidence. I am deciding if it is going to be secret. And after I conclude that there is enough evidence because of a partial fingerprint, I am locking you up forever, and there is not a damned thing you can do about it.

Brandon Mayfield was locked up, and he might have been locked up forever if this law had been in place. But the FBI made a mistake. The FBI completely botched the fingerprint comparison. It was Spain that brought it to our attention. Spain kept saying: America, you have the wrong guy. America, you have the wrong fingerprint. And it was Spain that found the right match, and it was finally our own system that

said: Yes, we made a mistake, and we are setting Brandon Mayfield free. But under what was done tonight, he may never have seen the light of day outside of his prison. That is not right. It is not, absolutely not a contributor to the security of this country to strip away fair rights of due process, to summon the evidence, to confront your accusers and make sure that a just decision occurs.

Mr. President, I yield the floor.

RECOGNIZING WORLD AIDS DAY

Mr. DURBIN. Mr. President, today is World AIDS Day, a time for us to reflect on one of the worst plagues the world has experienced. This year also marks the 30th anniversary of the first appearance of the disease in the United States.

For three decades this preventable disease has devastated families and communities around the world. It has killed over 25 million people. But there has been a strong global response from the research community, governments, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories, and I am proud of the leadership the United States has demonstrated in the fight against AIDS.

The number of newly infected people in the world is steadily declining. Successful antiretroviral treatments have saved 2.5 million lives in developing countries. Advancements have been made in HIV testing and prevention, and biomedical innovations have created powerful drugs that can transform AIDS from a death sentence into a more manageable chronic disease. Most recently, promising tests in gene therapies and vaccines are giving researchers renewed hope for a way to prevent the spread of HIV. Some scientists are becoming optimistic about the possibility of a cure.

Despite this considerable progress, however, an estimated 34 million people in the world are still suffering from AIDS—5 million more than in 2002. Only about half of them have access to ongoing medical treatment that is essential to making HIV/AIDS a manageable disease.

Today President Obama announced two new initiatives that will enable us to build on our successful efforts to combat HIV/AIDS here in America. First, the United States will commit \$15 million to the Ryan White program, which supports HIV clinics around the country. In addition, we will commit \$35 million to State AIDS drug assistance programs.

I commend the President and his administration on these critical new commitments. They represent the next step in America's first-ever National HIV/AIDS Strategy, which the President introduced in 2010. They remind us that AIDS doesn't just affect people

in developing countries—1.2 million people are currently living with HIV/AIDS in the United States, and over 600,000 people here have died from this deadly virus.

Thirty years into this epidemic, the burden of the disease in America continues to be disproportionately borne by gay and bisexual men and people of color. While African Americans represent 12 percent of the U.S. population, they account for almost half of all people living with HIV and half of new infections each year.

In the State of Illinois, over 37,000 people have HIV or AIDS. Eighty-three percent of those people make their homes in Chicago. All of these lives depend upon continued Federal commitment to investment in research and treatments.

There is hope. Organizations such as AIDS Foundation Chicago—the umbrella group for HIV/AIDS groups working in Chicago—are dedicated to eliminating the disease in the United States. The ONE Campaign is a grassroots organization that works closely with African leaders and activists to stop the spread of preventable diseases such as HIV/AIDS. These two groups are examples of the many groups of people of conscience who are working to make HIV/AIDS history. The promising new biomedical research in gene therapies and vaccines gives me hope that we can someday eliminate AIDS and in the meantime improve the lives of those who are affected by it both here and abroad. But these important programs depend upon the Federal Government's will and ability to fund them. Unfortunately, these programs are at risk.

The U.N. recently released a progress report on the global response to AIDS. It said:

Financial pressures on both domestic and foreign assistance budgets are threatening the impressive progress to date. Recent data indicating that HIV funding is declining is a deeply troubling trend that must be reversed for the international community to meet its commitments on HIV.

The Global Fund to Fight AIDS, Tuberculosis, and Malaria—the international financing institution that invests the world's money into fighting these deadly diseases—has recently announced that the decline in funds is putting the fund in a tough spot. It can't award any new grants until 2014.

As Congress debates the deficit, we should remember that the fight against AIDS has always been a bipartisan effort. It was under the administration of President George W. Bush that PEPFAR—now the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act—was created. PEPFAR and other notable programs continue to be strengthened under the Obama administration. Today our President reminded us of this historical bipartisan support. He said:

At a time when so much in Washington divides us, the fight against this disease has united us across parties and across presidents. And it shows that we can do big things when Republicans and Democrats put their common humanity before politics.

We need to cut the deficit, but let's be smart about it. The fact is that every dollar we cut from HIV/AIDS research and treatment this year means additional funding will be required the next year and the next. But this is not just about saving taxpayer dollars, as important as that is. Most of all, this is about saving lives. Every dollar not funded this year will exact a horrible toll. Men, women, and children will die who otherwise could have been saved. People who would have lived longer, healthier lives will have to rely on overly burdened programs such as Medicare and Medicaid just to survive. We must not allow that to happen.

Several years ago, I visited a program in Uganda for women who were dying of AIDS. We sat on the porch, and the women showed me scrapbooks they were making. They were gathering together photos, notes, and other bits of memorabilia about their lives so that their children would have some way to remember them after they died. Their children, playing in the yard, had already lost one parent and were now about to be orphaned. As I sat with those mothers, all of Uganda began to feel like a terminal ward of a hospital—an entire nation waiting to die. That is not true anymore. Today, because of discoveries by scientists and the determination of people of conscience, there is hope in Uganda and other desperately poor nations that have been hit hard by the HIV/AIDS pandemic.

There is also hope here at home. The United States continues to demonstrate its leadership in eliminating HIV/AIDS, but we cannot allow our efforts to fail for lack of funding and support. The elimination of HIV/AIDS is one of our most important commitments to the people of this country and the world, and we ought to keep that promise.

REMEMBERING BISHOP ODIS FLOYD

Mr. LEVIN. Mr. President, just as a building needs a foundation, every community needs pillars—people who provide strength, inspiration, guidance, and leadership, people to rally around in tough times. Today, the city of Flint, MI, is missing one of its pillars.

Bishop Odis Floyd of New Jerusalem Full Gospel Baptist Church died this week at the age of 71 after a long illness. For more than four decades, he was the spiritual leader of the church he helped his grandfather found. At an imposing 6-foot-6, with a powerful preaching and singing voice, he became known around the country for his stir-

ring sermons and appeared on a number of gospel music albums. Whether in quiet conversation with a church member or in powerful preaching from the pulpit, he was a spiritual giant.

His faith taught him to reach out beyond his church, not just with spiritual guidance but to lend a hand to those in need. The church's charitable and outreach efforts under his leadership have had an enormous impact. They include programs to provide a safe and welcoming place for children; educational efforts; assistance to those who need medical care, food, and clothing; counseling and social work services, and much more.

Bishop Floyd also was a valued adviser to business and community leaders in Flint, in Michigan, and beyond. I was fortunate to visit with him on many occasions, and I valued those visits for his knowledge of the community and the quality of his counsel. His love and concern for Flint ran deep, and no matter the challenge, he was always at the forefront of those looking for solutions. His commitment to his community was profound and provided a shining example to others.

Whether it was in preaching the gospel he felt so deeply or in reaching out to help others, one word sums up the gift Bishop Floyd brought to those around him: hope. "People need hope," he once told an interviewer, "and that's always what I want to give them."

His loss has deprived the community he loved of a strong and steady pillar. It now falls to all those who care about Flint to take up where he left off and to continue his work to improve the city and lives of its citizens.

Many will miss him, but none more than the family he loved: his wife and partner, Brenda; son Anthony; daughters, Nikki and Toyia, who served admirably as an intern in my office; and five grandchildren. Barbara and I send our condolences to them, to the members of New Jerusalem Full Gospel Baptist Church, and to the thousands who have, in ways great and small, been touched by Bishop Floyd's strength, generosity, and faith.

TRIBUTE TO ANDY SWAPP

Mr. HATCH. Mr. President, this past August I had the opportunity to visit Beaver County, Utah, where I met an educator who is working tirelessly to prepare our Nation's youth for success in our transformative economy. This rural area of southwest Utah is home to my State's major energy initiatives, including the largest wind farm in Utah.

In 2001 a local shop teacher, Andy Swapp, observed that Milford, UT could capitalize on the powerful winds in the area. Inspiring his students to learn about renewable energy, the class applied to Utah's anemometer loan pro-

gram to erect a 20 meter meteorological tower. As the students collected and analyzed the wind data, they attracted the attention of a wind prospector named Curtis Whittaker. Mr. Whittaker was impressed with the preliminary data but more so with the dedication, enthusiasm and accomplishments of eighth grade students. He sent a 50 meter tower to Milford High School for Mr. Swapp and students to construct in the wind-swept desert. Mr. Swapp used the real world project to teach students about wind turbines and power outputs, inspiring students to apply their classroom lessons to developing solutions for affordable, abundant energy. As the commercial wind farm developed, Mr. Swapp's classes were continually relied upon for data collection while receiving training in wind farm maintenance operations. Over the last decade, Mr. Swapp's students participated in all phases of completing Utah's largest commercial wind farm.

Mr. Swapp's dedication to fostering student learning and success is not limited to wind power. His classes at Milford High School won a Rocky Mountain Power "Bluesky" grant to install a 10 kilowatt array of solar panels on a dual axis tracker on the front lawn of the school, and a roof top mounted solar array. The students were allowed to work with the contractor, helping install the \$125,000 system. The students are now monitoring the energy production to compare the dual axis tracker with the standard technology. His classes also participate in national electric race car construction contests.

To broaden the education of his students, Mr. Swapp organized the Milford Renewable Energy Fair. With support from South West Applied Technology College, the fair has grown to include secondary schools from all over the State and major vendors in the industry. Milford High School is also home to the Southwest Renewable Energy Center, which Mr. Swapp helped devise to promote the energy-rich area of Beaver County and Southwest Utah. It is a collaboration of secondary schools, technical colleges, 4-year universities, State-wide economic advancement districts, research and development partnerships and technology commercialization firms. This center connects students to jobs, internships, and scholarships.

Mr. Swapp is an outstanding example of educators bringing learning to life and helping students envision a sustainable future. Mr. Swapp's students have enrolled in energy and engineering programs at Southern Utah University and Southwest Applied Technology College. They have secured high-skill, high paying jobs in their hometown. Their paths have been inspired by the curiosity, creativity and dedication of their teacher.

Prior to becoming an educator, Mr. Swapp served our country as a career infantry Sergeant in the U.S. Army. Following his service, he returned to Utah to offer rural students the very best in education, to expand their horizons, and to foster a positive attitude for their future. Mr. Swapp has been an example to his students by completing an Associate of Science, AS, from Dixie State College, a Bachelor of Science from Southern Utah University, and a Master of Science from Utah State University.

Mr. President, I was really impressed with what I experienced in meeting Andy. I wanted to highlight the important, innovative work of a successful educator engaged in leading our Nation into the future.

WORLD AIDS DAY

Mr. NELSON of Florida. Mr. President, musicians Bono and Alicia Keys are in Washington, DC, today to meet with Presidents Obama, Clinton, and Bush about what is next in the global battle against AIDS. They note that we are reaching a tipping point on combating HIV/AIDS worldwide, which is why they and many others, including myself, believe continued U.S. leadership is critical.

It is fitting that this gathering is taking place today—World AIDS Day. We all should remember that HIV/AIDS has claimed the lives of more than 550,000 Americans so far, while 1.1 million others are living with the disease.

Florida has been hit particularly hard: about 100,000 people are living with HIV/AIDS. Florida has the longest waiting list of low-income residents waiting for assistance with the high cost of lifesaving medications. More than 3,000 Floridians are on that list; and, alarmingly, the number could grow as the State considers cutting more than 1,600 who already are in the government-backed program.

Federal, State, and local governments must understandably tighten their belts. But focusing on such short-term savings is horribly shortsighted. For several reasons, these cuts will only lead to higher costs to taxpayers in the long run—cases will become more difficult to manage, transmission rates are likely to increase, and patients will more frequently need expensive care in emergency rooms and hospitals.

We must also remain committed to the goals of the President's Emergency Plan for AIDS Relief globally. Among the goals are to prevent more than 12 million new HIV infections and provide care for more than 12 million people, including 5 million orphans and children around the world.

REMEMBERING DR. SUSAN M. DANIELS

Mr. HARKIN. Mr. President, I wish to pay tribute to a much respected and beloved leader in America's disability community, the late Dr. Susan Daniels.

Dr. Daniels acquired her disability at a very young age. Though she spent much of her early years in rehabilitation institutes and hospitals, her parents advocated for her full inclusion in school and in the life of her local community. As a consequence, Susan attended regular elementary and secondary schools. She went on to graduate summa cum laude from Marquette University, and to earn her master's degree at Mississippi State University and her Ph.D. from the University of North Carolina. And I would note that she achieved these things before the days of accessible campuses.

While still in her twenties, Dr. Daniels served as chair of the Department of Rehabilitation Counseling at Louisiana State University Medical Center. There, she developed an innovative program to train individuals to work directly in community-based settings with people with developmental disabilities. This program became a core element in Louisiana's efforts to deinstitutionalize people with disabilities.

Throughout her adult life, Dr. Daniels was a passionate advocate for people with disabilities. She served as Associate Commissioner of the Rehabilitation Services Administration in the U.S. Department of Education, and as Associate Commissioner of the Administration on Developmental Disabilities, ADD, in the U.S. Department of Health and Human Services. While at ADD, she developed the Home of Your Own Program to assist people with developmental disabilities in their quest to become homeowners in their communities. It is one of Dr. Daniels' living legacies that this Home of Your Own Program is now operating in 27 States.

Perhaps Dr. Daniels' greatest accomplishment was her leadership in passing the Ticket to Work and Work Incentive Improvement Act of 1999. Appointed by President Clinton to serve as Deputy Commissioner for Disability and Income Security Programs at the Social Security Administration, she worked tirelessly to lay the groundwork for this legislation. The Ticket to Work Act created employment incentives and healthcare provisions for workers with disabilities, and removed many of the systemic barriers that often required citizens with disabilities to make a stark choice between working or retaining their health coverage. Two of the most important provisions of this legislation are the authorization for a State Medicaid buy-in program to allow individuals to maintain health coverage after returning to work, and a continuation of Medicare

coverage for individuals who are working.

Dr. Daniels was also very active in the fight for disability rights internationally. She addressed many conferences and research forums in Africa, Europe, and Asia. And she advised governments on the best ways to set up social insurance programs for individuals with disabilities. She served as president of the U.S. International Council on Rehabilitation, and was Rehabilitation International's deputy vice president. In 1998, she played a lead role in convening the International Women with Disabilities Leadership Forum.

Dr. Daniels was the recipient of many awards for her work, including the prestigious Henry B. Betts Award, which honors individuals who have made transformative differences in the lives of people with disabilities.

Dr. Daniels played leadership roles in a wide range of national and international organizations, but she also worked for change at the individual level, mentoring and sponsoring countless young men and women with disabilities both in the U.S. and abroad.

Susan's husband, John Watson, and many other family members, friends, and colleagues will gather for a memorial service in her honor at the National Press Club here in Washington on December 4. I will be with them in spirit as they celebrate a determined advocate and a truly bright light, a woman who was and is an inspiration to people with disabilities around the world.

ADDITIONAL STATEMENTS

TRIBUTE TO HALEY BARTON

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Haley Barton for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Haley is a native of Wyoming and graduated from Lander Valley High School. She attends the University of Wyoming, where she is majoring in political science and history. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Haley for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey. •

TRIBUTE TO AMY BLACK

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to

express my appreciation to Amy Black for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Amy is a native of Wyoming and graduated from Kelly Walsh High School. She attends the University of Wyoming, where she is majoring in political science. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Amy for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KAITLYNN GLOVER

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kaitlynn Glover for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaitlynn is a native of Wyoming and graduated from Natrona County High School. She attends the University of Wyoming, where she is majoring in agriculture communications. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaitlynn for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO MANDI MOSHER

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Mandi Mosher for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Mandi is a native of Wyoming and graduated from Glenrock High School. She attends the University of Wyoming where she is majoring in social work. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the time she has been with us.

I want to thank Mandi for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with

all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO RIO SMITH

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Rio Smith for his hard work as an intern in the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Rio is a native of Wyoming and graduated from Cheyenne Central High School. He attends Stonehill College in Massachusetts where he is majoring in business administration. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the time he has been with us.

I want to thank Rio for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO KALEIGH WILLIAMS

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kaleigh Williams for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaleigh is a native of Wyoming and graduated from Cheyenne East High School. She attends the University of Wyoming where she is majoring in political science. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaleigh for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO PEASE GREETERS

● Ms. AYOTTE. Mr. President, today I wish to honor the memory of Charles Nichols II, a World War II veteran who helped start the Pease Greeters—a New Hampshire-based volunteer group that honors the brave U.S. service members who touch down at Portsmouth's Pease International Airport.

A decorated marine who represented the very best of America's "greatest generation", Mr. Nichols understood the critical importance of showing sup-

port for our troops. Thanks to the Pease Greeters, service men and women returning from, and traveling to, Iraq, Afghanistan, and other deployments have arrived at Pease and found smiling faces and a warm welcome—along with good food and a phone to call home.

As a cofounder of the Pease Greeters, Mr. Nichols helped launch a very special Seacoast tradition that sets the standard for how we ought to recognize our service members. I join citizens across New Hampshire and Maine in expressing my gratitude for Mr. Nichols' service to our country, his commitment to supporting America's troops, and his contributions to the life of the Seacoast Region.●

MARKING THE RETIREMENT OF BOB CONNERS

● Mr. BROWN. Mr. President, I rise today to honor Bob Connors, the retiring long-time voice on radio for thousands of Ohioans in Central Ohio, who broadcasted his final show on WTVN on November 30, 2011.

Bob and I have not always agreed on the issues, but he has always been the consummate professional. He is fair and dignified in discussions ever since he took to the airwaves back in 1964. And he is always armed with a quick wit. I spoke with Bob earlier this week. He told me that during his retirement he plans to learn a foreign language. When I asked which one, he said he wanted to master English first. That endearing sense of humor earned him the trust of listeners across Central Ohio. And as those who have listened to him over the years know, he has not only mastered English, he has mastered morning radio.

Growing up in St. Marys, PA, Bob first wanted to become a radio actor, inspired by the Lone Ranger and encouraged by his father. He got his start on the airwaves when he was in high school, earning \$45 per month as a radio deejay. After graduating from high school, Bob worked in Erie, Buffalo, San Diego, and Pittsburgh. He served our nation and volunteered for the Army in 1956.

By 1964, he joined WTVN in Central Ohio. Bob cemented his loyal following in the afternoons transitioning from music to a talk radio format. Some memorable stories of his time on air relate to his beloved Ohio State Buckeyes football team, led at the time by the famed Woody Hayes.

"The Morning Monarch," as he would be known while hosting the Bob Connors Show beginning in 1978, he brought in more listeners and would eventually range 33 years, six U.S. presidents, and five Ohio State football coaches. And as much as he enriched the lives of his listeners, he also served his community away from the microphone, volunteering with the Boys and

Girls Clubs of Columbus and the Char-ity Newsies.

Bob Conners had the ear of his listeners because they could trust him, whether they agreed or disagreed with him. It is that admirable trait we will miss with his retirement. But it is that endearing quality that's earned him this retirement and no more 3 a.m. wake-up calls.

Bob, I wish you and Linda all the best in your retirement. Thank you for all that you have done for your listeners and for our great State.●

TRIBUTE TO ED STRICKFADEN

● Mr. RISCH. Mr. President, I rise today to recognize and pay tribute to an outstanding public servant, Ed Strickfaden. Today, the Idaho State Police will be naming a building after Ed, who served as the director of the Idaho State Police and was a 35-year veteran of the department. He is very deserving of this honor, and I congratulate him on this special day.

Ed Strickfaden graduated from Council High School, located in a small rural town in southwestern Idaho. He honorably served in the U.S. Air Force before beginning his career with the Idaho State Police. In 1967, he was hired as a port of entry officer, and from there he worked his way up the ranks, serving in almost every region of the State.

In 1980, he was promoted from a patrolman in the Lewiston area to a sergeant in Twin Falls. By 1984, he was district commander in Idaho Falls, then moving to the district commander position in Coeur d'Alene the following year.

He served in the headquarters office beginning in 1991, first as a major in charge of field operations, then as a deputy superintendent of the Idaho State Police. He was appointed ISP superintendent by Gov. Phil Batt and served 4 years in that position prior to his appointment as director of the Department of Law Enforcement by Gov. Dirk Kempthorne in January 1999.

Colonel Strickfaden undertook a major reorganization of the Idaho State Police, streamlining its functions and enhancing training throughout the department. He even initiated the name change to Idaho State Police, effective July 1, 2000.

With his years of service, rising through the ranks and serving in all parts of Idaho, Colonel Strickfaden understood more than most what was needed and how to do it. He was a man of uncompromising integrity and had the utmost respect of those he led and the respect of the state's elected officials.

Today, the Idaho State Police and the people of Idaho honor this humble man by putting his name on the building at ISP headquarters. It is a fitting tribute to a great leader and a wonder-

ful human being. We are all very grateful for the many years of exemplary service Colonel Ed Strickfaden has provided to our great State.

I would be remiss if I did not also mention Colonel Strickfaden's wonderful family and especially his wife Barbara for her strong support throughout Ed's career. Together, they have served the people of Idaho with great distinction.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3094. An act to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

ENROLLED BILL SIGNED

At 6:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolutions were read the second time, and placed on the calendar:

S. 1930. A bill to prohibit earmarks.

S. 1931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

S. 1932. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

S.J. Res. 30. Joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

S.J. Res. 31. Joint resolution applying certain conditions to the dispute referred to in

Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

S.J. Res. 32. Joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4115. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenamidone; Pesticide Tolerances" (FRL No. 9325-4) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4116. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohexadione Calcium; Pesticide Tolerances" (FRL No. 9326-4) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4117. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polyethylene glycol; Tolerance Exemption" (FRL No. 8892-1) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4118. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Patrick M. Walsh, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-4119. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-4120. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Federal Housing Administration (FHA) Appraiser Roster: Appraiser Qualifications for Placement on the FHA Appraiser Roster" (RIN2502-AI96) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4121. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on November 29,

2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4122. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4123. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Geothermal Resource Leasing and Geothermal Resources Unit Agreements" (RIN1004-AD86) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Energy and Natural Resources.

EC-4124. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Sales" (RIN1004-AD74) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Energy and Natural Resources.

EC-4125. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia and Ohio; Determinations of Attainment of the 1997 Annual Fine Particle Standard for the Parkersburg-Marietta and Wheeling Nonattainment Areas" (FRL No. 9498-7) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC-4126. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revisions to Control Volatile Organic Compound Emissions for Surface Coatings and Graphic Arts" (FRL No. 9496-8) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC-4127. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning; Louisiana; Baton Rouge Area; Redesignation to Attainment for the 1997 8-Hour Ozone Standard" (FRL No. 9498-2) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC-4128. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Placer County Air Pollution Control District" (FRL No. 9493-2) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC-4129. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases" (FRL No. 9493-9) received during ad-

journment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4130. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Hickory-Morganton-Lenoir 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9493-5) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4131. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Greensboro-Winston-Salem-High Point 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9493-6) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4132. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); General Definitions; Definition of Modification of Existing Facility" (FRL No. 9489-8) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4133. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Clean Data for the 2006 Fine Particulate Standard for the Charleston Area" (FRL No. 9494-2) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4134. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Volatile Organic Compound Emissions from Offset Lithographic Printing and Letterpress Printing" (FRL No. 9493-1) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4135. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference" (FRL No. 9490-3) received during adjournment of the Senate in the Office of the

President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4136. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Compliance Date Amendment for Farms" (FRL No. 9494-8) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4137. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 2" (RIN3150-AI91) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC-4138. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proposed Method of Accounting for OID on a Pool of Credit Card Receivables" (Notice 2011-99) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Finance.

EC-4139. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability" (Rev. Proc. 2011-58) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Finance.

EC-4140. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability" (Rev. Proc. 2011-57) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4141. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Approval of Grape Variety Names for American Wines" (RIN1513-AA42) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Finance.

EC-4142. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the Proton integration and launch of the Immarsat 5 Series F1, F2, and F3 Commercial Communication Satellites from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4143. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical

data, and defense services to the Secretaria de la Defensa Nacional, for a radar system for the Surveillance and Control of the Mexican Airspace program the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4144. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom and France for the delivery and support of fourteen Mk6 Chinook helicopters to the United Kingdom Ministry of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4145. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the design, development and manufacture of upgrades to the Brimstone Weapon System for several United States allies in Europe in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4146. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom and India for the manufacturing and maintenance of AC and DC electrical power generating systems, motors, motor drive systems, and system control units utilized on military aircraft and ground vehicles for users in 63 countries in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4147. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of AN/APG-63(V)1 radar system retrofit kits for sale and delivery to the Japanese Air Self Defense Force in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4148. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Animal Food Labeling; Declaration of Certifiable Color Additives" (Docket No. FDA-2009-N-0025) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4149. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Race to the Top Fund Phase 3" (RIN1894-AA01) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4150. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Re-

port of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4151. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4152. A communication from the Budget Officer, Office of the Treasurer, National Gallery of Art, transmitting, pursuant to law, the financial statements for the National Gallery of Art for the year ended September 30, 2011 and the auditor's report thereon; to the Committee on Homeland Security and Governmental Affairs.

EC-4153. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4154. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4155. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-228 "Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4156. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-234 "Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4157. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-235 "Real Property Tax Appeals Commission Establishment Clarification Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4158. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-236 "Criminal Penalty for Unregistered Motorist Repeal Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4159. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-237 "The Washington Ballet Equitable Real Property Tax Relief Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4160. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-238 "Vault Tax Clarification Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4161. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 19-239 "Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Service's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4163. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Management Response for the period ending September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4164. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Semiannual Report of the Inspector General for the period from April 1, 2011 to September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4165. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4166. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General and the Corporation for National and Community Service's Report on Final Action for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4167. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's fiscal year 2011 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4168. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4169. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas" (RIN1513-AB57) received in the Office of the President of the Senate on November 30, 2011; to the Committee on the Judiciary.

EC-4170. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Pine Mountain-Cloverdale Peak Viticultural Area" (RIN1513-AB4) received in the Office of the President of the Senate on November 30, 2011; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 227. A resolution calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 316. A resolution expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 671. A bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1792. A bill to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit.

Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

David Campos Guaderrama, of Texas, to be United States District Judge for the Western District of Texas.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. TOOMEY, Mr. WARNER, and Mr. CRAPO):

S. 1933. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 1934. A bill to amend the Internal Revenue Code of 1986 to repeal certain communications taxes, and for other purposes; to the Committee on Finance.

By Mrs. HAGAN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. KIRK, and Mr. AKAKA):

S. 1935. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON of Wisconsin (for himself, Mrs. HUTCHISON, Mr. WICKER,

Mr. RISCH, Mr. COBURN, Mr. SESSIONS, Mr. DEMINT, Mr. RUBIO, Mr. ENZI, Mr. CORNYN, Mr. LEE, Mr. PAUL, Mr. BARRASSO, Ms. AYOTTE, and Mr. MCCAIN):

S. 1936. A bill to adopt the seven immediate reforms recommended by the National Commission on Fiscal Responsibility and Reform to reduce spending and make the Federal government more efficient; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 1937. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include the insulation component of insulated siding; to the Committee on Finance.

By Ms. SNOWE:

S. 1938. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. WARNER):

S. 1939. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduits be installed as part of certain highway construction projects, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO:

S. Res. 342. A resolution honoring the life and legacy of Laura Pollan; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL:

S. Con. Res. 33. A concurrent resolution reorganizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 606

At the request of Mr. CASEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor

of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 678

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 834

At the request of Mr. CASEY, the names of the Senator from Colorado (Mr. UDALL), the Senator from Oregon (Mr. MERKLEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1122

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1122, a bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1214, a bill to amend title 10,

United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1358

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1358, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1538, a bill to provide for a timeout on certain regulations, and for other purposes.

S. 1544

At the request of Mr. TESTER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1733

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1733, a bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1738, a bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1753

At the request of Mr. KIRK, the name of the Senator from Maryland (Ms. MICKULSKI) was added as a cosponsor of S. 1753, a bill to require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, and for other purposes.

S. 1792

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1792, *supra*.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1816

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1816, a bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

S. 1866

At the request of Mr. RUBIO, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1876, a bill to require the estab-

lishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1886

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 1900

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1917

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. 1929

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

AMENDMENT NO. 980

At the request of Mr. WEBB, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from South Dakota (Mr. THUNE), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Wyoming (Mr. ENZI)

were added as cosponsors of amendment No. 980 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1024

At the request of Mr. TOOMEY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. COATS) were added as cosponsors of amendment No. 1024 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1125

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1125 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1126

At the request of Mrs. FEINSTEIN, the names of the Senator from Utah (Mr. LEE), the Senator from Oregon (Mr. MERKLEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1126 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1145

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 1145 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1152

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1152 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1182

At the request of Mr. SESSIONS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1182 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. UDALL of New Mexico, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 1202 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1202 proposed to S. 1867, *supra*.

AMENDMENT NO. 1206

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1206 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1225

At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado

(Mr. BENNET) was added as a cosponsor of amendment No. 1225 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1257

At the request of Mr. MERKLEY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1257 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1294

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1294 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1401

At the request of Mr. CORKER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1401 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1414

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. PORTMAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Mr. FRANKEN), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Texas (Mr. CORNYN), the Senator from Colorado (Mr. BENNET), the Senator from Mississippi (Mr. WICKER), the Senator from Colorado (Mr. UDALL), the Senator from California (Mrs. BOXER) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of amendment No. 1414 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 1414 proposed to S. 1867, *supra*.

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1414 proposed to S. 1867, *supra*.

AMENDMENT NO. 1451

At the request of Mr. RUBIO, the names of the Senator from Arizona (Mr. KYL), the Senator from Illinois (Mr. KIRK) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1451 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HAGAN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. KIRK, and Mr. AKAKA):

S. 1935. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HAGAN. Mr. President, today I am proud to introduce the March of Dimes Commemorative Coin Act.

For almost 75 years, the March of Dimes has fought to combat and prevent diseases that strike our youngest children, while also supporting mothers-to-be and families with infants in intensive care. The March of Dimes was founded in 1938 by President Franklin Roosevelt as the National Foundation for Infantile Paralysis, at a time when polio was on the rise. The Foundation established a polio patient aid program and funded research for vaccines developed by Jonas Salk, MD, and Albert Sabin, MD. These vaccines effectively ended epidemic polio in the United States.

Today one in 33 babies born in the United States is affected by a birth defect, and tragically, more than 5,500 infants die every year because of a birth defect. Moreover, an additional 500,000 children are diagnosed with developmental disabilities each year.

Almost 13 percent of babies born in America are born prematurely—an increase of 36 percent since the early 1980s. In 2003, the March of Dimes took on the cause of reducing the number of infants who are born prematurely. And thanks to the great work of the March

of Dimes and others, after three decades of increase, the pre-term birth rate has now dropped for the third year in a row.

You would be hard pressed to find someone today who doesn't have a friend, a family member, a neighbor or a coworker who's had a baby born prematurely or born with some kind of birth defect. A month ago, I had the pleasure of meeting the 2011 March of Dimes National Ambassador: Lauren Fleming, and her parents, Nikki and Densel from Marvin, NC. Lauren was born three and a half months early and weighed just 2 pounds, 1 ounce. She spent the first 5 months of her life in the intensive care unit, being treated for respiratory distress and undergoing multiple surgeries. In part, because of the research and support provided by the March of Dimes, Lauren is now an adorable, vivacious 7-year old, and a hero to young children and their families throughout the country.

Although some progress has been made over the past several decades on reducing and preventing birth defects and prematurity, we need organizations such as the March of Dimes to continue to push for more research, more innovation and more prevention efforts.

The March of Dimes makes a difference. By investing millions of dollars to study premature births, birth defects, and infant mortality, including \$5.6 million in North Carolina over the past 5 years, the March of Dimes is helping to ensure that we can reduce these occurrences.

But we can do more. That is why today I am introducing the March of Dimes Commemorative Coin Act of 2011. This bill would mint coins in recognition and celebration of the March of Dimes' 75th anniversary in 2014. Proceeds from the commemorative coin will be used to support the March of Dimes' Prematurity Campaign, an intensive multi-year campaign to raise awareness among health professionals and the general public and find the causes of prematurity.

Not only will the Commemorative Coin raise awareness of the March of Dimes' efforts, but it will also help raise more funding for their efforts. I cannot think of a more appropriate way to honor the March of Dimes than to mint actual "dimes" celebrating their work.

I want to thank my Republican colleague, Senator SUSAN COLLINS, as well as Senators SCHUMER, KIRK, and AKAKA for joining me in cosponsoring this measure.

I urge my other colleagues to join us in supporting this important bill.

By Ms. SNOWE:

S. 1938. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of po-

tential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce the Regulatory Flexibility Improvements Act of 2011. Originally introduced in the House by Representative LAMAR SMITH of Texas, this targeted regulatory reform bill would amend the Regulatory Flexibility Act, RFA, the seminal legislation enacted in 1980 that requires Federal agencies to consider the cost and impact of proposed regulations on small businesses if such regulation would significantly affect a substantial number of small entities.

As a steadfast proponent for regulatory reform, I have been deeply troubled by this chamber's unwillingness to act on an issue so critical to our Nation's job creators. In stark contrast, our House counterparts are poised to pass this legislation, offering relief to our Nation's small business job creators. I encourage my colleagues in the Senate to seize this opportunity and support this legislation.

If anyone believes this is a solution in need of a problem, there is ample evidence to the contrary. In fact, an October 24 Gallup poll of American small business owners revealed that the number one problem they face is "complying with government regulations." What I find increasingly frustrating is that although small businesses repeatedly express their concerns, the Senate continues to sit idly by, failing to take serious action!

At a time when unemployment stands at an unacceptable nine percent, and small businesses are struggling to create jobs, the imperative to focus our attention on regulatory reform couldn't be clearer. Unfortunately, small businesses, which historically create two-thirds of all new jobs, face an unequal federal regulatory burden. A September 2010, study commissioned by the Small Business Administration, SBA, Office of Advocacy found that small firms with fewer than 20 employees bear a disproportionate burden in complying with federal regulations. They pay an annual regulatory cost of \$10,585 per employee, which is 36 percent higher than the regulatory cost facing larger firms.

This must change, and the Regulatory Flexibility Improvements Act of 2011 aims to do just that. This bill reforms the flawed rulemaking process to ensure that federal agencies consider small business impact before a rule is promulgated, not after. For example, one provision of this legislation would expand the small business review panel process to apply to all agencies. These panels currently only apply to the Environmental Protection Agency, EPA, Occupational Safety and Health Administration, OSHA, and, thanks to an amendment that I included in the Wall

Street Reform legislation, the new Consumer Financial Protection Bureau, CFPB. These panels have worked well at EPA and OSHA since 1996. Why not apply this stipulation to every Federal agency, so small businesses are considered at the forefront of the rule-making process?

Another provision would require agencies to consider foreseeable "indirect" economic effects when determining whether a rule will have a significant impact on a substantial number of small businesses. Currently, only "direct" economic impacts are considered in the analysis. The RFA has already saved billions for small businesses by forcing government regulators to address the direct impact of proposed rules on small firms. If billions of dollars can be saved by filtering out overly cumbersome or duplicative direct regulatory mandates upon small business while improving workplace safety and environmental conditions, even more can be saved by filtering out unnecessary or burdensome costs to those small businesses indirectly impacted by regulation.

This type of commonsense reform is why the Regulatory Flexibility Improvements Act enjoys the support of more than 150 small business advocacy organizations, including the U.S. Chamber of Commerce and the National Federation of Independent Business, NFIB.

President Obama himself has identified government regulations as harmful to job creation. In a January 18 Wall Street Journal op-ed, he wrote that, "[s]ometimes, those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs." More recently, my friend, former Democratic Senator Blanche Lincoln, partnered with NFIB President Dan Danner to write an open letter to President Obama calling for sensible regulatory reform.

Winston Churchill once said, "If you have 10,000 regulations, you destroy all respect for the law!" And certainly, looking at the expanding universe of rules waiting on the horizon, and the vast labyrinth of existing ones, we should ponder how business can dedicate any time and resources to their principal mission of creating products, offering services, innovating and growing.

Consider that, since President Obama took office, his administration has approved 613 Federal rules, 129 of which have an economic impact topping \$100 million. In fact, the President's health reform legislation alone mandates 41 separate rulemakings, at least 100 additional regulatory guidance documents, and 129 reports, according to the U.S. Chamber of Commerce. How can our Nation's small businesses compete in a global economy when Washington, DC

agencies continue to saddle them with overwhelming regulatory burdens year after year? How can entrepreneurs grow their companies when the regulatory environment dissuades them from investing in new equipment or hiring additional workers?

While members of both parties are now calling for small business regulatory reform, the United States Senate remains regrettably disengaged. I urge my colleagues to change course and put the interest of small business, our Nation's economic engines, ahead of petty politics at a time when more than 14 million Americans are unemployed and have been so for the longest time since World War II.

The days of working together to craft innovative solutions for the good of the American people do not have to be over. It is well beyond time for this body to pass small business regulatory reform and I urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Regulatory Flexibility Improvements Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
- Sec. 3. Expansion of report of regulatory agenda.
- Sec. 4. Requirements providing for more detailed analyses.
- Sec. 5. Repeal of waiver and delay authority; Additional powers of the Chief Counsel for Advocacy.
- Sec. 6. Procedures for gathering comments.
- Sec. 7. Periodic review of rules.
- Sec. 8. Judicial review of compliance with the requirements of the Regulatory Flexibility Act available after publication of the final rule.
- Sec. 9. Jurisdiction of court of appeals over rules implementing the Regulatory Flexibility Act.
- Sec. 10. Clerical amendments.
- Sec. 11. Agency preparation of guides.

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

"(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations,

costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances."

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

"(A) any direct economic effect on small entities of such rule; and

"(B) any indirect economic effect on small entities that is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule)."

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting "Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities."

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(a) of title 5, United States Code, is amended, in the first paragraph designated as paragraph (6), by striking "minimize the significant economic impact" and inserting "minimize the adverse significant economic impact or maximize the beneficial significant economic impact".

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by striking "or special districts" and inserting "special districts, or tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)))".

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking "or" after "proposed rule,"; and

(B) by inserting "or publishes a revision or amendment to a land management plan," after "United States,".

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended, in the first sentence—

(A) by striking "or" after "proposed rule-making,"; and

(B) by inserting "or adopts a revision or amendment to a land management plan," after "section 603(a),".

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(10) LAND MANAGEMENT PLAN.—

"(A) IN GENERAL.—The term 'land management plan' means—

"(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

"(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

"(B) REVISION.—The term 'revision', when used with respect to a land management plan, means any change to a land management plan which—

“(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

“(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-6 of title 43, Code of Federal Regulations (or any successor regulation).

“(C) AMENDMENT.—The term ‘amendment’, when used with respect to a land management plan, means any change to a land management plan which—

“(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

“(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).”.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting “or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.”.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

“(7) COLLECTION OF INFORMATION.—The term ‘collection of information’ has the meaning given such term in section 3502(3) of title 44.”.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

“(8) RECORDKEEPING REQUIREMENT.—The term ‘recordkeeping requirement’ has the meaning given such term in section 3502(13) of title 44.”.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

“(4) SMALL ORGANIZATION.—

“(A) IN GENERAL.—The term ‘small organization’ means any not-for-profit enterprise that, as of the issuance of the notice of proposed rulemaking—

“(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

“(ii) in the case of any other enterprise, has a net worth that does not exceed \$7,000,000 and has not more than 500 employees.

“(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

“(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Adminis-

tration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.”.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “, and” at the end and inserting a semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and”;

(2) in subsection (c), to read as follows:

“(c) Not later than 3 days after the date on which an agency publishes a regulatory flexibility agenda in the Federal Register under subsection (a), the agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda on the website of the agency. The Office of Advocacy of the Small Business Administration shall compile and prominently display plain language summaries of each regulatory flexibility agenda published under subsection (a) on the website of the Office of Advocacy, not later than 3 days after the date on which the agency publishes the regulatory flexibility agenda in the Federal Register.”.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”;

(B) in each of paragraphs (4), (5), and the first paragraph designated as paragraph (6),

by inserting “detailed” before “description”; and

(C) by adding at the end the following:

“(7) a description any disproportionate economic impact on small entities or a specific class of small entities.”.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including by making the entire analysis available on the website of the agency, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.”.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 of title 5, United States Code, is amended to read as follows:

“§ 608. Additional powers of Chief Counsel for Advocacy

“(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, or amendment of rules under this paragraph.

“(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted

with the Chief Counsel for Advocacy of the Small Business Administration to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

“(b) Notwithstanding any other provision of law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

“(c) The Chief Counsel for Advocacy of the Small Business Administration may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.”.

(b) CONFORMING AMENDMENTS.—Section 611(a) of title 5, United States Code, is amended—

- (1) in paragraph (1), by striking “608(b).”; and
- (2) in paragraph (2), by striking “608(b).”; and
- (3) in paragraph (3)—
 - (A) by striking subparagraph (B); and
 - (B) by striking “(3)(A) A small entity” and inserting the following:
 - “(3) A small entity”.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

“(b)(1) Prior to publication of any proposed rule described in subsection (e), the agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel for Advocacy with—

“(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule, except as provided in paragraph (2); and

“(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

“(2) An agency may provide a summary of any draft if the rule—

“(A) relates to the internal revenue laws of the United States; or

“(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

“(c) Not later than 15 days after the receipt of materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

“(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

“(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information pro-

vided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b).

“(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule’s impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

“(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

“(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

“(1) an annual effect on the economy of \$100,000,000 or more;

“(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

“(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(4) a significant economic impact on a substantial number of small entities.

“(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel for Advocacy of the Small Business Administration determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.”.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and make available on the website of the agency a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time

by publishing the revision in the Federal Register and subsequently making the amended plan available on the website of the agency.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

“(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small entities for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small entities and gather their input on existing agency rules.

“(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

“(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

“(1) The continued need for the rule.

“(2) The nature of complaints received by the agency from small entities concerning the rule.

“(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

“(4) The complexity of the rule.

“(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

“(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

“(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(f) The agency shall publish in the Federal Register and on the website of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking “final agency action” and inserting “such rule”.

(b) JURISDICTION.—Paragraph (2) of section 611(a) of title 5, United States Code, is amended by inserting “(or which would have such jurisdiction if publication of the final rule constituted final agency action)” after “provision of law.”.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of section 611(a) of title 5, United States Code, is amended—

(1) by striking “final agency action” and inserting “publication of the final rule”; and

(2) by inserting “, in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,” after “except that”.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period “or agency compliance with section 601, 603, 604, 605(b), 609, or 610”.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (7) the following new paragraph:

“(8) all final rules under section 608(a) of title 5.”.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.”.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting “chapter 5, and chapter 7,” after “this chapter.”.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(1) the term” and inserting the following:

“(1) AGENCY.—The term”;

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(3) the term” and inserting the following:

“(3) SMALL BUSINESS.—The term”;

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(5) the term” and inserting the following:

“(5) SMALL GOVERNMENTAL JURISDICTION.—The term”;

(4) in paragraph (6)—

(A) by striking “; and” and inserting a period; and

(B) by striking “(6) the term” and inserting the following:

“(6) SMALL ENTITY.—The term”.

(b) SECTION 605.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications”.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

“605. Incorporations by reference and certifications.”;

(2) by striking the item relating to section 607 and inserting the following new item:

“607. Quantification requirements.”; and

(3) by striking the item relating to section 608 and inserting the following:

“608. Additional powers of Chief Counsel for Advocacy.”.

(d) OTHER AMENDMENTS.—Chapter 6 of title 5, United States Code, is amended—

(1) in section 603, by striking subsection (d); and

(2) in section 604(a) by striking the second paragraph designated as paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

“(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.”.

SEPTEMBER 21, 2011.

Re Business Letter on H.R. 527, the Regulatory Flexibility Improvements Act of 2011

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: We are writing to express our support for H.R. 527, the Regulatory Flexibility Improvements Act of 2011, and to ask you to cosponsor this legislation, if you have not done so already. The legislation improves the regulatory process by strength-

ening agency analysis of a rule's impact on small businesses.

Small businesses are the backbone of our nation's economy, and their ability to operate efficiently and free of unnecessary regulatory burdens is critical for our country's economic recovery. Research from a 2010 study released by the Small Business Administration (SBA) Office of Advocacy illustrates that the small business community is disproportionately affected by burdensome federal regulations. This legislation addresses that small business challenge directly.

H.R. 527 gives the SBA Office of Advocacy additional authorities and requires the office to establish standards for conducting a “regulatory flexibility analysis” during the rule-making process. It improves transparency and ensures that agencies thoughtfully consider the impact of regulations on small businesses.

The legislation would also improve the accuracy of benefit-cost analysis by requiring agencies to consider the indirect impact of regulations on small business.

Finally, the legislation's provisions on periodic review of rules are in line with President Obama's Executive Order 13563, which requires agencies to conduct a retrospective analysis of existing rules to identify and modify rules in need of reform.

The legislation strengthens the regulatory process and builds upon the intent of Congress when the Regulatory Flexibility Act was originally enacted in 1980.

Thank you for your support of small business and we urge you to cosponsor the Regulatory Flexibility Improvements Act of 2011, H.R. 527.

Sincerely,

Alabama Restaurant Association; American Architectural Manufacturers Association; American Beverage Association; American Coatings Association; American Composites Manufacturers Association; American Council of Engineering Companies; American Farm Bureau Federation; American Fiber Manufacturers Association; American Foundry Society; American Home Furnishings Alliance; American Hotel & Lodging Association; American Institute for International Steel; American Nursery and Landscape Association; American Sportfishing Association; American Trucking Associations; AR State Chamber of Commerce/Associated Industries of AR; Arizona Nursery Association; Arkansas Hospitality Association; Associated Builders & Contractors, Inc.; Associated General Contractors of America; Associated Industries of Massachusetts; Association For Hose and Accessories Distribution; Association of Washington Business Brick Industry Association; Business Council of Alabama; Business Council of New York State; California Manufacturers & Technology Association; California Restaurant Association; Carpet and Rug Institute; Colorado Association of Commerce & Industry; Colorado Restaurant Association; Connecticut Restaurant Association; Edison Electric Institute; European-American Business Council; Florida Restaurant & Lodging Association; Food Marketing Institute; Forging Industry Association; Georgia Restaurant Association; Golf Course Superintendents Association of America; Greeting Card Association; Hearth, Patio & Barbecue Association; Idaho Lodging & Restaurant Association; Idaho Retailers Association; Illinois Manufacturers' Association; Illinois Retail Merchants Association; Independent Electrical Contractors, Inc.; Independent Lubricant Manufacturers Association; Indiana Chamber of Commerce; Indiana Hotel &

Lodging Association; Indiana Manufacturers Association; Industrial Fasteners Institute; Industrial Minerals Association—North America; Interlocking Concrete Pavement Institute; International Council of Shopping Centers; International Sign Association; Iowa Restaurant Association; IPC—Association Connecting Electronics Industries; Kansas Restaurant & Hospitality Association; Kentucky Restaurant Association; Kentucky Retail Federation; Kitchen Cabinet Manufacturers Association; Louisiana Association of Business and Industry; Louisiana Restaurant Association; Louisiana Retailers Association; Maine Merchants Association; Maine Restaurant Association; Manufacturers Association of Florida; Maryland Retailers Association; Massachusetts Restaurant Association; Michigan Restaurant Association; Minnesota Restaurant Association; Minnesota Retailers Association; Mississippi Hospitality and Restaurant Association; Missouri Association of Manufacturers; Montana Chamber of Commerce; Montana Restaurant Association; Montana Retail Association; Motor and Equipment Manufacturers Association; National Association for the Self-Employed; National Association of Convenience Stores; National Association of Home Builders; National Association of Manufacturers; National Association of REALTORS; National Association of the Remodeling Industry; National Automatic Merchandising Association; National Black Chamber of Commerce; National Club Association; National Community Pharmacists Association; National Council of Chain Restaurants; National Federation of Independent Business; National Grocers Association; National Lumber and Building Material Dealers Association; National Marine Manufacturers Association; National On-site Testing Associates; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Shooting Sports Foundation; Nebraska Chamber of Commerce & Industry; Nevada Manufacturers Association; Nevada Restaurant Association; New Mexico Restaurant Association; Non-Ferrous Founders' Society; North American Association of Food Equipment Manufacturers; North American Die Casting Association; North Dakota Hospitality Association; Northeast Pennsylvania Manufacturers and Employers Association; NPES The Association for Suppliers of Printing, Publishing and Converting Technologies; Ohio Restaurant Association; Oklahoma Restaurant Association; Oregon Restaurant and Lodging Association; Pennsylvania Manufacturers' Association; Pennsylvania Restaurant Association; Pennsylvania Retailers Association; Plumbing-Heating-Cooling Contractors—National Association; Precision Machined Products Association; Printing Industries of America; Puerto Rico Manufacturers Association; Resilient Floor Covering Institute; Restaurant Association of Maryland; Retailers Association of Massachusetts; Rhode Island Hospitality Association; Security Industry Association; Small Business & Entrepreneurship Council; Snack Food Association; Society of American Florists; Society of Chemical Manufacturers and Affiliates; Society of Glass & Ceramic Decorators Products; South Carolina Hospitality Association; South Dakota Retailers Association; Southeastern Lumber Manufacturers Association; Specialty Equipment Market Association; SPI: The Plastics Industry Trade Association; Tennessee Hospitality Association; Texas Association of Business; Texas Restaurant Association; Textile Care Allied Trades Association; The Greater El

Paso Chamber of Commerce; Treated Wood Council; Tree Care Industry Association; U.S. Chamber of Commerce; U.S. Travel Association; Utah Food Industry Association; Utah Manufacturers Association; Utah Restaurant Association; Utah Retail Merchants Association; Ventura County Agricultural Association; Virginia Hospitality & Travel Association; Washington Restaurant Association; Washington Retail Association; West Virginia Manufacturers Association; Window & Door Manufacturers Association; Wisconsin Manufacturers & Commerce; Wisconsin Restaurant Association; Wood Machinery Manufacturers of America; Wyoming Lodging and Restaurant Association.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 342—HONORING THE LIFE AND LEGACY OF LAURA POLLÁN

Mr. RUBIO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 342

Whereas Laura Pollán founded the Ladies in White (Damas de Blanco) movement to protest the mass arrest of peaceful dissidents in Cuba;

Whereas the Ladies in White is composed of wives and female relatives of imprisoned political prisoners, prisoners of conscience, and peaceful dissidents in Cuba;

Whereas every Sunday, Laura Pollán led the Ladies in White on peaceful marches to attend Mass;

Whereas Laura Pollán was often subjected to physical and verbal assaults during her weekly peaceful marches;

Whereas Laura Pollán brought international attention to the human- and civil-rights abuses in Cuba; and

Whereas Laura Pollán passed away on October 14, 2011; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors Laura Pollán for her peaceful struggle to bring human rights and democracy to Cuba;

(2) honors the bravery of Laura Pollán and her dedication to human and civil rights in Cuba;

(3) offers heartfelt condolences to the family, friends, and loved ones of Laura Pollán; and

(4) expresses hope that in memory of Laura Pollán, peaceful dissidents in Cuba will no longer be incarcerated or subjected to human-rights abuses.

SENATE CONCURRENT RESOLUTION 33—REORGANIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES FOR ALL PEOPLE OF THE UNITED STATES, PARTICULARLY PEOPLE WITH DISABILITIES

Mr. BLUMENTHAL submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON RES. 33

Whereas in 2009, 12 percent of all people in the United States reported having some disability;

Whereas in 2008, 16.9 percent of veterans, amounting to more than 13,000,000 people, reported having a service-related disability to the Department of Veterans Affairs;

Whereas according to the Current Population Survey of the Bureau of the Census, the number of people in the United States that report having a disability is at a 20-year high;

Whereas the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.), referred to in this preamble as the “Architectural Barriers Act of 1968”, was enacted to ensure that certain federally funded facilities are designed and constructed to be accessible to people with disabilities and requires that physically handicapped persons have ready access to, and use of, post offices and other Federal facilities;

Whereas automatic doors, though not mandated by either the Architectural Barriers Act of 1968 or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), provide a greater degree of self-sufficiency and dignity for people with disabilities, and the elderly, who may have limited strength to open a manual door;

Whereas a report commissioned by the Architectural and Transportation Barriers Compliance Board (referred to in this preamble as the “Access Board”), an independent Federal agency created to ensure access to federally funded facilities for people with disabilities, recommends that all new buildings used by the public should have at least 1 automated door at an accessible entrance, except for small buildings where adding such a door may be a financial hardship for the building owners;

Whereas States and municipalities have begun to recognize the importance of automatic doors in improving accessibility;

Whereas the laws of the State of Connecticut require automatic doors in certain shopping malls and retail businesses, the laws of the State of Delaware require an automatic door or calling device for newly constructed places of accommodation, and the laws of the District of Columbia have a similar requirement;

Whereas the Facilities Standards for the Public Buildings Service published by the General Services Administration requires automation of at least 1 exterior door for all newly constructed or renovated facilities managed by the General Services Administration, including post offices;

Whereas from 2006 to 2011, 71 percent of the complaints received by the Access Board regarding the Architectural Barriers Act of 1968 concerned a post office or other facility of the United States Postal Service;

Whereas the United States Postal Service employs approximately 596,000 people, making it the second-largest civilian employer in the United States;

Whereas approximately 7,000,000 people per day visit 1 of the more than 36,400 post offices in the United States; and

Whereas the United States was founded on principles of equality and freedom, and these principles require that all people, even those people with disabilities, are able to engage as equal members of society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the immense hardships that people with disabilities in the United States must overcome every day;

(2) reaffirms its support of the Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151 et seq.), commonly known as the "Architectural Barriers Act of 1968" and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and encourages full compliance with such Acts;

(3) recommends that the United States Postal Service and Federal agencies install power-assisted doors at post offices and other federally funded facilities, as applicable, to ensure equal access for all people of the United States; and

(4) pledges to continue to work to identify and remove the barriers that prevent all people of the United States from having equal access to the services provided by the Federal Government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1455. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1456. Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. DURBIN) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1457. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1455. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 13, strike "\$237,623,000" and insert "\$227,247,000".

On page 66, line 13, strike "\$58,024,000" and insert "\$68,400,000".

SA 1456. Mrs. FEINSTEIN (for herself, Mr. LEVIN and Mr. DURBIN) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On p. 360, between lines 21 and 22, insert the following:

(e) Nothing in this section shall be construed to affect existing law or authorities,

relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

SA 1457. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ ONE-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (2)—
 - (i) in subparagraph (A), by striking "2012" each place it appears and inserting "2013"; and
 - (ii) in subparagraph (B), by striking "2019" and inserting "2020"; and
 - (B) in paragraph (3)—
 - (i) in subparagraph (C), by striking "2012" and inserting "2013"; and
 - (ii) in subparagraph (D), by striking "2017" and inserting "2018";
- (2) in subsection (b), by striking "2012" each place it appears and inserting "2013";
- (3) in subsection (c)—
 - (A) in the matter preceding paragraph (1), by striking "2012" and inserting "2013";
 - (B) in paragraph (1), by striking "2014" and inserting "2015"; and
 - (C) in paragraph (2), by striking "2020" each place it appears and inserting "2021";
- (4) in subsection (d)—
 - (A) in paragraph (1)—
 - (i) by striking "2014" and inserting "2015"; and
 - (ii) by striking "2019" and inserting "2020"; and
 - (B) in paragraph (2)(A), by striking "2020" each place it appears and inserting "2021"; and
- (5) in subsection (e), by striking "2023" and inserting "2024".

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, December 8, 2011, at 9:45 a.m. in SD-106 to conduct a hearing entitled "Tales from the Unemployment Line: Barriers Facing the Long-Term Unemployed."

For further information regarding this hearing, please contact the committee staff on (202) 224-5441.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 8, 2011, at 9:30 a.m. in

room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nomination of Arunava Majumdar, to be Under Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Allison Seyferth at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 1, 2011 at 10 a.m. in SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on December 1, 2011, at 10 a.m., to conduct a hearing entitled "Spurring Job Growth Through Capital Formation While Protecting Investors."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 1, 2011, at 10 a.m., to hold a hearing entitled, "U.S. Strategic Objectives Towards Iran."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 1, 2011, at 2:30 p.m. to conduct a hearing entitled "Insider Trading and Congressional Accountability."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on December 1, 2011, at 2:15 p.m. in

room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Deficit Reduction and Job Creation: Regulatory Reform in Indian Country."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 1, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on December 1, 2011, at 10:30 a.m. to conduct a hearing entitled, "The financial and Societal Costs of Medicating America's Foster Children."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Tiffany Griffin, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Roger Yang, a member of the staff of Senator MERKLEY, be granted the privilege of the floor today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL GUARD AND RESERVISTS DEBT RELIEF EXTENSION ACT OF 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2192, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after Sep-

tember 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, in 2008, I was proud to join Senator DURBIN in support of the National Guard and Reservists Debt Relief Act, which President Bush signed into law. This last week I have been able to arrange on behalf of the Senate Judiciary Committee for expedited action on the bill's extension, and that the Senate is passing unanimously. I commend Chairman LAMAR SMITH and the House Judiciary Committee for moving this legislation, and Representative COHEN, the bill's author, for his leadership and attention to the issue. Without this measure, the authority we provided to help our Guard and Reserve families would expire. By taking this action we preserve the assistance this authority provides.

It is a privilege to work on behalf of the men and women who serve in the Vermont National Guard. They have and continue to make all Vermonters proud. I cannot say enough about the men and women who serve in the National Guard and Reserve. They and their families deserve the full support of Congress for the sacrifices they make. Especially now, where multiple conflicts have demanded even more of them, when so many have been called into active service, we need to keep them foremost in our thoughts.

Extending the protections of the National Guard and Reservists Debt Relief Act for another 4 years is the right thing to do. The bill the Senate passes today will exempt qualifying members of the Guard and Reserve from the harsh means test imposed in our bankruptcy laws a few years ago. As a result of Congress's enactment of a 2005 bankruptcy measure, passed at the behest of large banks and credit card companies, Americans who must make the difficult decision to seek the protection of the bankruptcy court now face onerous requirements to demonstrate that they are experiencing sufficient hardship to enter chapter 7 bankruptcy. Under the National Guard and Reservists Debt Relief Extension Act, qualifying members of the Guard and Reserve will be protected against the burden of this requirement for another 4 years.

In my view, no American, particularly in times of such economic hardship, should have this burdensome requirement of the so-called means test imposed upon them. The bankruptcy system was established to protect Americans and give them a fresh start. The 2005 enactment turned the law on its head. I opposed this provision in the Senate in 2005, and continue to have serious misgivings about a policy that presumes that Americans facing extreme financial hardships are abusing the bankruptcy process.

Passage of the National Guard and Reservists Debt Relief Extension Act is a step forward toward correcting our current policy.

I also note that passage of this legislation is another example of the good cooperation that exists between the Senate and House Judiciary Committees operating across the aisle and across the Capitol. Last night, the Senate passed H.R. 394, the Federal Courts Jurisdiction and Venue Clarification Act, a bill sponsored by Chairman SMITH to bring clarity to the operation of Federal jurisdictional and venue statutes, thereby helping to reduce wasteful litigation over these issues. This bipartisan bill was cosponsored in the House by Representatives by HOWARD COBLE, ranking member JOHN CONYERS, Jr., and HANK JOHNSON of Georgia. Companion legislation was introduced in the Senate by Senator KLOBUCHAR, who chairs the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, and was cosponsored by Senator SESSIONS, the ranking member on the subcommittee.

These two bills are just the most recent examples of legislation I have worked with Chairman SMITH to enact. Of course, we worked together to enact the Leahy-Smith America Invents Act to revitalize our patent laws. We worked together on authorizing the extension of the term of FBI Director Mueller, which required a statutory exception, and on reauthorizing the USA PATRIOT Act.

Other examples include H.R. 368, Representative HANK JOHNSON's bill to clarify removal provisions for matters filed in State courts against Federal agencies and officers; H.R. 398, Representative LOFGREN's bill to toll certain time periods for those in active service to our country; S.1637, Senator KLOBUCHAR's bill to clarify how time is calculated under the Federal Rules; and H.R. 2944, Chairman SMITH's bill to extend the authority of the U.S. Parole Commission.

In addition to these nine measures, we are continuing to work on a number of additional bills, including: S. 1639, Senator TESTER's bill to amend the American Legion charter; and S. 1541, Senator BENNET's bill to revise the Blue Star Mothers' charter.

I look forward to our continued collaborative relationship. Our successful efforts across the aisle and across the Capitol show that the partisan gridlock that has become all too prevalent these days does not govern everywhere.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2192) was ordered to a third reading, was read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that on Monday, December 5, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar items Nos. 363, 364, 365, and 406, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, DECEMBER 5, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 5, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, the next rollcall vote will be Monday at 5:30 p.m. on confirmation of one of the judicial nominations. We expect the remaining three judges to be confirmed by consent.

As a reminder, cloture was filed on the nomination of Caitlin Joan Halligan, to be U.S. Circuit Judge for the District of Columbia. That cloture vote will occur at noon on Tuesday.

ADJOURNMENT UNTIL MONDAY, DECEMBER 5, 2011, AT 2 P.M.

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:52 p.m., adjourned until Monday, December 5, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MARILYN B. TAVENNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE DONALD M. BERWICK, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD M. SCOTT

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 1, 2011 withdrawing from further Senate consideration the following nomination:

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

EXTENSIONS OF REMARKS

OAKHURST PRESBYTERIAN CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Oakhurst Presbyterian Church has been and continues to be a beacon of light to our county for the past ninety years; and

Whereas, Pastors Gibson "Nibs" Stroupe and Pastor Caroline Leach and the members of the Oakhurst Presbyterian Church family today continues to uplift and inspire those in our county;

Whereas, the Oakhurst Presbyterian Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the ninety (90) years by preaching the gospel and living the gospel; and

Whereas, Oakhurst has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Oakhurst Presbyterian Church family on their 90th Anniversary and for their leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 25, 2011 as Oakhurst Presbyterian Church Day in the 4th Congressional District.

Proclaimed, this 25th day of September, 2011.

A TRIBUTE TO CRAIG SAMUEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. Craig Samuel for his culinary expertise that has infused Brooklyn with tastes from all over the world while celebrating the roots of New York culture.

Born and raised in Bedford Stuyvesant, Brooklyn, Mr. Samuel developed a strong talent in visual art, and ultimately attended New York City's Art and Design High School. While

in high school, his artist's eye was evidenced at home, as he created culinary dishes that were not only delicious, but also beautiful to look at. Mr. Samuel developed a love for the art of cooking at a very early age.

After High School, Mr. Samuel attended Temple University, where he followed his father's wishes and majored in business and economics. Early in his college career, Mr. Samuel's father passed away. After that life-altering event, he soon found himself at the Philadelphia Restaurant School. Never lacking in courage, Mr. Samuel decided that he would approach the chef/owner of the most revered restaurant in Philadelphia, which was also one of the most important restaurants in the world of haute cuisine, Le Bec Fin.

His time spent at Le Bec Fin reinforced that Craig had the talent, stamina, and discipline to compete in the culinary world. After graduating at the top of his class in culinary school and completing his internship, he headed back to New York and ultimately became the executive chef at both The Cub Room and City Hall Restaurants. During this time Mr. Samuel left the U.S. to cook in Spain and in France and do a food tour of Italy. After coming back to the U.S. he decided it was time to open up a venture of his own.

In 2005, while still executive chef at City Hall Restaurant, Mr. Samuel and his good friend and sous chef, Ben Grossman teamed up to go into the barbecue business in Brooklyn. They opened The Smoke Joint in Fort Greene in 2006. Since that time, Mr. Samuel has opened Peaches Restaurant and Peaches HotHouse and has had numerous favorable reviews in Time Out, The New York Times, New York Magazine, New York Press, the Village Voice and many others. The Smoke Joint has the unmatched honor of being the only Brooklyn based barbecue restaurant featured in the world renowned Michelin Guide.

Mr. Samuel is happily married to Laura. They have two children, Tiara, who is currently a junior attending The Fashion Institute of Technology, and Alana who is in her sophomore year at The Saint Paul's School in Concord, NH.

Mr. Speaker, I would like to recognize Mr. Craig Samuel for his exceptional foresight in the culinary business that has provided Brooklyn with tastes from around the country.

SOUTHEASTERN FEDERAL REGIONAL DIRECTORS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, the Southeastern Region of the United States has many citizens that work to

make our Region a worthy instrument for good; and

Whereas, President Barack Obama appointed five outstanding individuals to serve as directors of the Southeastern agencies, Cassius Butts, Small Business Administration, Gwendolyn Keyes-Fleming, Environmental Protection Agency, Edward Jennings, Department of Housing and Urban Development, Paulette Norvel Lewis, U.S. Department of Labor and Carlis V. Williams, Department of Health and Human Services, each individual being charged to bring community service, honor and excellence in government; and

Whereas, the Southeastern Regional Directors are promoting and providing the concept of One Community-One Goal by working with and for individuals in all walks of life to make our Region a place where the needs of the people are met; and

Whereas, these directors give of themselves tirelessly and unconditionally to serve our community and our nation by providing leadership and service; and

Whereas, the lives of many in our district are touched by the leadership and service given by these directors; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Cassius Butts, Gwendolyn Keyes-Fleming, Edward Jennings, Paulette Norvel Lewis and Carlis V. Williams for their outstanding service to America;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 27, 2011 as Southeastern Federal Regional Directors Day In the 4th Congressional District of Georgia.

Proclaimed, this 27th day of October, 2011.

HONORING RICHARD "RICK" ROBINSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Richard (Rick) Robinson, Stanislaus County Chief Executive Officer, and to thank him for his leadership and dedication to the citizens of Stanislaus County.

Richard (Rick) Robinson was appointed Stanislaus County Chief Executive Officer in September, 2004. Prior to his appointment in Stanislaus County, he had, since 1991, held the position of Chief Administrator with Tehama County. Rick started his local government career in 1981 in the Tehama County Auditor-Controller's Office as an Accountant. In 1986, he was elected Auditor-Controller and ran unopposed for a second four-year term in 1990.

Mr. Robinson currently serves on several local Committees, including the Community

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hospice Board of Directors, the Governing Board of Doctors Medical Center, Stanislaus Workforce Alliance Board of Directors, and the Valley First Credit Union Supervisory Committee.

Rick was recently honored by the Stanislaus County Equal Rights Commission as a recipient of the 2011 Annual Dale Butler Equal Rights Award for exemplary service in equal employment opportunity matters and leadership in promoting equal rights.

Faced with severe financial challenges during the current economic crisis, Mr. Robinson led an effort to develop a multi-year framework around which the County Budget functions—a strategy which enables the County to address both current and future year budget shortfalls in a systematic and proactive manner.

During his career with Stanislaus County, Rick led many efforts aimed at strengthening the County Health Care safety net, including successful initiatives to attain the Federally Qualified Health Care Facility Designation in the County's Health Clinic system, a multi-year effort to retain the County Residency Program, and the sale and transition of the Stanislaus Behavioral Health Center to private ownership.

Mr. Robinson has also led efforts to create an Animal Services Joint Powers Agency, construct a state-of-the-art Animal Shelter, create the new Modesto Regional Fire Authority, securitize future tobacco settlement revenues in excess of \$40 million and establish, with board approval, a capital facilities revolving loan fund to assist in financing future County construction projects, and coordinate the County's 2011 redistricting efforts.

Rick was an honors graduate of California State University, Chico, earning his degree in Business Administration with an emphasis in Accounting. He is a lifetime selection to Beta Gamma Sigma, a national scholastic honor society for business graduates.

As Chief Executive Officer with Stanislaus County, under the direction of the Board of Supervisors, Mr. Robinson oversees all aspects of Stanislaus County government, which includes 26 County departments, a \$900 million operating budget and over 3600 employees.

Rick has been married to his wife Kathy for thirty-seven years. They have four children and eight grandchildren.

Mr. Speaker, please join me in honoring and commending Richard (Rick) Robinson, Stanislaus County Chief Executive Officer, for his numerous years of selfless service to the betterment of our community.

A TRIBUTE TO KESHA TOWNSEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Kesha Townsel for her devotion to the public education and youth in Brooklyn.

Ms. Townsel is the Assistant Principal of Public School 5. She has served in various positions since joining the staff of Public School 5 in September, 2000. Ms. Townsel was a third grade teacher for 5 years, Busi-

ness Manager for 5 years, and is presently an assistant Principal. Ms. Townsel began her teaching career with a Bachelors of Science Degree in Speech Pathology and Audiology from Brooklyn College. She then served in residence as a Speech Therapist in an Early Intervention Center at Downstate Hospital.

Ms. Townsel was a member of the first cohort of the New York City Teaching Fellows. Through that program she earned her Master Degree in Elementary Education. Although being a classroom teacher, Ms. Townsel continued to provide speech and language therapy services to children in NYC's Early Intervention Program. Ms. Townsel has served as Business Manager and Staff Developer since September 2005. During that time Ms. Townsel earned her advanced Masters Degree in School District Leadership through a compact with the UFT and Stony Brook University.

In her management role, Ms. Townsel has provided various services to the children of Public School 5. Ms. Townsel collaborated in providing programs such as; New York Cares, Scholastic Book Fairs, Learning Gardens, Club Getaway, Poly-Tech University & New York University. Ms. Townsel's collaboration with Poly-Tech University and NYU has increased the experiences in the Math, Science, Engineering and Technology areas for students at Public School 5. This collaboration helped to form Public School 5's first LEGO Robotics Team. Ms. Townsel, in collaboration with the Poly-Tech fellow during the 2010–2011 school year; assisted the team in winning a First Place trophy for "Team Work" and helped them qualify for the NYC competition at the Jacobs Javitz Center.

Ms. Townsel continues to strive for excellence for the students of Public School 5. She provides speech therapy, volunteers on her housing development board, and sings with a local community choir, as well as assists with various educationally founded organizations such as the Caring Educators and the Adelaide Sanford Institute. She has also taught NYC–DOE Budgeting as a guest speaker for the past two semesters at Long Island University.

Mr. Speaker, I would like to recognize Ms. Townsel for her unwavering support to education and youth in Brooklyn.

UNJUST IMPRISONMENT OF ALAN GROSS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to express my sincere concern over the unjust imprisonment of Alan Gross by the Cuban government. A true humanitarian, Mr. Gross was sentenced in March to 15 years in prison for "acts to undermine the integrity and independence" of Cuba.

Before the sentencing earlier this year, Mr. Gross had already been imprisoned for two years without charge. He was in Cuba as part of a USAID contract to provide support to members of the Cuban Jewish community

when he was arrested. He was helping to improve their access to the internet and to build an intranet. Never did any of his actions pose a threat or danger to the Cuban government. Because of his unethical imprisonment, Mr. Gross, who is 62 years old, is declining in health and spirit and quick action must be taken.

Mr. Gross is an international development specialist and social worker. He has positively impacted the lives of people in over 50 countries, including the West Bank, Gaza, Iraq, Afghanistan, Africa, and Haiti. His work has always focused on helping people.

I join my constituents of the Jewish Community Relations Council of New York, Mr. Gross' wife Judy, their two daughters, and my Colleagues Senator BEN CARDIN and Congressman CHRIS VAN HOLLEN in calling for the speedy and unconditional release of Allan Gross.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. ROSS of Arkansas. Mr. Speaker, on Wednesday, November 30, 2011, I was not present for rollcall vote 869 on passage of H.R. 3094, the Workforce Democracy and Fairness Act.

Had I been present for rollcall 869, I would have voted "no."

A TRIBUTE TO THEOPHINE ABAKPORO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Theophine Abakporo for his dynamic approach to healthcare in my district of Brooklyn, New York.

Dr. Abakporo, M.D. is the Medical Director/Chairman, Emergency Services of Wyckoff Heights Medical Center and an Assistant Professor of Emergency Medicine in Clinical Medicine at Weill Cornell Medical College/New York Presbyterian Hospital. Dr. Abakporo has worked with Wyckoff for the last fourteen years, and has been instrumental in forging a relationship between the community and the hospital. He is also an Attending Physician in Emergency Medicine at Brookdale University Hospital & Medical Center. Dr. Abakporo is Board Certified in Internal Medicine, Emergency Medicine, and Disaster Medicine.

While pursuing his medical career Dr. Abakporo became deeply involved in the health care needs of inner-city communities in the United States. Dr. Abakporo worked hard and committed himself to participating in health outreach and other programs related to the well being of the Brooklyn communities such as Ocean Hill, Brownsville, East New York, BedStuy, Bushwick and Ridgewood communities. This strong willingness to help

and care for people, contributed to his interest and focus in the field of Emergency Medicine and Pre-Hospital Care.

Dr. Abakporo is the recipient of a Congressional Award of the U.S. House of Representatives, and an award in Health Care Excellence in Community Service. He is a Healthcare Advisor to Congressman EDOLPHUS TOWNS, 10th Congressional District, New York. He was also appointed Chairman of the Health Advisory Council of the 10th Congressional District of New Jersey by Congressman DONALD PAYNE.

In response to the increasing need for disaster awareness and management, Dr. Abakporo has taken further training and certification. He is certified by the United States Department of Homeland Security in Healthcare Leadership and Administrative decision making in responses to weapons of mass destruction (WMD). He is certified by the United States Army in Chemical, Biological, Radiological, Nuclear, and Explosive incidents (CBRNE). In addition, he is certified by the Fire Department of New York (FDNY) in On-line—Medical Control.

Dr. Abakporo is an accomplished, young and dynamic physician, with a distinguished track record of working successfully with healthcare professionals, government leaders and community groups to address health care issues. Mr. Speaker, I would like to recognize Dr. Theophine Abakporo for providing an intuitive approach to healthcare in his community and to our country.

RECOGNIZING LORETTA KING

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in recognizing Loretta King, a champion for civil rights, a loving wife and mother, and a dedicated public servant.

Today, Loretta is celebrating her retirement most recently as the career Deputy Assistant Attorney General in the United States Department of Justice, Civil Rights Division. In total, Loretta has dedicated more than 32 years of her life in defense of our Nation and the public at large.

Loretta's career is one self-sacrifice and commitment to protecting the rights of all Americans, without regard to race, gender, or political affiliation.

As a career-track civil servant, Loretta epitomizes a Justice Department lawyer; Loretta did so without seeking the limelight, year after year, day in and day out, for all her career. Starting as a law clerk while completing her studies, Loretta literally rose up the ranks at the Justice Department to become the Acting Assistant Attorney General for Civil Rights, the government's chief civil rights advocate.

After graduating in 1990 from American University, Washington College of Law, Loretta was chosen by the Justice Department's Legal Honors Program. From 1980 to 1990, Loretta served as a line attorney in the Civil Rights Division's Employment Litigation Section, tasked

with enforcing Title VII of the 1964 Civil Rights Act. In this post, Loretta led and settled the Justice Department's first sexual harassment case as well as its first paternity leave case. Over the next 20 years, Loretta worked in both the Justice Department's Civil and Civil Rights Divisions. In 1992, Loretta was tapped to serve as the Deputy Chief of the Civil Rights Division's Voting Section. In 1994, Loretta was elevated to her current role as the Civil Rights Division's Deputy Assistant Attorney General, where she has served continuously for 17 years, except during temporary assignments to other senior roles in the Division. Specifically, in 2009, Loretta served as her Division's Acting Assistant Attorney General, pending confirmation to that post of Thomas Perez. From August 2010 through June 2011, Loretta led the Civil Rights Division's Employment Litigation Section as its Acting Chief.

A civil rights legal pioneer, Loretta became one of the highest ranking women and persons of color to serve in the Justice Department, and the first African-American woman to hold the positions in the Civil Rights Division of Acting Assistant Attorney General and Deputy Assistant Attorney General.

As a Member of Congress representing Americans who know all too well the sting of injustice, I am here to salute Loretta's tireless work and long service upholding the civil and constitutional rights of all Americans. As Robert F. Kennedy once said, "few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total; of all those acts will be written the history of this generation." Loretta has done just that.

Again, I ask the House to celebrate Loretta as a servant to her family and country as well as defender of the civil rights of all people, including the residents of the Nation's capital.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing a floor vote on Wednesday, November 30, 2011. Had I registered my vote, I would have voted: "No" on rollcall No. 869, On Final Passage of H.R. 3094—the Workforce Democracy and Fairness Act.

HONORING CHICK-FIL-A

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, we need businesses to set up shop in our community to provide the goods and services that are needed in order for our citizens to survive and thrive on a day-to-day basis; and

Whereas, in 2001, Mr. Tony Royal opened the 1,000th Chick-fil-A restaurant at Turner Hill

Road here in Lithonia, Georgia to service the citizens of DeKalb County, Georgia and nearby communities; and

Whereas, Mr. Royal is the owner and operator of the restaurant, he credits all of the success to his team: the sales, the community outreach, the community partnership, and the promotion of scholarships; and

Whereas, Mr. Royal and the Chick-fil-A team at Turner Hill continues to be a resource for citizens in DeKalb County and beyond with excellent service, providing employment opportunities and providing a product that "keeps America moving"—contributing to the local and national economy; and

Whereas, the U.S. Representative of the Fourth District of Georgia is officially honoring, recognizing and congratulating Mr. Tony Royal and Chick-fil-A at Turner Hill on their tenth (10th) anniversary as a business anchor in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim November 1st, 2011 as Chick-fil-A Day in the 4th Congressional District of Georgia.

Proclaimed, this 1st day of November, 2011.

HONORING ZELLA GHARAT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to recognize and honor Zella Gharat, who after 33 years as a member of the Stanislaus County Board of Education, has announced her plans to retire effective December 13, 2011.

A retired legal assistant, Gharat was first appointed to the County Board of Education on June 6, 1978. Throughout the years, she has worked with four county superintendents, including Neal Wade, John Allard, Martin Petersen and the current superintendent, Tom Changnon. She's seen many changes in education since 1978. "Special education programs were fairly new when I started, and I've watched the Head Start program grow over the years," said Gharat. "I was on the Board when we purchased our current Outdoor Education site and was there for our first county Academic Decathlon and our first Youth Entertainment Stage Company performance. I also remember the important vote to purchase SCOE's administration building at 1100 H Street," she said.

Stanislaus County Superintendent of Schools Tom Changnon praised Gharat for her invaluable contributions to the Board. "Zella always has the best interest of students in mind," said Changnon. "She is an advocate for children and a valuable member of the Board. We will miss her."

"I've seen a lot of changes over the past 33 years, and I've also seen opportunities for students expand," said Gharat. "From charter schools to specialized academies, there are a multitude of programs in place to ensure that every student can succeed," she said. "I'm proud of all that we've accomplished over the years."

Through its role of long-range policy development and other critical functions, the County

Board works with the Stanislaus County Superintendent of Schools and staff to offer the most effective education programs and district support services. The County Board of Education has responsibility for approving the annual county office budget, adopting policies governing the operation of the Board, acting as the appeals board for student expulsions, acting as the appeals board for inter-district transfers, acting as the appeals board for Charter School petitions, establishing the County Superintendent's salary, and may serve as the landlord and owner of property.

The Board also encourages the involvement of families and communities and is a vehicle for citizen access to communication about SCOE's programs and services. Regular meetings of the Stanislaus County Board of Education are open to the public and are held on the second Tuesday of each month beginning at 8:30 a.m. Meetings are generally held at the Stanislaus County Office of Education, unless otherwise announced.

Mr. Speaker, please join me in thanking Zella Gharat for her 33 years of dedicated service as a member of the Stanislaus County Board of Education.

—
A TRIBUTE TO LCG COMMUNITY
SERVICES, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor the LCG Community Services, Inc. for its mission to provide client-centered services to low-income individuals with one or more special needs to constituents in my district of Brooklyn, New York.

LCG Community Services, Inc. (LCG) is a 501(c)(3) not-for-profit community based organization that began operations in 2006. LCG offers their services to individuals that have special needs, such as homelessness, mental illness, and developmental disabilities, the elderly, chronic illness, HIV/AIDS, substance abuse, and victims of domestic violence. LCG serves over 5,000 consumers per year from many different nationalities and ethnicities.

LCG recognizes that a home is the foundation necessary to begin addressing other critical individual needs. As such, LCG takes particular pride in their housing programs. LCG provides transitional and permanent housing in congregate and scatter-site settings. LCG, through its HAC division, also operates a group home for orphaned children in Haiti. The group home established in December 2010 is a place for adolescent orphan boys to grow up in a safe, supportive environment after the earthquake.

LCG believes that educating consumers is the most effective method of advocacy. Through health fairs, dinners, and various other programs, LCG provides workshops, seminars, and educational materials to the community at-large.

LCG has found that integrating celebrity entertainment with education can be a very powerful tool in reaching out to children and young adults. LCG organizes an annual, summer,

Children's Health Awareness Day, with famous entertainers that are attended by over 2,500 families. Every Thanksgiving, LCG Community Services hosts over 500 seniors for Thanksgiving dinner at Boy's and Girl's High School, in Brooklyn. These are individuals who have found themselves alone during the Thanksgiving holiday. They also provide mental health professionals, and staff from medical clinics that speak to the seniors and who are available to answer questions.

LCG also has a comprehensive guardianship and court evaluation program, United Guardianship Services of New York (UGSNY). UGSNY was formed to assist the elderly, many of whom are no longer capable of making their own health and financial decisions. UGSNY's goal is to provide the highest level of care, through the use of dedicated legal, financial and social service personnel. UGSNY works closely with the New York State Court system, Adult Protective Services and other city and state agencies to provide comprehensive assistance with the respect and dignity that our elderly deserve.

Mr. Speaker, I would like to recognize LCG Community Services, Inc. for their continued involvement with the less fortunate.

—
IN COMMEMORATION OF TED
TRAMBLEY'S CYCLING CAREER
ON HIS 60TH BIRTHDAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. CARDOZA. Mr. Speaker, it is with great honor that I rise today to recognize a dedicated and gifted athlete on his 60th birthday, Ted Trambley.

In commemoration of his birthday, I want to honor him and his achievements as an exceptional cyclist, culminating this year with a truly inspired race to the top of Mount Haleakala in Hawaii this summer in record time.

Born in 1951, Ted Trambley grew up in Pleasant Hill, California and graduated College Park High School in 1969 and California State University, Hayward in 1975 where he was a gymnast and avid cyclist. It was in college that cycling became one of his true passions in life and he began a career in racing that has spanned over four decades.

Ted has belonged to several racing clubs over the years, including the Diablo Wheelman, Strada Sempre Duro, and his current club, Taleo.

Of the many races he has finished over his career, one of his most memorable was the Davis Double Century, a 200-mile race in a single day. In 1974, early in his career and at the height of his competitive peak, he was barely edged out of the lead and finished second. He continued this race annually for four years.

He also participated in the Death Ride through the Sierra Nevada Mountains in California, racing 129 miles and climbing over 15,000 feet of elevation. A race not for the faint of heart.

Since 1986, Ted has been competing in the annual Mt. Diablo Mountain Challenge, a 10.8

mile race climbing 3,249 feet, where he regularly finishes among the fastest and at the very top of his age group. Drawing between 800 and 1,100 riders each year, this is one of the premier races in the San Francisco Bay Area.

These races are just a sample of his long and storied career, but it was this year, in 2011, at the Cycle to the Sun in Hawaii, on the island of Maui, that Ted Trambley truly demonstrated the strength and endurance that has defined his character for so many years.

This race is one of the most difficult bike races in the world, climbing over 10,000 feet of elevation and travelling over 36 miles while its gradient sometimes reaches 18%. As a comparison, the famed Mont Ventou in the Tour de France is only a 5,336 foot climb over 13.6 miles.

Ted Trambley won his age group with a time of 3 hours, 43 minutes, and 39 seconds and finished 35th overall. A tremendous achievement, he should be proud knowing he has conquered the sun.

He has mentioned retirement from the racing circuit, but I truly doubt that he will hang up his cleats. It is near impossible to give up a lifelong passion.

Although he has accomplished these amazing feats of athletic endurance over four decades of training and dedication, he could not have done so without the tireless support of his wife, Mary Ann, and his two sons, Sean and Kyle.

Mr. Speaker, I ask that my colleagues join me in honoring a truly remarkable athlete, husband, and father, Ted Trambley.

—
RECOGNIZING GEORGIA OLIVE
FARMS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. KINGSTON. Mr. Speaker, I rise today to commend Georgia Olive Farms for successfully harvesting the first olive crop in the eastern United States in nearly 125 years.

An Italian vacation inspired Jason Shaw to envision olives being grown in, of all places in the world, South Georgia. To make his vision a reality, he partnered with his brother Sam Shaw and cousin Kevin Shaw and the trio planted their first olive orchard near Lakeland, Georgia in 2008. They later established a co-operative association with George Hughes and Berrien Sutton of Homerville, Georgia to create Georgia Olive Farms.

Georgia Olive Farms was organized in 2009 near Lakeland, Georgia to establish and develop the innovative agricultural venture of mechanical olive harvesting. In September, they successfully harvested approximately three tons of arbequina olives to be processed into high quality extra virgin olive oil. This harvest marks a milestone in southern agriculture, as this was the first harvest of olives in not just the south, but in the entire eastern United States since the late 1800s. In addition to harvesting, they are a distributor of olive trees and offer grower contracts for others who may wish to expand this historical venture in order

to introduce olives as a new viable cash crop for southern farmers.

Georgia Olive Farms' innovative techniques and information sharing have potential implications for some of our country's great problems. Georgia Olive Farms has developed a new market which will create a new revenue source for farmers, create new employment opportunities, and expand agricultural innovations and inspirations. Moreover, the new market for olives will increase the production of olive oil made here in America. As such, American-made olive oil can finally be a significant and healthy alternative to the standard cooking oils that are correlated with the high rates of obesity and health concerns plaguing this country. Georgia Olive Farms now exists as a reminder that the innovations and visions of small businesses do in fact provide the answers to many of our country's great questions and that we must obligate ourselves to supporting them.

RECOGNIZING THE UNIVERSITY OF
RICHMOND MEN'S BASKETBALL
TEAM FOR REACHING THE NCAA
BASKETBALL TOURNAMENT'S
SWEET SIXTEEN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. CANTOR. Mr. Speaker, I rise today to recognize the University of Richmond men's basketball team for a remarkable 2010–2011 season, which culminated in an Atlantic 10 Conference Championship as well as a berth to the Sweet Sixteen of the NCAA Division I Men's Basketball Tournament.

The University of Richmond, which is located in the heart of Virginia's Seventh Congressional District, boasts a long tradition of excellence on the basketball court. Since 1984, the Richmond Spiders have earned an impressive 9 bids to compete in the NCAA Tournament and have reached the Sweet Sixteen on two of those trips.

This past March, along with cross-town rival, Virginia Commonwealth University, the Spiders captivated the entire City of Richmond as one of two teams advancing to the Sweet Sixteen—a feat matched by only two other cities since 1980.

The 2010–2011 season was one full of accomplishments for the Spiders—setting a school record for number of wins, 29, and points scored, 2,577. On several occasions, the Spiders defied the odds to beat top-tier programs. In November, the Spiders pulled off the upset by shocking the then-8th ranked Purdue Boilermakers by a score of 65–54. After gaining a berth to the NCAA Tournament, the Spiders carried their seven game win streak into a game against the fifth seed, Vanderbilt, and proceeded to knock off the favorite in the opening round of the tournament.

Several Richmond players took home individual honors this past season as well. Senior guard Kevin Anderson—the 2010 Atlantic 10 Player of the Year—continued to pile up individual accolades, garnering both First-Team All-Conference honors as well as being named

the 2011 A-10 Tournament MVP. Senior forward Justin Harper also earned First-Team All-Conference honors and subsequently was drafted 32nd overall in this past June's NBA Draft. Kevin Smith, a senior forward, also was named to the A-10 All-Defensive team.

The Spider's success on the basketball court should come as no surprise. Led by head coach Chris Mooney, the University of Richmond has established itself as not only a leader in the A-10 but also one of the nation's elite. Mooney's Spiders have reached the NCAA Tournament in back-to-back years, and have also finished inside the Top 25 of the ESPN/USA Today Coaches poll the past two years. The Spiders have shown that they do not shy away from competition—having won seven of their last ten games against ranked opponents.

Mr. Speaker, please join me in commending the Richmond Spiders men's basketball team, Coach Mooney, President Ed Ayers, and the entire community at the University of Richmond for a spectacular season and I wish them well this season.

IN MEMORY OF PASTOR CHARLES
HENRY WILLIAMS

HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the RECORD on behalf of my constituent, Reverend Aaron Wheeler:

"Pastor Charles Henry Williams has been a pillar of strength and love to his flock at the Morning Star Baptist Church and to the good people of the 2nd Congressional District of Virginia for more than 40 years. He has labored in the vineyard as a pastor and leader to all who knew and loved him, and his accomplishments are truly remarkable.

From the moment Dr. Williams was called to the ministry in 1967, he embraced feeding the poor and seeking the lost for the Lord.

Pastor Williams served on too numerous boards and committees to mention. Some of the organizations he served in as a faithful member and in leadership positions were the Virginia Beach Minister's Conference, Sharon Missionary Association of Suffolk and the Tidewater Metro Minister's Conference. And on a lighter note, Pastor Williams was honored by the Virginia Beach Afro-American Cultural Council as an "Honorary Cowboy" in 1999.

This man of God was bestowed with an Honorary Doctorate Degree from Norfolk Seminary in 1997. The former Mayor of Virginia Beach acknowledged that December 4, 1994 was officially, "Pastor Charles Henry Williams Day" in the city of Virginia Beach.

It is evident to all those who interacted with Pastor Williams just how much this humble man truly loved his family.

The people of the 2nd Congressional District of the State of Virginia give honor to Pastor Charles Henry Williams, as his untimely leaving is our loss but heaven's gain.

The Bible rang true for his service to this world in the scripture of 2 Timothy 4:7–8: "I have fought the good fight, I have finished the

race, I have kept the faith. Finally, there is laid up for me the crown of righteousness, which the Lord, the righteous Judge will give to me on that Day."

SENIOR VETERANS HOUSING
ASSISTANCE ACT OF 2011

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TURNER of Ohio. Mr. Speaker, we must ensure that the men and women who bravely served our country have access to affordable housing. My bill, the Senior Veterans Housing Assistance Act, seeks to make sure that government regulations do not pose an impediment to achieving this important goal.

This issue came to light because of conflicting rules and regulations between the Department of Housing and Urban Development and the Department of Veterans Affairs. In Dayton, Ohio, the St. Mary's Neighborhood Development Corporation has been attempting for several years to construct senior housing on the campus of the Dayton VA Medical Center. St. Mary's was able to obtain an enhanced-use lease from the VA to construct the housing and also obtained HUD Section 202 funding to allow for the financing of the construction for low-income senior housing. So we had VA providing the land and HUD providing funding, and both VA and HUD agreeing that this would be an excellent project to help homeless veterans, provide low-income housing for veterans, and respond to the needs of seniors in the community.

However, HUD asserted that St. Mary's was unable to use these critical dollars if the VA lease required a specific preference for veterans to occupy the proposed facility on the VA grounds. The VA rules and regulations require that the VA assert and request a preference for veterans for housing to be built on its campus.

In the 111th Congress, this body unanimously approved and the President enacted into law a provision I authored to solve this issue. Specifically, the Fiscal Year 2010 appropriations measure included a prohibition on enforcement of HUD's restriction against a veterans preference. However, this solution was only temporary.

To ensure that these conflicting regulations do not present further, long-term obstacles for our veterans and seniors, I have introduced the Senior Veterans Housing Assistance Act. My bill will permanently ensure that organizations that seek to provide our senior veterans with affordable housing with HUD funds on VA property are able to overcome the HUD and VA conflicting rules and regulations. Specifically, the bill will allow HUD funds to be used for supportive housing for the elderly that provide preference to veterans if the property is or would be located on VA land, or is subject to an enhanced-use lease with the VA.

Mr. Speaker, I urge all my colleagues to support this important measure.

WORLD AIDS DAY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in recognition of World AIDS Day, December 1, 2011, and in support of the more than 33 million people worldwide living with AIDS, including over one million Americans.

World AIDS Day began in 1988 to raise public awareness for one of the most deadly pandemics in history. Since 1981, over 25 million people have died from HIV or AIDS related illnesses, and in 2008 alone more than 2.7 million people were newly infected. In the United States, more than one million people are living with HIV, with one in five of those cases currently unaware of their condition. HIV disproportionately affects people of color, men who have sex with men, and those without access to affordable birth control.

2011 marks 30 years since the discovery of the first AIDS cases in the United States. To date, the work we've done here in the United States and abroad has been effective as HIV infections worldwide are at their lowest levels since 1997. There is much more to be done, but I'm proud of the commitment we've made—research at the National Institutes of Health, prevention and education programs at the Centers for Disease Control and Prevention, the Ryan White CARE Act, the President's Emergency Plan for AIDS Relief and the Global Fund for AIDS, TB and Malaria—and it is my hope that we will continue that great work.

Mr. Speaker, World AIDS Day provides us with an occasion to raise awareness about HIV prevention measures. With continued commitment to public health programs, research, early testing and screening, and age appropriate sexual education programs, we can work together to protect ourselves from HIV, and eradicate this disease for good.

I urge my colleagues to stand with me in supporting the Americans and people across the globe infected with HIV, and to support the efforts that will bring an eventual end to this deadly disease.

TRIBUTE TO BILL HOYT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. WALDEN. Mr. Speaker, I rise today to recognize and share with you and my colleagues the story of Mr. Bill Hoyt and his lifelong efforts to support agriculture and ranching, which are so important to jobs and the economy in rural Oregon. Over the past two years, Bill has done a tremendous job serving as the president of the Oregon Cattlemen's Association. Later this week, Bill's term as president will come to an end. Before he hands over the reins I would like to pay tribute to his steadfast leadership.

Prior to serving as president of the Oregon Cattlemen's Association, Bill served as presi-

dent of the Douglas County Livestock Association and as president of the Oregon Polled Hereford Association. On top of his duties with the Oregon Cattlemen's Association, he serves on the board of the Oregon Forage and Grassland Council and the National Cattlemen's Beef Association. In 2009, the Oregon Agribusiness Council recognized Bill's service to Oregon's agricultural and ranching community by presenting him with the 2009 Voice of the Industry award.

During his tenure as president of the Oregon Cattlemen's Association, Bill has worked to promote and protect the interests of ranchers throughout Oregon. Bill has made a concerted effort to engage the general public about issues facing ranchers. He has spent many hours and miles traveling to meetings with rotary clubs, chambers of commerce and the environmental community, telling the story of Oregon's cattle ranchers, whose \$700 million industry provides jobs throughout rural Oregon. His efforts to educate the public and build relationships with other interested groups culminated in the passage of the Livestock Compensation and Wolf Co-Existence Act during Oregon's 2011 legislative session. This precedent-setting legislation goes beyond what other states have done to compensate producers for livestock loss by allowing local county-level authorities to address compensation for and deterrence of livestock losses.

Bill was raised on a beef ranch in Montana. After high school, he earned degrees in both political science and education. Bill served his country in the U.S. Air Force for four years before moving on to teach high school history. In 1977, Bill began working as the operations manager for his family ranch in Montana. In 1979, Bill expanded the operation to include the ranch from his mother's family in Oregon. Bill and his wife Sharon now own and operate the Hawley Land and Cattle Company in Oregon with Bill's father and younger brother.

The ranch that Bill operates has been in the family for 159 years and Bill makes an effort to implement cutting edge stewardship practices for forage and livestock production. Bill and Sharon have diversified their operation over the years and now raise sheep, goats and beef cattle and sell grass-fed lamb and beef direct to markets and top-rated restaurants in Oregon and Washington. Through changing techniques, diversification and advocacy on behalf of the industry he loves, Bill hopes that agriculture and the livestock industries will continue to flourish in Oregon 150 years from now.

Mr. Speaker, I ask my colleagues to join me in saluting Bill Hoyt, who has served so ably as president of the Oregon Cattlemen's Association.

IN RECOGNITION OF THE 16TH
ANNIVERSARY OF WE CAN**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. KEATING. Mr. Speaker, I rise today to honor the 10th anniversary of WE CAN, Women's empowerment through Cape Area Networking in Harwich Port, Massachusetts.

Recognizing that every community member's well-being contributes to that of the whole community, WE CAN's mission has been to empower Cape Cod women of all ages undergoing challenging life transitions. It includes services that bring increased opportunity, self-sufficiency, stability, and lasting positive change for themselves, their families and, ultimately, the entire community. After ten years, WE CAN remains committed to that mission.

WE CAN had its beginnings at Cape Cod Community College in a program called Women in Transition, WIT, which was designed to help women of all ages and demographics improve their lives through education. A year later, WIT became WE CAN. In its first year, they helped 15 women. Early services included emergency financial aid; programs that provided guidance on reenrolling in school and mentorship; help filling out forms for emergency fuel assistance, financial aid for education, job applications; and information and referrals to other organizations on the Cape. Now, ten years later, at the half mark of this year, WE CAN, had already handled more than 2100 contacts and served close to 1000 women.

WE CAN has a true tradition of excellence thanks to its outstanding leadership, superior volunteers, board, staff, generous community partners and motivated program participants. Based on evolving needs of the Cape population, they continued to grow in terms of the number of women and their families served; the development of their programs and services; and in terms of their ability to attract volunteers, secure grants and donations from area businesses and individuals.

Mr. Speaker, I urge my colleagues to join me in congratulating WE CAN, its staff, board, volunteers, community partners, and program participants on the celebration of 10 years of service to the Commonwealth of Massachusetts.

HONORING GABRIEL ZIMMERMAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to remember Gabriel Zimmerman, who tragically lost his life in the senseless shooting on January 8, 2011, that took 5 other lives and resulted in the serious wounding of our wonderful and resilient colleague, Representative GABBY GIFFORDS.

Gabe dedicated his life to helping others. On that day, he had organized a Congress on Your Corner event so that constituents could bring their problems to Representative GIFFORDS and her staff to get them solved. We have learned a lot about Gabe's commitment to service—his practice of going the extra mile to help improve the lives of so many.

In January 2007, Gabe began serving as Constituent Services Supervisor for newly-elected Congresswoman GIFFORDS. In that role, he oversaw an extensive constituent advocacy program, working directly with the people of Arizona's Eighth Congressional District

every day. He then served as Congresswoman GIFFORDS' Director of Community Outreach, where he organized hundreds of events to allow constituents all over southern Arizona to meet with Congresswoman GIFFORDS. I know how much my colleague, Congresswoman GIFFORDS, relied on Gabriel and how much she valued their work together.

Margaret Bowe, a close college friend of Gabe, described him as "a warm, funny, energetic, smart, interesting person who was passionate about life." She went on to explain "Gabe's purpose, his motivation, his passion, was to help people, he believed in the ideals of our political system."

I remember that day well—my thoughts and concerns went out to those involved in that horrific event but also to my own staff, who work extremely hard, putting in long hours to serve the constituents of the 9th District of Illinois. Every one of them is committed to helping people and they are regularly in the same role that Gabriel was on that January morning. They do not get the recognition that they deserve, often enough.

Our staffs are out there in our communities every day, embodying the same values Gabe worked so hard for. In remembering Gabe, we also must salute the thousands of staffers across the country, who keep his memory alive by proudly serving their communities and country.

My thoughts and prayers go out to Gabe's family and friends, among them my colleague GABRIELLE GIFFORDS, who so deeply mourn his tragic death.

HONORING EMMA H. NEWSOME

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Thirty-five years ago a virtuous woman of God accepted her calling to serve in the Atlanta Field Office of the Department of Housing and Urban Development (HUD); and

Whereas, Mrs. Emma H. Newsome began her career working in various positions, she rose to the rank of Regional Director's Liaison and has served the citizens well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Coordinator, Deputy Director, Liaison and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader and a servant to all who wants to advance the lives of the citizens in our region; and

Whereas, Mrs. Newsome is formally retiring from her governmental career today, she will continue to promote civic duty because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Emma H. Newsome on her retirement from the Department of Housing and Urban Development

(HUD) and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim November 4, 2011 as Mrs. Emma H. Newsome Day in the 4th Congressional District of Georgia.

Proclaimed, this 4th day of November, 2011.

HONORING MICHAEL D. "MIKE" WALDEN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member Michael D. "Mike" Walden who served his country honorably from a very young age.

Mike was born in Los Angeles in 1946; he attended local area schools before enlisting in the United States Army in June of 1963, at the age of seventeen. He completed his basic training at Fort Ord, California, and later completed specialized training in armor warfare in Fort Knox, Kentucky. Mike was next sent to Korea for twelve months for duty with the 2nd Battalion of the 10th Cavalry, 7th Division at Camp Hansen located in the demilitarized zone. The unit provided security and conducted patrols while observing North Korean communist forces across the DMZ. Soon after, Mike returned to the States for duty with the 1st Battalion, 2nd Infantry, and 5th Division. After extensive training, the division was transitioned into duty with the First Infantry Division, known as the "Big Red One". The "Big Red One" remains one of the most storied divisions of the U.S. Army, having led the way for American troops in WWI, and during WWII, was the first Army Division to fight the Germans on North Africa, Sicily, the beaches of Normandy, and the Battle of the Bulge. During the summer of 1965, his division was the first Army division called to fight in Vietnam. Throughout 1965, his unit was involved in significant and major combat engagements.

Mike completed a twelve month tour in Vietnam; he returned to the United States in 1966 and was discharged five days after his twentieth birthday. After serving three years and two tours in Korea and Vietnam, he was still not old enough to legally purchase a beer. For his service, he was awarded the National Defense Service Medal, the Combat Infantryman's Badge, the Good Conduct Medal, and the Korea Defense Medal, among others.

After his retirement from the U.S. Army, Mike graduated from West Valley College and St. Mary's College and worked as a project support engineer. He and his wife, Gayla Darlene, make their home in Chowchilla with their two children. Mike is a Life Member of the Chowchilla VFW Post 9896 and an active member of his church.

Mr. Speaker, please join me in thanking Mr. Michael D. Walden for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

HONORING THE LEGACY OF ROSA PARKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to honor the heroic spirit of one of the most remarkable women in our nation's history by celebrating National Transit Tribute to Rosa Parks Day. Commonly known as "the first lady of civil rights" and "the mother of the freedom movement," Rosa Parks is a heroine who will be forever remembered for her courage to stand up for what she believed.

On that fateful December 1st evening in 1955, Rosa Parks had the strength to refuse to sit in the back of the bus, where blacks at the time were segregated from white riders in the front. By this simple yet heroic protest she inspired blacks across America to fight for their rights. I am honored to have been part of the Civil Rights Movement she helped fuel. Because of her vision for equality, America has made great strides toward a more perfect union.

It was a great privilege to attend the ceremony on October 28, 2005, when our nation bestowed Rosa Parks the highest honor by allowing her body to lie in honor in the Capitol of the United States Congress. She was the first American who had not been a government official to be paid this tribute. She was also the first woman and the second black person to lie in honor.

The story of Rosa Parks is proof that everyone in our great democracy, in this case a 42-year-old black woman from Montgomery, Alabama, can change the course of our country and help pave a better tomorrow for future generations. I hope we can be inspired by Rosa Parks to continue our fight for equality and justice for all Americans.

DETENTION OF ALAN P. GROSS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to call for the immediate release of Alan P. Gross on humanitarian grounds. Mr. Gross, a 62-year-old international development specialist, has been held in a Cuban detention facility for the last two years. Mr. Gross has worked in community and international development for over 25 years and his work has positively impacted the lives of people in over 50 countries, including the West Bank, Gaza, Iraq, Afghanistan, Haiti, Gambia, Kenya, South Africa, and Ghana.

At the time of his arrest, Mr. Gross was working on behalf of the U.S. Agency for International Development with the peaceful, non-dissident Jewish community to help them establish an Intranet and improve access to the Internet. Logically, Mr. Gross brought basic technological equipment with him to assist in achieving that goal. Although he followed all appropriate procedures and declared the

equipment in customs, Cuban authorities would use unsupported claims of illegality of this equipment as grounds for his imprisonment.

Shortly after his arrest on December 3, 2009, Cuban military officials placed Mr. Gross in a maximum-security military hospital, and held him for 14 months without charge. In February of this year, he was finally charged with "acts to undermine the integrity and independence" of Cuba. After a mere two day trial, he was convicted, and sentenced to 15 years in prison. His appeal to the Cuban Supreme Court was denied on August 5.

Mr. Speaker, Alan Gross is an elderly development worker, not a spy. He doesn't speak Spanish, making him an unlikely subject in the subversion of the Cuban government. It is insulting to suggest that Mr. Gross deserves a 15 year sentence for possessing "illegal" equipment that Cuban authorities could have seized upon his entrance into the country. But these elements of this gross miscarriage of justice pale in comparison to the humanitarian affront of keeping him in Cuban custody.

Mr. Gross' health has deteriorated tremendously during his incarceration. He has lost approximately 100 pounds and suffers from a number of serious health issues, some of which may become permanent. In addition, his family's health and financial problems have placed him under extreme mental strain.

In August of 2010, Mr. Gross' 26-year-old daughter was diagnosed with breast cancer. She underwent, and is currently recovering from a double mastectomy. His wife, Judy, recently underwent surgery as well, missing a long period of work due to her illness. His 89-year-old mother was diagnosed with inoperable cancer in February of this year. This, combined with Mr. Gross' continued incarceration, has resulted in tremendous financial hardship for his entire family, and his inability to support them has greatly pained Mr. Gross.

In light of these events and his unjust sentence, I call on the Cuban Government to immediately release Mr. Gross so he may receive medical treatment and help his family through this tumultuous time.

CONGRATULATING THE JOHN GLENN HIGH SCHOOL SPELL BOWL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to congratulate the John Glenn High School Spell Bowl team of Walkerton, Indiana for winning the Class II Indiana Academic Spell Bowl held on November 12, 2011 at Purdue University. Their score of 84 out of a possible 90 far surpassed runner up Plymouth High Schools' score of 75.

The spellers practiced three times a week in preparation for their fifth consecutive state championship. The team consisted of Elly Alexander, Ariel Clark, Jake Coday, Ann Heckman-Davis, Cole Jacobson, Miranda Kafantaris, Kim Lord, Chris Mahank, Gabby Marek, Erin Patterson, Maddy Piedra, Paige

Reed, Holly Rowe, Rebecca Shoue, J.J. Silvey, Justina Weiss, and Karena Weiss.

The team is coached by Paul Hernandez who has led the school to 16 state titles in 25 years. This outstanding achievement was recognized by the Indiana Association of School Principals who named Mr. Hernandez the 2011 Academic Coach of the Year. The only coach to win state Spell Bowl Championships in two different divisions, he is the English Department Chairman, tutors the Academic Decathlon Team and supervises the nationally recognized high school literary magazine, "Aerial."

Again, I rise to offer my congratulations to the members of the John Glenn High School Spell Bowl team and their dedicated coach for their extraordinary accomplishments throughout the competition.

PERSONAL EXPLANATION

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. OWENS. Mr. Speaker, on November 4th, 2011, I missed a series of votes to attend the Change of Command ceremony at Fort Drum, New York. If I had been present, I would have voted as follows:

On Rollcall 829, Ordering the Previous Question providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, I would have voted Nay.

On Rollcall 830, Providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, I would have voted Nay.

On Rollcall 831, To facilitate the hosting in the United States of the 34th Americas Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes, I would have voted Yea.

On Rollcall 832, Cummings of Maryland Amendment No. 3, I would have voted Yea.

On Rollcall 833, Thompson of Mississippi Amendment No. 4, I would have voted Nay.

On Rollcall 834, Napolitano of California Amendment No. 6, I would have voted Yea.

On Rollcall 835, Bishop of New York Amendment No. 7, I would have voted Yea.

On Rollcall 836, Slaughter of New York Amendment No. 8, I would have voted Yea.

IN RECOGNITION OF TIME WARNER CABLE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mrs. MYRICK. Mr. Speaker, I rise today to commend Time Warner Cable for its investment in local television news coverage, specifically for opening a Washington, D.C., news bureau that will cover stories and events here

in Washington that are important to the communities its 14 local news channels serve throughout the country.

Mr. Speaker, TWC is dedicating significant resources to high quality local news channels that provide critical local news, weather, traffic and sports coverage in the communities that they serve. We live in an age when local television news is disappearing and hometown newspapers are fast becoming a thing of the past. However, in the Charlotte area stations remain committed to reporting in-depth local stories. It is important to make note of the rare times when we see investment in local news coverage. I applaud Time Warner Cable for recognizing the importance of local news, for investing in it and creating jobs while providing this critical service to their customers and my constituents. Certainly it is with more local news coverage that we will have a better informed citizenry, which can only advance our great country.

HONORING THE UNIFICATION OF THE TRANSPORTATION COMMU- NICATIONS UNION AND THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the January 1, 2012 unification of the Transportation Communications Union (TCU) and the International Association of Machinists and Aerospace Workers (IAMAW).

These two distinguished unions, with railroad roots, are on course to become one strong voice for hundreds of thousands of middle-class working men and women across America.

In 1888, 19 machinists meeting in a locomotive pit in Atlanta, Georgia formed what is now IAMAW, commonly known as the "Fighting Machinists." Throughout their 123 year history, the Fighting Machinists have grown to represent workers in several industries, including: aerospace, transportation, government, automotive, defense, and woodworking.

Today's TCU is also one union made of many. At its core is the union founded in 1899, which became the Brotherhood of Railway Clerks. In 1919, the union became the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. To further reflect the diversity of the union's membership, the delegates to the 1987 Convention voted to become TCU.

By joining the ranks of the Machinists, TCU will help strengthen the organization's membership and the overall labor movement. For more than a century, both TCU and IAMAW have stood for the welfare and prosperity of their members. Today, these unions continue to fight on behalf of their members who exemplify the values of hard work, faith, family, and community.

This unification not only brings together two unions, but also two dedicated presidents—Tom Buffenbarger and Bob Scardelletti. Tom

Buffenbarger began his career as a journeyman tool and die maker at General Electric's jet engine plant in Evendale, Ohio. In 1997, he became the youngest IAMAW President in its history. Bob Scardelletti, a life-long railroader, started out as a yard clerk in Cleveland with the New York Central Railroad in 1967. In 1971, he took on his first union position and by 1991 was elected TCU president and has been re-elected four times.

TCU and IAMAW were fundamental in building the American middle-class, and have a vital role today in preserving the American dream for working families. Their combined strength will provide continued leadership throughout the labor movement, particularly in the transportation industry. It is my pleasure to honor this historic event and congratulate their members as they join forces under the new TCU/IAMAW.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 860, 861, and 862. Had I been present, I would have voted "yea" on all three.

HONORING LIZ COVENTRY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. GARRETT. Mr. Speaker, today I extend my deepest condolences and heartfelt sympathies to the family of Liz Coventry. Liz passed away on October 26, 2011, after waging a valiant battle against cancer. Throughout many years of my public service—from my Congressional campaign days to my early days as a U.S. Congressman, Liz was an unwaveringly loyal and exceptionally focused member of my team. Whether working on casework for constituents, tirelessly advocating on behalf of veterans, spearheading the annual Congressional Art Competition for my office, or organizing various special projects, Liz took on every endeavor with passion. I cannot imagine the early days of my office without her.

Yet far beyond being an employee, Liz was also a friend. And as anyone who knew Liz would undoubtedly agree, to be able to call her "friend" is truly an honor. While Liz's daily presence will be acutely missed by those who knew and loved her, the memory of her friendship and her legacy will remain.

I deeply appreciate Liz for her friendship and support, and I honor her for her service to our state and our nation.

A TRIBUTE TO RAY A. HARRIS, RAMIE L. HARRIS, AND SHEY M. HARRIS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to pay tribute to the lives of Ray A. Harris, Ramie L. Harris and Shey M. Harris, of Marion, Indiana who perished in a tragic plane crash on November 26, 2011. Ray was 46, Ramie was 21, and Shey was 20. I join the Marion community in expressing my deepest condolences to Ray's wife, Sherry, and his son, Blake, who are left to carry on in this world without them. In one tragic day, Sherry lost her husband and two daughters. Likewise, Blake lost his father and two sisters. Other survivors include Ray's parents and in-laws and numerous aunts and cousins. Chris Backus, a student at Indiana Wesleyan University also died in the crash.

As a businessman Ray was a pioneer of sorts in Marion. He moved his car dealership known as Ray Harris Chrysler Jeep from its established location to a new location at Ind. 18 and 1-69. He knew the risks associated with the move but he held a deep desire to make Marion a better place and because Ray was a visionary he knew the new location would grow into something good and benefit the community around it. Ray was a true community leader. He was a supporter of the Marion Giants; served 8 years as the President of the Marion Board of Works; was a member of the Meshingomesia Country Club, the Aero Club, Marion Pilots Club, and the Elks. Ray was a skilled hunter and fisherman. One of his favorite events was the annual Community School for the Arts, CSA, Go-Kart race.

As busy as Ray was in business and in the community, his family always came first. Ray was an attentive father and husband, rarely missing one of his children's events. Ramie was a 2009 graduate of Marion High School where she played soccer, basketball, and tennis. Ramie's soccer jersey number will be retired in her honor. Ramie also played in various PAL club sports and was the recipient of numerous scholarships. As a student at Marion High School, Ramie was active in Youth for Christ. She was also active in God's House Ministries' Children's Ministry Department. Ramie was a junior at Wheaton College, majoring in pre-med.

Shey was a graduate of Eastbrook High School after having attended Marion High School until her junior year. Shey loved to dance and was majoring in dance with a minor in business at Anderson University at the time of her death. Shey attended and later taught at the Community School of the Arts and taught gymnastics at Mid America. Like her father and sister, Shey's love for the Lord guided her in her daily life. She was involved in the liturgical dance program at her church and the children's ministry department at College Wesleyan Church.

Ray, Ramie, and Shey will be forever remembered by all who knew them as a loving family who devoted their lives and talents to community and God. In their death their mem-

ory will live on through the CSA Ray Harris Family Memorial Endowment Fund that was established at the Community Foundation of Grant County as a way for the community to honor the family. The money from the endowment will go to the organization for the Shey Harris Dance Scholarship, which will be awarded to a student from CSA. The Harris family were key supporters of the organization. Shey distinguished herself as a dancer and choreographer by the choreographing the first commercial CSA did for the Gorman Center for Orthodontics and being the youngest person to teach at the organization at the age of 14. Ramie danced at the school and danced in the first show that CSA ever did. Shey's and Ramie's surviving brother Blake was the CSA's "Go Arts! Go Karts!" 2010 champion when he raced for his father's business. Ray's wife, Sherry, is also active in CSA events and is a former board member.

The Harris family attended God's House Ministries and by all accounts, their lives were guided by their love for the Lord. At times of deep sorrow and grief, I am comforted by Psalm 23.

PSALM 23—A PSALM OF DAVID

The LORD is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the LORD forever.

Today, I pray for all of God's love and healing to be bestowed upon the Harris family.

HONORING BALD ROCK BAPTIST CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, Bald Rock Baptist Church has been and continues to be a beacon of light to our county for the past one hundred fifty years; and

Whereas, Pastor Christopher Shipp and the members of the Bald Rock Baptist Church family today continues to uplift and inspire those in our county; and

Whereas, the Bald Rock Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past one hundred fifty (150) years, being Rockdale County's first African American Congregation; and

Whereas, Bald Rock has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with Rockdale County their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Bald Rock Baptist Church family for their leadership and service to our District on this the 150th Anniversary of their founding;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim November 13, 2011 as Bald Rock Baptist Church Day in the 4th Congressional District of Georgia.

Proclaimed, this 13th day of November, 2011.

HONORING JOHN WILKINSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member John Wilkinson, who retired from the United States Marine Corps as a Master Sergeant in 1974.

John A. Wilkinson was born in Taft, California in November 1935. During his high school years, John worked during the summer months and after school in the oil fields handling drill toll stabilizers and as a truck driver. In 1953, he enlisted in the United States Marine Corps. During his service in the U.S. Marine Corps, he served on seven aircraft carriers, twelve different shore installations, and duty with all branches of service, as well as Civil Service Personnel. He traveled to twenty foreign countries and saw duty with seven military forces. Throughout his duration of service, John succeeded in many roles. In 1957, he was selected for aviation schooling and completed Aircraft Fundamentals and Jet Engine Mechanics courses and was stationed at Los Alamitos Naval Air Station where he served as a crew chief performing scheduled and non-scheduled maintenance on all aircraft systems. In 1965, John assumed a two year post as a Drill Instructor at Marine Corps Recruit Depot in San Diego. He was deployed with his unit to Vietnam in 1970 where he served with H&MS-11, which supported Marine aircraft missions fighting the North Vietnamese and Viet Cong forces. Master Sergeant Wilkinson received numerous decorations and awards for his service, including the National Defense Medal, seven awards of the Good Conduct Medal, Vietnamese Service Medal with star, and the Meritorious Unit Commendation.

Upon his retirement from the military, John earned an Associate of Arts Degree from West Hills College and a Bachelor of Art Degree in Social Science and a teaching credential from California State University, Fresno. For thirteen years, John continued his legacy of public service as a civics, economics, and history teacher at Chowchilla Union High School. John and his late wife, Veronica,

raised three children. He is now a grandfather of nine and a great-grandfather of ten. He makes his home in Los Lunas, New Mexico.

Mr. Speaker, please join me in thanking Mr. John A. Wilkinson for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

PAYING TRIBUTE TO THE SMITHSONIAN INSTITUTES FREEDOM SISTER'S TRAVELING EXHIBITION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, ahead of tomorrow's announcement, today I rise to recognize the empowering Freedom Sister's Exhibition being showcased in The Malcolm X and Dr. Betty Shabazz Memorial and Educational Center in my Congressional District. The Exhibition will be officially on display starting February 4 thru April 22, 2012.

Often when the civil rights movement is discussed, male figureheads whose visibility in boycotts, legal proceedings, and mass demonstrations dominated media coverage in the 1950's and '60s are the first memories we recollect. Sometimes missing and often forgotten from these memoirs are a group of extraordinary women who, while less prominent in the media, shaped much of the core and spirit of civil rights movement.

The Freedom Sister's Exhibition shines a light on the many women that at times history seems to overlook. As the Member of Congress whose district encompasses the historical community of Harlem and in response to an overwhelming sentiment from both my local Education and Arts & Culture constituencies, it was enormously important to me that the Smithsonian bring the traveling exhibition to my beloved community. Nine out of the twenty women being paid tribute to, have walked the streets of the great village of Harlem. Constance Baker Motley, Harriet Tubman, Ella Baker, Charlayne Hunter-Gault, Dr. Betty Shabazz, Sonia Sanchez, Mary McLeod Bethune, Shirley Chisholm, and Ida B. Wells all dared to dream the impossible: equality for all.

The exhibition also pays tribute to the success of such notable women as Coretta Scott King, Rosa Parks, Barbara Johnson, Fannie Lou Hamer, Myrlie Evers-Williams, Kathleen Cleaver, Mary Church Terrell, Septima Poinsette Clark, Dorothy Height, and C. Delores Tucker. I cannot stress the importance of such a marvelous showcase of these important women. The Civil rights movement was spearheaded by many exceptional men such as Dr. Martin Luther King Jr. and Malcolm X, but these women among many others also fought for equality with a commitment to strengthen our Nation and making a difference for all Americans.

Let me thank Jacob Morris, Executive Director of the Harlem Historical Society for bringing this great exhibition to my attention through my District Representative, Socrates Solano. According to the information imparted to my office by the Harlem Historical Society,

it was my understanding that New York was not initially considered as a venue for this wonderful traveling exhibit's National tour. Let me also thank Zead Ramadan, Chair of the Malcolm X and Dr. Betty Shabazz Memorial and Educational Center for agreeing to host this truly historic exhibition.

Mr. Speaker, like Harlem, there are those in our country that ardently desire that its sons and daughters as well as our teachers and educators are given the opportunity to appreciate and learn more about these great women of courage who have had such profound historical significance. I ask that you and my distinguished colleagues, with the gratitude of our fellow citizens, join me in commending the Smithsonian Institute for paying tribute to our beloved Freedom Sisters through their traveling exhibition.

TRIBUTE TO JANE AND WILLIAM MCQUAIN AND THE WORK OF THE DWELLING PLACE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to remember two of my constituents whose lives were recently tragically cut short. Ms. Jane McQuain, 51, and her son William, 11, were found murdered on October 18, 2011, triggering shock and pain throughout my congressional district.

Since 2006, Ms. McQuain and William had been receiving assistance from an outstanding organization, The Dwelling Place, whose mission is to provide housing opportunities and support services for homeless families in Montgomery County. The McQuains were one of many families helped by this program.

Ms. McQuain was an extraordinary example of the success that can be achieved through hard work and dedication. In 2006, she came to The Dwelling Place as a homeless single mother, seeking a better life for herself and her son. Two years later, she graduated from the program with permanent housing and a steady job. Ms. McQuain immediately sought to give back to the community and devoted her time to helping families in crisis who were facing similar situations. She often returned to The Dwelling Place to share her experiences and to advise families on how to succeed during and after the program. Her son, William, had a bright future. His friends and family describe him as a vibrant and imaginative boy who loved sports, animals, and video games. Both Ms. McQuain and William were extraordinary individuals, who had successfully overcome great adversity.

The Dwelling Place has been helping the homeless since 1988, when a group of activists, appalled at the rising levels of homelessness in Montgomery County, Maryland, came together to find a solution to this growing problem. The organization incorporates various aspects of affordability, length of stay, and life skills, striving to help homeless families achieve self-sufficiency. Families are assisted to develop the necessary skills they need for a brighter and more prosperous future. The

Dwelling Place is not merely a place for families to live; it is a place for families to thrive. It provides families with critical training in parenting, communication literacy, and networking techniques. It also counsels individual families to work towards a strong, united, and independent family unit.

Thanks to The Dwelling Place, Ms. McQuain was able to provide her son with a happy and stable life. Although their lives were brutally cut short, their resilience and ability to overcome hardship will never be forgotten, and they will continue to inspire the many families that face similar challenges.

My congressional district is fortunate to have The Dwelling Place providing support to our community, so that families in crisis can establish new lives without fear and with the potential and support for a bright future.

I ask my colleagues to join me in remembering Jane and William McQuain and in saluting the mission of The Dwelling Place and its dedication to assisting the homeless.

**RECOGNITION OF THE COMMUNITY
ADOLESCENT AND EDUCATION
CENTER OF HOLYOKE, MASSA-
CHUSETTS**

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. OLVER. Mr. Speaker, I rise today to recognize the invaluable contributions that the Community Adolescent and Education, Care, Center, Inc. of Holyoke, Massachusetts makes to the community by improving the lives of teen mothers and their children.

Among the Care Center's core beliefs is that people living in poverty should be exposed to the same intellectual stimulus as those who are financially well off and that they will thrive if they receive it. The Center, therefore, works extremely hard to provide young mothers with high level programming in education, the arts and humanities, and athletics. These programs have been incredibly effective with up to 85 percent of graduates going on to college and many launching careers in social services, government and medicine.

On November 2, 2011, First Lady Michelle Obama presented the Care Center with the prestigious National Arts and Humanities Youth Program Award for its innovative humanities courses. I have been a proud supporter of the Center and its vital work, and I cannot think of a more deserving institution in my district.

Over 500 organizations from across the country were nominated for the award which, administered by the President's Committee on the Arts and Humanities, is considered to be the highest honor for such programs in the nation. The Care Center is one of 12 after-school and out-of-school programs to receive the award and it was, in particular, recognized for its exceptional humanities programming. This included the Clemente Course in the Humanities, a free college course focusing on moral philosophy, art history, literature, writing, and American history; Introduction to Humanities, a college course offered in partnership with

Greenfield Community College; and Nautilus II, an annual anthology of poetry and art by Center teen mothers.

The Care Center is dedicated to helping young parents with low incomes obtain access to an excellent education. Center Executive Director Anne Teschner and her dedicated staff, through their revolutionary programming, have opened doors leading to successful futures for hundreds of teens and their children. I commend the Care Center on these efforts and am confident that this national recognition can be a catalyst that allows it to help hundreds more in years to come.

ALAN GROSS

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. HIMES. Mr. Speaker, for the last two years, Alan Gross, a 62-year old international development specialist and social worker, has been incarcerated in a Cuban prison. Today marks the two-year anniversary of his imprisonment. Alan traveled to Cuba on behalf of USAID to help the country's Jewish community expand its access to the Internet and establish an Intranet. This was a humanitarian mission, a mission to help a small and peaceful community improve its access to and use of the Internet. Alan's presence and actions posed no threat to the Cuban government.

And yet, Alan has been held in a maximum-security military hospital facility in Cuba since December 2009. He has been sentenced to 15 years in prison, charged with "acts to undermine the integrity and independence" of Cuba. Alan's appeal to the Cuban Supreme Court was denied on August 5, 2011, formally ending his legal options for release.

Mr. Speaker, today I rise and join my colleagues in calling for the immediate and unconditional release of Alan Gross. Alan Gross is not a criminal, he is a humanitarian aid worker. Alan Gross is a man whose life work has positively impacted people across the world, including in the West Bank, Gaza, Iraq, Afghanistan, Africa and Haiti. Alan Gross is a husband, a father and a son who should be released and reunited with his family immediately.

HONORING TONY ROYAL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, reaching the age of 50 years is a remarkable milestone; and

Whereas, Mr. Tony Royal was born in Savannah, Georgia on November 20, 1961 and is celebrating that milestone today; and

Whereas, Mr. Royal has accomplished much in his years, but the two things he is most proud of is being the husband of Leslie and father of Antasha and Anthony; and

Whereas, he is a stellar businessman, a model citizen and a community partner who not only talks the talk, but walks the walk; and

Whereas, Mr. Royal has been blessed with a long, happy life, devoted to God, family and community; and

Whereas, Mr. Royal is celebrating his 50th birthday with his family and friends, his good will has touched the lives of persons everywhere across the nation in particularly the Fourth District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Royal for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim November 20, 2011 as Mr. Tony Royal Day in the 4th Congressional District of Georgia.

Proclaimed, this 20th day of November, 2011.

HONORING JOHNNY CHANDLER

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member Johnny Chandler who served his country honorably in the United States Air Force.

After graduating from Chowchilla High School in 1998, Johnny Chandler enlisted in the United States Air Force. He completed his basic training at Lackland Air Force Base in Texas, and later completed Enlisted Aircrew Training at Sheppard Air Force Base in Texas. After completing technical surveillance specialty training in Mississippi, Washington, and Oklahoma, he was assigned to the Airborne Air Control Squadron, one of the three operational E-3 Sentry (AWACS) squadrons in the continental United States. The primary mission of the 965th was Operation Southern Watch in the skies over Southern Iraq. The mission's objectives were to search for, track, and report enemy aircraft contacts to ground and airborne assets and intercept them if they ventured into the No-Fly Zone. While with the 965th, he participated in numerous Red Flag training missions, which are the Air Force's equivalent of the Navy's Top Gun School.

Johnny returned to the United States about a year later and was subsequently selected to be one of the first Airborne Surveillance Technicians to participate in the resurrection of the old 960th World War II bomber squad. While at the Base Exchange in Incirlik Air Force Base in Turkey, Johnny watched the television monitors as the first airliner impacted the World Trade Center on September 11, 2011. While with the 960th, he completed two tours with the Operation Northern Watch in the Northern part of Iraq, guiding American and allied aircraft to targets and monitoring enemy air defenses and missile sites. He had over 1,000 flight hours on the E-3 Sentry including 300 combat hours. In 2003, he was promoted to Staff Sergeant and was selected for cross-training in the Air Force Combat Control.

Johnny retired from the U.S. Air Force in 2005 and enrolled in Oklahoma State University's engineering program. He graduated in

May 2010 with a Bachelors of Science in Aerospace and Mechanical Engineering. During his academic career, Johnny used his engineering expertise to design a multitude of robotic unmanned aerial and ground systems. He recently accepted a position as an Aerospace Engineer at the Naval Surface War Center where he will be working with high-powered lasers, rail guns, conventional weapons, and unmanned aircraft.

Mr. Speaker, please join me in thanking Mr. Johnny Chandler for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

COMMENDING REP. GONZALEZ'S
CONGRESSIONAL LEADERSHIP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to recognize the service of Congressman CHARLES GONZALEZ. I am sad that after seven great terms in the House, Congressman CHARLES GONZALEZ will not be seeking reelection. Picking right up from where his father left off, CHARLES has been a tremendous leader for the people of the Texas 20th Congressional District and the United States.

CHARLES and I share the honor of representing large Hispanic communities. As the Chairman of the Hispanic Caucus and his tenure in Congress, he has fought fiercely to better the lives of all Hispanics in America. We both proudly co-sponsored the DREAM Act. We both share the belief that everyone in America deserves the equal opportunity to pursue the American Dream.

CHARLES and his compassion will be greatly missed. I wish him and his family all the best and more.

REGARDING THE IMPRISONMENT
OF ALAN GROSS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. WAXMAN. Mr. Speaker, I rise today with deep concern over the plight of an American citizen overseas. Today marks two years that Alan Gross, a 62-year old international development specialist who has worked for over two decades helping people in troubled areas across the globe, has been held in a Cuban prison.

For the first fourteen months of his captivity, Mr. Gross was held without charge. In February of this year, he was charged with "acts to undermine the integrity and independence" of the State, then given a two-day trial and sentenced to 15 years in prison, his appeal denied.

Mr. Gross was in Cuba on behalf of USAID. He was there to help the country's small Jewish community establish an intranet and improve its access to the internet. His presence and actions were not meant to pose a threat

or danger to the Cuban government. Since being incarcerated, he has lost approximately 100 pounds, his health is deteriorating, and two immediate family members, his mother and daughter, have been diagnosed with cancer.

His 15-year sentence is absurd, and his continuing incarceration is inhumane. I urge my colleagues to join me in requesting that the Cuban government release Mr. Gross on humanitarian grounds as quickly as is possible.

67TH ANNIVERSARY OF THE
BATTLE OF COLMAR POCKET

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in recognition of the upcoming 67th anniversary of the Battle of Colmar Pocket.

The Battle of the Colmar Pocket was fought between January 22 and February 9, 1945, to liberate the last major French city occupied by the German Army. The ferocious preliminary fighting which formed the Colmar Pocket began after the arrival of U.S. 7th Army and 1st French Army forces at Strasbourg, north of Colmar, on November 23rd and Mulhouse, south of Colmar on November 25th, 1944. These Armies, under command of the 6th Army Group under Lieutenant General Jacob L. Devers, had fought their way through the Vosges Mountains to reach these cities beginning in mid-September, and were the first military force in history to successfully do so.

The 1st French Army, commanded by General Jean de Lattre de Tassigny, had the mission to clear the Pocket and liberate Colmar, destroying the German forces in the Pocket or driving their remainder across the Rhine. Initially, the 36th Infantry Division, under Major General John Dahlquist, arrived at Selestat on December 4, 1944, fixing the northern shoulder of the Pocket. Under French command, the 36th Infantry Division fought its way south to the vicinity of Kaisersberg, Ostheim, Mittelwihr, and Bannwihr, in frigid winter weather, where the division fought off fanatical German counterattacks launched in support of the German Ardennes Offensive, the Battle of the Bulge. In mid-December this stalwart division was withdrawn from the Colmar sector to rest and refurbish after its long, debilitating campaign through the Vosges. For the fighting to collapse the Pocket, two 36th Infantry Division soldiers received the Medal of Honor, Sergeant Ellis R. Weicht and T/SGT Bernard P. Bell.

Major General Iron Mike O'Daniel's 3rd Infantry Division then under acting Division Commander Brigadier General Robert N. Young, which had also fought its way as part of 7th Army through the Vosges Mountains to Strasbourg, was attached to II Corps of the 1st French Army under Major General Aime de Goslard de Monsabert, and in mid-December continued the fight to collapse the northern section of the Pocket, seizing Kaisersberg, Sigolsheim, Mittelwihr, and Bannwihr and the dominating high ground of Hill 355 above

Sigolsheim and Hill 216 outside Bannwihr in the final two weeks of December 1944. For their intrepid and gallant actions in the fighting between December 15 and January 21, 1945, the following 3rd Infantry Division soldiers were awarded the Medal of Honor: 1LT Charles P. Murray, Jr.; 1LT Eli Whitely; LTC Keith L. Ware; T/SGT Gus Kefurt; and T/SGT Russell Dunham.

As this difficult fighting was taking place, other 1st French Army units were pressing remaining German units in the Vosges Mountains at the westernmost extent of the Pocket, as well as in the south near Mulhouse. The tough fighting and harsh winter weather had greatly worn down the French, and it was determined further U.S. reinforcement was needed to enable our valiant allies to finally collapse the Pocket. The first to arrive were the soldiers of Major General Norman D. Cota's 28th Infantry Division, which had fought hard in the Bulge. They arrived on January 19th, taking over the 3rd Infantry Division's sector in the Kaisersberg valley.

On January 22nd, the 3rd Infantry Division, now under MG O'Daniel, with attached 254th Infantry Regiment of the 63rd Infantry Division and reinforced by a combat command of the 5th French Armored Division, launched the II Corps main effort to breach enemy defenses protecting the Colmar Canal and to isolate Colmar from the Rhine River by seizing the bridge at Neuf-Brisach. January 22nd found then Lieutenant Colonel Lloyd B. Ramsey from Somerset, Kentucky, in command of the 3rd Battalion, 7th Infantry. He had commanded the battalion since taking command in the Anzio beach head in February 1944, and had commanded it for Operation Dragoon, the invasion of Southern France, the Southern France campaign, and through the Vosges. Leading his battalion across the Ill River, through minefields against dug-in enemy machine gun positions south of the village of Guemar in a night attack, Ramsey showed outstanding leadership and gallantry which led to the award of the Silver Star. Despite being wounded by enemy shell fragments, he ensured his battalion continued advancing in the face of stubborn resistance, breaking through the enemy positions and enabling the rest of the division to drive south.

Ramsey would continue his sterling combat service and go on to achieve the rank of Major General, and commanded the AMERICAN Division in Vietnam from 1969 until 1970. He was severely injured in a helicopter crash in Vietnam and eventually was forced to retire for medical reasons in 1974. MG Ramsey is a proud son of Kentucky, and a member of the University of Kentucky Hall of Fame.

The 3rd Infantry Division's dogged attack and imaginative scheme of maneuver enabled it to reach and cross the Colmar Canal the night of January 29-30 after a week of very heavy fighting. This combat included a serious incident at the bridge across 111 at the Maison Rouge where the failure of the bridge resulted in isolated battalions of the 30th and 15th Infantry Regiments defending unsupported against severe enemy armored counterattacks. For actions during January 22nd through the 26th, two Medals of Honor would be awarded to 3rd Infantry Division soldiers, PFC Jose F. Valdez and 2LT Audie L. Murphy.

The XXI Corps, commanded by Major General Frank W. Milburn, took command of the 3rd Infantry Division, the 28th Infantry Division, the 75th Infantry Division commanded by Major General Roy E. Porter, the 5th French Armored Division, and the 12th Armored Division commanded by Major General Roderick C. Allen at the end of January and continued the attack which succeeded in the 3rd Infantry Division's seizure of NeufBrisach. The 75th Infantry Division attacked and protected the 3rd Infantry Division's west flank. The 28th Infantry Division launched its attack from the Kayersberg valley and cleared the suburbs of Colmar, enabling units of the French 5th Armored Division to enter the city on February 2nd. Immediately thereafter, the 12th Armored Division was committed for a drive south and on February 5th, met French elements advancing north at Rouffach. French forces completed the cleansing of the Pocket and destruction of the enemy's final bridge across the Rhine at Chalampe on 9 February 9th, 1945. For this final phase of the fight, one more Medal of Honor was awarded to the 3rd Infantry Division's T/5 Forrest E. Peden.

The Battle of the Colmar Pocket, overshadowed by the Battle of the Bulge to the north, saw some of the bitterest fighting of the war and resulted in the award of the Presidential Unit Citation to the entire 3rd Infantry Division with its attachments, as well as the award of the fourragère of the Croix de Guerre embroidered Colmar. The 109th Infantry Regiment of the 28th Infantry Division was also awarded the fourragère.

Mr. Speaker, I ask the House to join me in congratulating and thanking the surviving veterans of the Battle of the Colmar Pocket on the upcoming 67th anniversary of this battle which liberated Colmar and cleared the Germans from southern Alsace. I especially would like to express my thanks and admiration to Major General Ramsey for his outstanding combat leadership at Colmar and throughout his illustrious military career.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,110,498,560,876.77. We've added \$10,309,093,385,852.49 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

U.S. CITIZEN OF DISTINCTION CORPORAL/DETECTIVE ROBERT "SHANE" WILSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I declare Robert "Shane" Wilson U.S. Citizen of Distinction.

Whereas, our lives have been touched by the life of this one man . . . who has given of himself in order for others to stand; and

Whereas, Corporal/Detective Robert "Shane" Wilson served eight (8) years in the City of Doraville Police Department and gave his life answering a call to duty; and

Whereas, Corporal/Detective Wilson never asked for fame or fortune, nor found a job too small or too big; but gave of himself, his time, his talent and his life to uplift those in need by demonstrating unwavering commitment to protecting and serving the citizens of Doraville and DeKalb County; and

Whereas, he was a husband, a father, a son, a brother and a friend; he was also our warrior, a man of great integrity who remained true to the uplifting and service to our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia recognizes Corporal/Detective Robert "Shane" Wilson as a citizen of great worth and so noted distinction;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby attest to the 112th Congress that Corporal/Detective Robert "Shane" Wilson is deemed worthy and deserving of this "Congressional Honor" by declaring Corporal/Detective Robert "Shane" Wilson U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 17th day of November, 2011.

HONORING SGT. ARNOLD TRUITT DIXON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Sgt. Arnold Truitt Dixon, a veteran of World War II, who is celebrating his 90th birthday on January 1, 2012.

Sgt. Arnold Dixon, as he was known in the military, was known to those at home simply as Truitt. Truitt is the eldest son of Mattie and Henry Dixon, born on January 1, 1922, in Ada, Oklahoma. He migrated to California in 1940, and married Lena Owens on November 11, 1941. Their only daughter Janice was born on October 13, 1942. Unfortunately, Lena passed away in January 1985, after a long illness. Soon thereafter, Jacquie entered his life and they were married on March 9, 1985.

Truitt and Lena were happily married with a two-year old daughter, when the call came from the United States Army to report for active duty. On September 16, 1944, Truitt reported to duty at Fort Ord, California. Basic

training was very tough. He was being trained as a Combat Infantryman and took his training very seriously, which would pay off in the later years of his army career.

With basic training and schooling completed, Truitt was aboard a troop ship with thousands of other soldiers travelling to parts unknown. After days of sailing, it was finally announced their destination was the Philippine Islands. After landing in the Philippines patrols were formed to find the remaining Japanese soldiers. His leadership earned him promotions quickly, from private, to private first class and to corporal in a very short time. His ability to lead and the fact that he was an expert marksman earned him the "Combat Infantryman's Badge" in late 1944, just after landing in the Philippines.

In late 1944, General Douglas MacArthur, as promised, returned to the Philippines. Orders went out to all Combat Divisions in the Pacific command to select ten of their best soldiers for assignment to General Headquarters in Manila. The selection criteria for those men were exceptionally high. They must have a score of 110 or better on the Army General Classification Test, must have an excellent service record as a combat soldier, be of good physique and over five feet ten inches tall, and finally, they must have a soldierly appearance. PFC. Arnold Truitt Dixon was selected as one of the 10 soldiers from the 105th Infantry Regiment, 40th Division.

All the chosen men reported to Manila to form Honor Guard Company "E." To quote their commanding officer, "These 200 soldiers chosen for Honor Guard had fought the Japanese on the beaches, in the jungles, and in the mountains. They represented all the fighting men of the Southwest Pacific Area. This unit was probably the sharpest most elite unit formed during World War II"

The Japanese surrender brought numerous Japanese officers from Tokyo to Manila to formalize the papers that needed to be signed for the official surrender. Truitt was on duty as those officials arrived and remembers the American officer in charge ordering the Japanese to remove their ceremonial swords before entering the building. As he stood by as part of the Honor Guard on duty that night, one of the officers was quoted as saying, "This is the first time that many members of Company 'E' had ever looked upon a Japanese, except over gun sights and, though many a trigger finger itched, the conference was carried out in perfect order."

It was not long after the surrender was formalized that Company "E" was alerted for transfer to Tokyo, Japan and was among the first United States soldiers to arrive in Japan. After staying two days in a silk factory, Company "E" moved on to Tokyo, where they were billeted in the Finance Building. Guarding the Supreme Commanders offices, the United Nations headquarters and General MacArthur were their primary assignments.

A few weeks after arrival in Tokyo, Corporal Dixon was promoted to Sergeant and assigned as leader of a guard patrol. Truitt's discharge from the Army makes this statement, "Served in the Asiatic Pacific Theater for 15 months. Served in the Honor Guard Company, General Headquarters Tokyo, Japan. Assisted in the guarding and patrolling of General MacArthur's headquarters. Supervised 15 men of

a patrol section. Kept section records and made recommendations to his commanding officer."

On August 15, 1945, the United States received Japan's notification of surrender. On September 2, 1945, General MacArthur signed the official documents ending World War II with Japan. With the war over, Truitt returned to the United States and reunited with his wife and young daughter. He received his Honorable Discharge on May 5, 1994.

During his military career, he received the following decorations and citations: Combat Infantryman Badge, The Good Conduct Medal, Asiatic Pacific Campaign Medal, Philippine Liberation Ribbon (with one Bronze Star), Army Occupation Medal, and World War II Victory Medal.

Mr. Speaker, please join me in thanking Sgt. Arnold Truitt Dixon for his honorable service to our great country and honoring him as he celebrates his 90th birthday.

ERADICATING HIV/AIDS IN OUR COMMUNITIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, today we unite in solidarity to eradicate HIV/AIDS in our communities across the world. We stand together to raise awareness about the epidemic so we can prevent further spread of the deadly virus and give hope to the 33.3 million people worldwide who are suffering from this terrible illness.

In the United States alone, the Centers for Disease Control and Prevention estimates that over one million people are HIV positive. What is even more tragic is that one in five people infected are unaware of it. HIV/AIDS is one of the leading causes of death for both the African American and Hispanic communities and presents a great hazard to our society.

I believe Congress has a moral obligation to continue funding to eliminate HIV/AIDS despite our budgetary challenges. Earlier this year I introduced the National Black Clergy for the Elimination of HIV/AIDS Act which would authorize several federal health agencies such as the National Institute of Health, Office of Minority Health of the Department of Health and Human Services, and the CDC to intensify awareness prevention, community outreach, testing, behavioral research, and increase grants to faith-based organizations in the African American community.

This year's theme for World AIDS Day is 'Getting to zero'. That means zero new infections, zero discrimination, and zero AIDS-related deaths. These are common goals shared globally regardless of race, religion or political ideologies. Yet we can only accomplish these goals in America if we work together, Democrats and Republicans, in supporting bold initiatives and legislation to combat HIV/AIDS in our communities.

WORLD AIDS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DAVIS of Illinois. Mr. Speaker, the fight to arrest HIV-AIDS must continue.

Today is December 1, World Aids Day and in Chicago at the Ruth Rothstein Core Center at 2020 West Harrison St., Chicago, Governor Pat Quinn, and a group of AIDS professionals activists organized by Benny Montgomery, a retired member of my Congressional staff are holding a press conference as we do every year to kick off a day of awareness raising and action to help in the fight against HIV and AIDS. I am generally able to be with this group. However, my duties as a Member of Congress have kept me here in Washington, DC. Nevertheless, I am pleased to be represented by my assistant Ms. Cherita Logan, our Deputy District Director, who is a long time AIDS activist and education program director herself.

We recognize that although some programs has been made, as a matter of fact much progress has been made, but we still have much further to go; therefore I urge each one of us to do as much individually and collectively as we can to fight this dreadful disease.

HONORING HARRIS MEMORIAL CHURCH OF GOD IN CHRIST

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. KILDEE. Mr. Speaker, on December 4, 2011 Harris Memorial Church of God in Christ will celebrate its 65th year of devotion to the Lord. Founded in January of 1946 by the late Superintendent Theodore R. Harris the church started out as Elm Park Church of God in Christ in a partially finished structure. With the help of his bride Missionary Erma I. Harris they set out to create a place where souls could be saved and the community could be served. During the church's infancy Brother Willie Parker was called to join the congregation as an evangelist. Elder Parker was instrumental in hosting a revival that led to many saved souls and a steady increase in the membership.

As the congregation grew, Pastor Harris sought God's vision and decided to build a sanctuary. In 1959, with great celebration and thanks to the Lord, the sanctuary was built. The congregation was empowered by the success the Lord had bestowed upon the young church and the congregation paid off the sanctuary in 1965. On Friday, July 25, 1980 Pastor Harris departed life to join the Lord. He was succeeded by his grandson Pastor Walter E. Bogan.

Having a close relationship with his grandfather, Pastor Bogan knew that his grandfather's vision for the church included expanding its ministries. He wanted to fulfill that vision and began to look for locations that had the space for the expanded ministries. In

1983, 30 acres of land was purchased to build a house for the Lord and His ministries. On November 22, 1992 the church's construction was completed on Lippincott Ave. They reside at this location today and the expanded ministries strengthen souls every week. Walter Bogan's son is now the presiding Pastor at Harris Memorial and works to continue and expand the success of their many ministries.

Mr. Speaker, please join me in congratulating Harris Memorial Church of God in Christ on their success and dedication to the Flint Community. I pray that the ministers, staff, and congregation of Harris Memorial will continue their work and spread the Gospel of Jesus Christ for many, many years to come.

REGARDING ALAN P. GROSS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise to mark the second year anniversary of the unjust and inhumane incarceration in a Cuban prison of my constituent Allan P. Gross.

A 62-year-old international development specialist and social worker with 25 years of experience helping people in the West Bank, Gaza, Iraq, Afghanistan, Haiti and throughout Africa, Alan Gross has devoted his career to helping others with a single goal in mind: to improve the quality of life of the disadvantaged.

And, it is as a result of these humanitarian efforts that he has spent the last 2 years locked up in a Cuban prison.

Alan was arrested in Cuba while working on behalf of USAID to help the country's Jewish community establish an Intranet and improve its access to the Internet. The Jewish community in Cuba is small and dispersed, making it difficult to communicate amongst themselves and with the wider Jewish community around the world. Neither his presence nor his actions in Cuba were meant to pose a threat or danger to the Cuban government.

For the first 14 months of his captivity, Alan was held without charge. Then, in February 2011, he was charged with "acts to undermine the integrity and independence" of the State. After a two day trial, he was convicted and sentenced to 15 years in prison. His appeal on humanitarian grounds to the Cuban Supreme Court was denied on August 5, 2011.

Alan's health has deteriorated tremendously during his incarceration. He has lost approximately 100 pounds and he is suffering from a number of serious health issues, some of which his family fears may become permanent. Additionally, in August 2010, his 26-year-old daughter was diagnosed with breast cancer and, this year, his 89-year-old mother was also diagnosed with cancer.

Given the humanitarian nature of his activities in Cuba, and given his health and the health of his family, sentencing Alan Gross to 15 years in prison was inhumane.

If the Cuban government is serious about improving relations with the United States, it must recognize the harm its continued incarceration of Alan Gross is doing to that relationship.

The Cuban government must act now and release Alan Gross immediately and unconditionally—for the sake of the relationship between the United States and Cuban people and for the sake of the health of Alan Gross and his family.

HONORING SUPERIOR CHEVROLET

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, we need businesses to set up shop in our community to provide the goods and services that are needed in order for our citizens to survive and thrive on a day to day basis; and

Whereas, in 1969, Mr. Lamar Ferrell started Lamar Ferrell Chevrolet here in Decatur, Georgia to service the citizens of DeKalb County, Georgia and nearby communities; and

Whereas, when Mr. Ferrell passed away, the new owner Mr. Buddy Hyatt purchased the business and it has been family owned ever since under the name of Superior Chevrolet; and

Whereas, Superior Chevrolet continues to be a resource for citizens in DeKalb County and beyond with excellent service, providing employment opportunities and providing a product that "keeps America moving" contributing to the local and national economy; and

Whereas, the U.S. Representative of the Fourth District of Georgia is officially honoring, recognizing and congratulating Superior Chevrolet on their forty-second (42) anniversary as a business anchor in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 21, 2011 as Superior Chevrolet Day In the 4th Congressional District of Georgia

Proclaimed, this 21st day of October, 2011.

THIRD ANNIVERSARY OF IMPRISONMENT OF ALAN GROSS

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DEUTCH. Mr. Speaker, this Saturday marks the third anniversary since American U.S. AID worker Alan Gross was arrested and unjustly imprisoned in Cuba. It is the third year in a row that the Gross family will prepare to spend another holiday season without their beloved husband, father, and son.

Alan Gross, a resident of Maryland and a long time international development worker, traveled to Cuba in 2009 to help the island's small Jewish community establish better internet access. Upon his arrival, Mr. Gross declared all of his electronic items with Cuban customs officials. Yet on December 3, 2009, he was arrested and subsequently detained for 14 months without any charges filed against him. Earlier this year, he was charged with "acts to undermine the integrity and inde-

pendence" of Cuba. Mr. Gross, a non-Spanish speaking man in his 60's who has worked on development projects in over 50 countries, certainly was not trained or equipped to engage in subterfuge.

Alan Gross has been sentenced to 15 years in jail. This preposterous sentence has caused tremendous emotional pain and financial hardship for his family, and devastated the Jewish community. Alan's daughter is currently undergoing treatment for cancer, and his 89-year-old mother is in poor health and fears she will never see her son again. Alan's wife, Judy, has been caring for her ill daughter and mother-in-law while working full time to support her family. Alan himself is suffering from severe health problems due to a lack of medical treatment during his incarceration.

In October, Governor Bill Richardson traveled to Cuba with the intent to discuss Alan Gross' release. During this visit, which had been approved by the Cuban Government, Governor Bill Richardson was denied even a single meeting with Alan to assess his health. Subsequently, the Cuban government refused to discuss Alan's case with Governor Richardson.

The Castro regime has chosen to align itself with the most repressive and violent regimes in the world, counting among its friends the Venezuelan and Iranian regimes. These regimes have disregarded judicial processes in order to unjustly hold American citizens to use as leverage. We will not sit idly by and allow an American citizen to suffer at the hands of these tyrants. The Castro regime must immediately allow Alan to receive proper medical treatment and take the necessary steps to bring him home to his family as soon as possible.

My colleagues and I will continue to speak out on behalf of Alan, his family, and the Jewish community, and continue to use every tool at our disposal to secure Alan's immediate release.

SUPPORTING THE GOALS AND IDEALS OF WORLD AIDS DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today in support of the goals and ideals of World AIDS Day. A day dedicated to bringing awareness to those who have died from the disease and the strides that have been made in the fight against it.

This year marks 30 years after the first discovery of AIDS cases in the United States. The Center of Disease Control (CDC) estimates that 33.3 million people have HIV worldwide, with 1.2 million persons who are living with HIV in the United States. Every 9½ minutes, someone in the U.S. is infected with HIV. One in five living with HIV is unaware of their infection. By race, African Americans face the most severe HIV burden. The impact of the HIV/AIDS epidemic spans the nation with HIV diagnoses having been reported in all 50 states, the District of Columbia, and the U.S. dependencies, possessions, and associated nations.

The theme for World AIDS Day 2011 is "Getting to Zero." After 30 years of the global fight against HIV/AIDS, this year the focus is on achieving 3 targets: Zero new HIV infections. Zero discrimination. Zero AIDS-related deaths.

The goal of "Zero AIDS Related Deaths" signifies an increased access to available treatments for all those infected. Currently, only one third of the 15 million people living with HIV worldwide who are in need of lifelong treatment are receiving it. Universal access to antiretroviral treatments for those living with HIV will not only decrease the number of AIDS related deaths, but will increase the quality of life among those infected and decrease transmission.

World AIDS Day is an opportunity for all of us to learn the facts about HIV. By increasing the understanding of how HIV is transmitted, how it can be prevented, and the reality of living with HIV today—we can use this knowledge to take care of our own health and the health of others.

Since its discovery, countless researchers, healthcare providers, politicians, and educators have contributed to the global initiative to contain and eventually eliminate the presence of AIDS in all corners of the world. Recent scientific advancements have resulted in revolutionary breakthroughs with the potential to reverse the epidemic in coming years. I ask my colleagues to join me in this goal, to remember those who have died of the disease and to celebrate accomplishments achieved, specifically the increased access to treatment and prevention services.

It is imperative that we continue our efforts and work together to increase funding for HIV prevention and education, so that our children will be equipped with sufficient and appropriate knowledge of this growing threat within our communities until HIV/AIDS becomes a memory.

RECOGNIZING DR. ROGER GORDON SMITH'S CAREER SERVICE TO OUR NATION'S VETERANS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. COHEN. Mr. Speaker, today I rise to honor an unsung hero of the Veterans Administration, Dr. Roger Gordon Smith, M.D. Dr. Smith was born on April 6, 1951, and just recently concluded his long career serving our nation's veterans on August 26th of this year.

Dr. Smith attended Battle Creek Central High School in Michigan, where he graduated in 1969. He earned his Bachelor's Degree in Chemistry with top honors from Howard University in 1973. He also earned his doctoral degree in medicine with scholastic honors from Howard University in 1977. Following that, he interned at Howard University Hospital until 1978, whereupon he obtained his license to practice medicine in the District of Columbia the following year.

With such an auspicious beginning to his career in medicine, one might have expected Dr. Smith to pursue a lucrative private practice. Instead, once he had paid off his medical

school debts, Dr. Smith chose to apply his considerable talents toward a long career with the Veterans Administration Medical Center in Memphis, Tennessee. There, he attended to the often difficult and complex needs of disabled and retired veterans, most of whom were just returning from Vietnam.

Upon beginning work with the VA, Dr. Smith quickly faced skepticism and bigotry from some of his patients because of his race. Rather than letting this become a source of discouragement, Dr. Smith instead quietly and calmly carried out his vital work each day with warmth and good humor. He was known to have convinced more than a few patients to let go of their racial animus because of his professional demeanor and attentiveness to his patients' needs and concerns. Dr. Smith believes that it is a great privilege to be entrusted with the well being of our nation's veterans, and that commitment to service is reflected in the way he cared for our nation's wounded.

Among his colleagues, Dr. Smith's bedside manner was considered "a thing of beauty." He was always open, accessible, and never made anyone feel like they were imposing a burden on his time. His calm manner under stress exerted a calming influence on those around him. As a resident teacher, Dr. Smith was sought-after by physicians-in-training for his professional enthusiasm and expertise. His patients regarded him as their primary care physician of choice, and considered his office in the VA "the gold standard" in healthcare. He took even the most mundane talks seriously whenever it concerned a veteran's well-being, listening carefully to every patient's story, dutifully tracking each patient's clinical needs, no matter how small.

Mr. Speaker, I ask my colleagues to join me in thanking Dr. Roger Gordon Smith for his dedication to his country, his service to our nation's wounded and the inspiration he has provided to his students and his colleagues. Dr. Smith's great achievement is three decades of daily service to our veterans, acting as the open hand of a grateful nation to our nation's wounded warriors. Dr. Smith is what every physician should strive to be.

**HONORING BISHOP QUINCY
LAVELLE CARSWELL**

HON. HENRY C. "HANK" JOHNSON, JR.
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Bishop Quincy Lavelle Carswell, is celebrating fifty (50) years in preaching the gospel this year and has provided stellar leadership to his church on an international level; and

Whereas, Bishop Quincy Lavelle Carswell, under the guidance and calling of God began preaching the word of God as a child and has transformed over the years as pastor of the historic Tabernacle Baptist Church in Atlanta, Georgia from 1975–1992, founding Covenant Ministries of Metropolitan Atlanta in 1993; and

Whereas, from Miami, Florida to Atlanta, Georgia, he has transformed, trail blazed and

taught the gospel on a national and international level wherein the lives of many have been touched; and

Whereas, this remarkable and tenacious man of God has been and continues to be a blessing to us as a spiritual leader, an educator and a community leader who not only talks the talk, but walks the walk; and

Whereas, Bishop Carswell is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop Quincy Lavelle Carswell, as he celebrates his 50th Pastoral Anniversary;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 23, 2011 as Bishop Quincy Lavelle Carswell Day in the 4th Congressional District of Georgia.

Proclaimed, this 23rd day of October, 2011.

**COLORADO SCHOOL OF MINES
WOMEN'S SOFTBALL TEAM**

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Colorado School of Mines Women's Softball Team, who last spring won a berth at the NCAA Women's Softball Tournament for the second time in school history. The Orediggers finished the year with a conference record of 28–11, and an overall record of 36–24, sharing the Rocky Mountain Athletic Conference Championship with Metropolitan State College of Denver. The School of Mines also hosted the Rocky Mountain Athletic Conference softball championship last spring. The three day event was a success for the School of Mines and all the schools that participated. Two of the School of Mines players were named to the All Tournament Team, Kelly Unkrich, and Macy Jones.

The women of the Orediggers softball team should be extremely proud of their 2011 season, and their efforts on the diamond and in the classroom. These women exemplify the idea of the collegiate student-athlete. The Colorado School of Mines specializes in hard sciences, and I commend these young women in their dedication to fields that have traditionally been male dominated. They are an inspiration to girls everywhere who want to study science and engineering.

I also want to congratulate pitcher Kelly Unkrich who was named the Rocky Mountain Athletic Conference Women's Athlete of the Month for April 2011.

I extend my deepest congratulations to the women of the Colorado School of Mines Women's Softball Team. The lessons they are learning as student-athletes will make these women the science and technology leaders of tomorrow. I am proud to have this world class school in my district. I wish the team best of luck in the 2012 season. I hope it is even more successful than 2011, again congratulations, and Go Orediggers!

**TRIBUTE TO MR. TOM HOSEA,
EXECUTIVE DIRECTOR, HICA**

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I have known Mr. Tom Hosea since the late 1960s and early 1970s. When I first met Tom, he was an executive with the American Hospital Association; many of us who met and ran together at that time were health activists. I say ran together because we attended so many meetings until it seemed as a natural thing to do. Although there were many emerging groups, Tom was actively involved with the Chicago chapter of the National Association of Health Services Executives. As a matter of fact, Tom was the highest ranking African-American, or Black person, that we knew who worked for the American Hospital Association at that time.

Tom got the community action bug and the next thing I knew he was working with Dr. Levy, a Black Hebrew Israelite down East of Ashland on Roosevelt Road in an area called the Valley where the Westside organization operated with Chester Robinson, Thursty Darden, Rev. Archie Hargraves, Rev. John Crawford, and others in its leadership. Later on, Tom got involved in the Austin community and worked with Mary Volpe as Assistant Director of the Northeast Austin Community Organization and after Sam Flowers died, Tom became the Executive Director of HICA which he has struggled to keep alive.

When I first knew Tom his name was Hozier; he also got involved with the entertainment business spinning records and putting on events; next thing I knew, I along with everyone else that I knew was calling him Hosea. Tom has passed away, but he led a very active life and had a very meaningful and colorful career.

To his wife and family, we express our condolences and know that the value of his work will go on and on.

WORLD AIDS DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. SCHAKOWSKY. Mr. Speaker, as we pause to reflect on World AIDS Day, I want to thank the many activists and advocates who work tirelessly—every day—to focus increased attention on HIV/AIDS education, treatment and prevention. I want to recognize the great work of David Munar and the AIDS Foundation of Chicago, and Mark Ishaug and AIDS United, who—along with countless organizations across the country and world—are working to end HIV/AIDS and to ensure that people with HIV/AIDS live longer and better lives.

HIV/AIDS is one of the world's most pressing global health challenges. It is a danger to global security and to the future of people around the world. Nearly 35 million people are

living with HIV/AIDS around the world, including over one million Americans. Our community, our nation and the entire world are threatened by this terrible pandemic.

As the HIV virus has spread, the face of its victims has changed. Women now account for 52 percent of the adults living with HIV/AIDS around the world. In regions like sub-Saharan Africa, gender inequalities have left women particularly vulnerable to infection. The battle to stop the spread of HIV/AIDS among women will ultimately hinge on our ability to empower them with the information and the tools needed to protect themselves, their families and their communities. That is one of the reasons that I have been such a strong supporter of microbicides research.

The HIV/AIDS epidemic has not spared the world's children. Last year there were 3.4 million children across the globe living with HIV, and the disease has left more than 16.6 million AIDS orphans, most of whom live in sub-Saharan Africa, in its wake.

Despite the many advances of the last thirty years, as the pandemic has grown, so have the challenges. Despite the significant expansion of treatment programs, only 47% of the 14.2 million people who were eligible for treatment were receiving it by the end of last year. Despite the 21% drop in deaths from AIDS since 2005, last year 1.8 million people died of AIDS. HIV remains a leading cause of death worldwide and the number one cause of death in Africa.

The United States has a responsibility to lead the fight against HIV/AIDS by containing the spread of the virus, helping to provide treatment, and investing in a cure. It is critical that we continue to meet this responsibility,

especially after last week's announcement by the Global Fund to Fight AIDS, Tuberculosis and Malaria that they cannot fund any new grants for at least two years because of the global financial crisis.

To ensure that the millions of people battling HIV/AIDS do not become collateral damage of the economic downturn, and to uphold our responsibility as a global leader in the fight against HIV/AIDS, I will do whatever I can to ensure that we maintain commitment to domestic and global AIDS programs. That includes funding for PEPFAR and the Global Fund to Fight AIDS, TB, and Malaria, as well as vital funding for domestic programs like the Ryan White CARE Act, and the Housing Opportunities for People with AIDS Program, and especially, the AIDS Drug Assistance Program, given that some states are changing the income eligibility criteria for that program, while others are seeing waiting lists.

While we have come far in the fight, we so have a long way to go, and we cannot afford to become complacent.

HONORING LIZZIE ALEXANDER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, reaching the age of 75 years is a remarkable milestone; and

Whereas, Ms. Lizzie Alexander was born on October 25, 1936 and is celebrating that milestone; and

Whereas, Ms. Alexander has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Ms. Alexander is celebrating her 75th Birthday with her family members, church members and friends here in DeKalb County, Georgia on October 22, 2011; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; and

Whereas, we are honored that she is celebrating the milestone of her 75th birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Lizzie Alexander for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 22nd & October 25th, 2011 as Ms. Lizzie Alexander Days in the 4th Congressional District of Georgia.

Proclaimed, this 22nd day of October, 2011.

PERSONAL EXPLANATION

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. ROKITA. Mr. Speaker, on rollcall 860, I was unavoidably detained. Had I been present, I would have voted "yes."

HOUSE OF REPRESENTATIVES—*Friday, December 2, 2011*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, we give You thanks for giving us another day.

As this House comes together at the end of the week, bless the work of its Members.

Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America.

As it is so often easy for all of us to focus on what separates one from another, may our understanding that You have created us as one people remind us of the values that bind us all together as Americans in the human family. May that reminder empower the Members of this House to act courageously in the work they have to do for all Americans.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. NUNNELEE) come forward and lead the House in the Pledge of Allegiance.

Mr. NUNNELEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

GOVERNOR WALLER

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mississippi experienced a great loss this week with the

death of Governor Bill Waller. He served as our Governor from 1972 to 1976, and he provided steady leadership during tumultuous times in our State. He believed that Mississippi should be a place of liberty and justice for all.

Under his leadership, we had the largest pay raise for teachers in our State's history up to that point and the most significant investment in infrastructure and highways up to that point, all while leaving our State with the largest surplus in its history up to that point.

Mississippi is a better place because of Governor Waller's leadership; and this week, we mourn his passing.

THE ELECTION PREVENTION ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, this week I voted against H.R. 3094, the so-called Workplace Democracy and Fairness Act, or, as it has become known, the Election Prevention Act. This bill's sole purpose is to delay and prevent workers from voting in workplace elections. It proposes a 35-day mandatory waiting period before a union election can be held. It encourages frivolous suits to be filed against union formation, and it allows companies to handpick union voters.

In Maine we have a tradition of incredibly hardworking people who are essential to the health, education, and safety of our families. Collective bargaining has been at the heart of American labor since the rise of trade unions during the 19th century. Thanks to strong unions and thousands of workers, over the years we have enacted child labor laws, laws for maternity leave, and we don't have to fear unemployment if we get sick.

I am proud to stand here today with organized labor and with the NLRB, which has served our workers so well.

PULSE OF TEXAS—JOHN ON ENERGY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, I recently received this email from John of Houston, giving the pulse of Texans:

"As one of the 9.2 million people whose livelihoods is supported by America's oil and natural gas industry, I am troubled by recent calls to raise

taxes on our industry—one of the few bright spots in the American economy.

"Despite an economic slow-down, the oil and natural gas industry is creating jobs and can create many more.

"As Washington focuses on improving our struggling economy, Congress has an opportunity to take our economy in a new direction—one that leads to economic growth and energy security.

"By promoting policies that encourage domestic oil and natural gas production, we can create 1.4 million much needed jobs and generate \$800 billion in additional government revenue by 2030."

Mr. Speaker, John, a person who works for a living, understands better than Washington elites that our God-given natural resources should be used to create jobs for Americans.

Time to stop sending American money and jobs to Middle Eastern countries to buy their natural resources. Time to start supporting American energy workers and American businesses.

And that's just the way it is.

PAYROLL TAX CUT

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I am asking the House to pass the expansion of the payroll tax cuts, which will put more money in the pockets of Americans and will boost economic growth and job creation.

American workers have received bigger paychecks in 2011 because of the payroll tax cut, helping families to pay their grocery bills, to pay their rents and mortgages, and helping to support local businesses. Allowing the payroll tax cuts to expire at the end of this month will result in less money in the pockets of hardworking middle class families at a time when our economy and our families can least afford it. With global financial uncertainty threatening our domestic recovery, this is not the time to take money out of the pockets of working families.

A family earning \$50,000 a year will receive a tax cut of about \$1,000 if the 2 percent payroll tax cut is extended. For Rhode Island, this would add \$400 million to the paychecks of roughly 600,000 workers. Expanding the payroll tax cut to 3.1 percent, as the President has proposed, could increase the flow of capital into our local economy in Rhode Island to approximately \$700 million.

It's time for Congress to stand up for working American families by extending and expanding the payroll tax cut now.

FORT LEAVENWORTH CHANGE OF COMMAND

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Last week I had the immense pleasure of joining the folks at Fort Leavenworth for the Change of Command ceremony to welcome Lieutenant General David Perkins as the new commanding general of Fort Leavenworth, home of the prestigious Command and General Staff College.

It was fitting that General Perkins, a West Point grad, distinguished Iraq war commander and decorated career serviceman, took his post during Military Family Appreciation Month as his two children, Chad and Cassandra, both serve in the Army. There is no doubt that General Perkins, his wife, Ginger, and their two wonderful children exemplify what it means to be a military family.

I want to extend a warm welcome to General Perkins and my deepest thanks to departing General Robert Caslen, who has left Fort Leavenworth for his new post as Chief of Security Cooperation in Iraq.

Thank you both for your service to the Fort Leavenworth community and to our country.

EXTEND THE PAYROLL TAX CUT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. The Census Bureau recently reported that 100 million Americans are on the brink of poverty. Maybe now Tea Partiers here in Congress will realize what millions of people already know, which is that Americans are barely getting by and that the misguided Republican agenda of deregulation, higher taxes for the middle class and tax cuts for the rich will do nothing for those who are struggling.

We should extend the payroll tax cut, toss a lifeline to struggling Americans who can barely make ends meet, and stop holding small businesses and American families hostage with the threat of higher taxes.

I hope my Tea Party colleagues will take a moment to put the interests of the majority of Americans over those of overpaid bankers and oil executives. We must extend the payroll tax cut, help renew opportunity, and restore the American Dream to the American people.

□ 0910

REGULATORY REFORM

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, despite the supercommittee's inability to come to a bipartisan agreement recently, we cannot stand idly by and hope that someone will fix the problem. Rather, we must come together to find common ground today.

In the President's address before this body just a short time ago, he called for the removal of burdensome regulations on small businesses. I certainly hope that that's something that both Republicans and Democrats can agree upon.

As a small business owner, I know that the economic uncertainty facing job creators today is largely based upon the threat of thousands of pages of new regulations that are coming out day after day. What we need to do is implement smart regulations and repeal duplicative and burdensome regulations that stand in the way of job creation.

We can all agree that we want clean air, clean water, a healthy environment, and consumer protection, so let's come together and implement smart regulations and get rid of the redtape and excessive regulations that are keeping our job creators and entrepreneurs from growing and expanding their businesses and hiring more workers.

Let's get America back to work.

PUTTING AMERICA TO WORK

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. I agree, let's do something meaningful to put America back to work. Let's put millions to work rebuilding our crumbling infrastructure.

The Speaker promised us we'd do that this month, the Republicans would bring a surface transportation bill to the House, and they said no, can't figure out how to pay for it. It's more important to continue tax cuts for the rich.

Now, with millions unemployed, can't find jobs, the Republicans want to jerk their lifeline. They want to kill off extended unemployment benefits. To do what? Preserve tax cuts for the rich, the job creators. Ah, they're doing a heck of a job creating jobs, aren't they?

This is the discredited theory of trickle-down economics. America's unemployed are being trickled on, and it stinks.

CANADIAN KEYSTONE XL PIPELINE CREATES JOBS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, this President simply does not understand America's energy needs.

Two weeks ago, this administration let politics trump policy by needlessly delaying the Canadian Keystone XL Pipeline. This is inexcusable.

The pipeline would carry 1.1 million barrels of oil per day to gulf coast refineries, create 20,000 American jobs, and inject millions of dollars into local economies. Instead, the Canadian Prime Minister announced Canada will sell its oil to China.

Mr. Speaker, I've proudly supported numerous bills that will create American jobs and promote American energy production. Putting the Gulf of Mexico Back to Work Act, Restarting American Offshore Leasing Now Act, Reversing President Obama's Offshore Moratorium Act—these three bills will all promote American energy production and American jobs, and yet they're sitting in the Senate without action.

Let's pass these bills. Let's get them through the Senate. Mr. President, sign these bills and promote American energy production, American energy security, and American jobs.

GOP NO JOBS AGENDA

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, we've entered the 12th month of the Republican majority in this House, and if the past 11 are any indication, December will be a continuation of the GOP no jobs agenda.

My colleagues in the majority have shown no interest in tackling America's real economic challenges, no interest in the fact that small business owners say that weak sales, not government regulation, are the main source of their struggle.

No interest in the fact that it is tax relief for middle class families, not tax giveaways to corporations and to billionaires that our economy needs to boost consumer demand, and no interest in preventing the expiration of unemployment benefits for millions of struggling families and the havoc it would wreak on our economy. Mr. Speaker the majority's interest seems focused on one thing: an election still nearly a year away.

Americans want Congress to work for them. It's time we stand up for the middle class. Working families need us to work for them.

REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 3010.

The SPEAKER pro tempore (Mr. DOLD). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3010.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Employers across America face an avalanche of unnecessary Federal regulatory costs.

Federal regulations cost our economy \$1.7 trillion every year, over \$15,000 for each household, according to the Small Business Administration. Yet the Obama administration seeks to add billions more to that cost.

The administration's record-setting issuance of major regulations is particularly troubling. By its own admission, the administration's 2011 regulatory agenda contains 200 regulations that typically will affect the economy by \$100 million or more every year.

For employers, the people who create jobs and pay taxes, the impact of these costly regulations is clear. Government regulation has become a barrier to economic growth and job creation. Faced with huge, new, regulatory burdens and uncertainties about what will come next, employers slow down hiring, stop investing, and wait for a bill from the Obama administration.

What enables the administration to issue so many new regulations with so little regard for their costs is the outdated Administrative Procedure Act. Enacted in 1946, the APA's minimal limitations on rulemaking have hardly changed in decades and do nothing to control costs.

The Regulatory Accountability Act fixes this problem by bringing the APA

up to date. Under its commonsense provisions, agencies are required to assess the cost and benefits of regulatory alternatives. Unless interest of public health, safety, or welfare requires otherwise, agencies must adopt the least-costly alternative that achieves the regulatory objectives Congress has established.

The Regulatory Accountability Act has bipartisan support in both the House and the Senate, including from a number of House Democrats who have cosponsored the bill. In large part, this is because its provisions are modeled on the Executive orders that presidents Reagan, Clinton, Bush, and Obama have issued to compensate for the APA's weaknesses.

Opponents of the act claim that it requires the benefits of all new regulations to exceed their costs. They argue that as a result the act will prevent Federal agencies from issuing important new public health, safety, and welfare regulations. This is false.

The Regulatory Accountability Act only requires agencies to adopt the lowest cost regulatory alternative that achieves the agency's statutory objectives. This assures that agencies will achieve all of those objectives but with much lower costs.

Opponents also assert that the act's new procedural requirements will halt all Federal rulemaking, but the act primarily codifies existing Executive order principles and practices under which agencies have been able to issue regulations for years.

The act's few additional requirements all are streamlined. They will improve the quality and lower the cost of regulations, but they will not unduly delay them. The act increases the transparency of the rulemaking process with more advance notices of proposed rulemaking, more opportunities for public comment, and more opportunities for public hearings. This will lessen the influence of all special interests.

The Regulatory Accountability Act provides the greatest opportunity yet for Republicans and Democrats to join together and lower the job-killing cost of regulations. And it allows costs to be lowered while it assures that all of Congress' regulatory objectives are, in fact, obtained.

The bill also provides a clear opportunity for the votes of Democrats in Congress to match President Obama's words on regulatory reform. In his State of the Union address, the President said that "to reduce barriers to growth and investment, when we find rules that put an unnecessary burden on businesses, we will fix them."

In Executive Order 13563, the President said that "our regulatory system must promote economic growth, innovation, competitiveness, and job creation; must allow for public participation and an open exchange of ideas;

must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends; and must take into account benefits and costs."

□ 0920

The President was right. And the Regulatory Accountability Act does all those things.

I urge all of my colleagues to support the Regulatory Accountability Act.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, November 17, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. CHAIRMAN: On November 3, 2011, the Committee on the Judiciary ordered H.R. 3010, the "Regulatory Accountability Act of 2011," reported to the House. Thank you for consulting with the Committee on Oversight and Government Reform with regard to H.R. 3010 on those matters within the committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of H.R. 3010.

The Office of Information and Regulatory Affairs (OIRA) was created by the Paperwork Reduction Act of 1980 (PRA), legislation that originated in the House Committee on Government Operations. The PRA assigned OIRA responsibility for significant areas of the rulemaking process, including information collection request clearance and paperwork control and statistical policy and coordination. Additionally, the PRA's requirements cover rules issued by virtually all agencies, including Cabinet departments, independent agencies, and independent regulatory agencies and commissions.

In the interest of expediting the House's consideration of H.R. 3010, I will not request a sequential referral of the bill. However, I do so only with the understanding that this procedural route will not be construed to prejudice the Committee on Oversight and Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee Report on H.R. 3010 and in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 17, 2011.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN ISSA: Thank you for your letter regarding the Committee on Oversight and Government Reform's jurisdictional interest in H.R. 3010, "Regulatory Accountability Act of 2011," and your willingness to forego consideration of H.R. 3010 by your committee.

I agree that the Committee on Oversight and Government Reform has a valid jurisdictional interest in certain provisions of H.R. 3010 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 3010. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I want to begin our discussion this morning with the reference that Federal regulations impose an annual cost of \$1.75 trillion on business. I would like the Members to know that the reference made to this study is the Crain study. I'd like to use the name so that you can track exactly what is being said about it.

The study was never intended to be used as a decisionmaking tool. Who says this? They said it as a preface to the study itself. And for the benefit of the 433 other Members besides myself and the chairman, I am going to put this in the RECORD and also make it available to all of our colleagues on the Judiciary Committee.

The Crain study was never intended to be used as a decisionmaking tool, and the Congressional Research Service, our own operation, criticized much of the Crain study's methodology and noted that the authors of the Crain study themselves told the Congressional Research Service that their analysis was not to be a decision-making tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. So every time somebody mentions this study again on the floor, I am going to refer them to the Congressional Research study, which has never been disputed or declaimed by anybody.

In no place in any of the reports do we imply that our reports should be used for this purpose—that's the Crain study people themselves. That's not the Congressional Research study; that's the authors. And here is the Congressional Research study that I would like to introduce into the RECORD at this time.

[From the Congressional Research Service]
ANALYSIS OF AN ESTIMATE OF THE TOTAL
COSTS OF FEDERAL REGULATIONS

(By Curtis W. Copeland, Specialist in American National Government, April 6, 2011)

[CRS Report for Congress, Prepared for Members and Committees of Congress—
Congressional Research Service, 7-5700,
www.crs.gov, R41763]

SUMMARY

Some policy makers have expressed an interest in measuring total regulatory costs

and benefits (e.g., the Congressional Office of Regulatory Analysis Creation and Sunset and Review Act of 2011, H.R. 214, 112th Congress), and estimates of total regulatory costs have been cited in support of regulatory reform legislation (e.g., H.R. 10, the Regulations from the Executive In Need of Scrutiny (REINS) Act, H.R. 10, 112th Congress). However, measuring total costs and benefits is inherently difficult. This report examines one such study to illustrate the complexities of this type of analysis.

A September 2010 report prepared by Nicole V. Crain and W. Mark Crain for the Office of Advocacy within the Small Business Administration (SBA) stated that the annual cost of federal regulations was about \$1.75 trillion in 2008. This cost estimate was developed by adding together the estimated costs of four categories or types of regulation: economic regulations (estimated at \$1.236 trillion); environmental regulations (\$281 billion); tax compliance (\$160 billion); and regulations involving occupational safety and health, and homeland security (\$75 billion). Some commenters have raised questions about the validity and reliability of this estimate.

For example, Crain and Crain's estimate for economic regulations (which comprises more than 70% of the \$1.75 trillion estimate) was developed by using an index of "regulatory quality." One of the authors of the regulatory quality index said that Crain and Crain misinterpreted and misused the index, resulting in an erroneous and overstated cost estimate. Other commenters have also raised concerns about using the index to estimate regulatory costs, and about the regression analysis that the authors used to produce the cost estimate. Crain and Crain said that they believe they interpreted and used the regulatory quality index correctly.

Crain and Crain's estimates for environmental, occupational safety and health, and homeland security regulations were developed by blending together academic studies (some of which are now more than 30 years old) with agencies' estimates of regulatory costs that were developed before the rules were issued (some of which are now 20 years old). Although the agency estimates were typically presented as low-to-high ranges, Crain and Crain used only the highest cost estimates in their report. The Office of Management and Budget has said that estimates of the costs and benefits of regulations issued more than 10 years earlier are of "questionable relevance."

Crain and Crain's estimate for the cost of tax paperwork was based on data from the Internal Revenue Service and the Tax Foundation, but OMB data indicate that the number of hours of tax paperwork may be much higher than Crain and Crain's estimate. On the other hand, the authors' assumptions regarding the cost of completing the paperwork may be too high. A threshold question, however, is whether tax paperwork should be considered in the same category as regulatory costs. OMB does not include tax paperwork in its annual reports to Congress.

Crain and Crain said they did not provide estimates of the benefits of regulations, even when the information was readily available, because the SBA Office of Advocacy did not ask them to do so. OMB's reports to Congress have generally indicated that regulatory benefits exceed costs. Crain and Crain said their report was not meant to be a decision-making tool for lawmakers or federal regulatory agencies to use in choosing the "right" level of regulation. This report will not be updated.

POLICYMAKING AND THE CRAIN AND CRAIN ESTIMATE

As noted at the beginning of this report, Crain and Crain's estimate that federal regulations cost \$1.75 trillion in 2008 has been cited as evidence of the need for regulatory reform legislation. However, Crain and Crain told CRS that their report was "not meant to be a decision-making tool for lawmakers or federal regulatory agencies to use in choosing the 'right' level of regulation. In no place in any of the reports do we imply that our reports should be used for this purpose. (How could we recommend this use when we make no attempt to estimate the benefits?)"¹⁰³

As Crain and Crain suggest, information on regulatory costs alone, whether for individual rules or for all rules in the aggregate, provides only one piece of information that Congress and other policymakers can use in determining how to proceed. For example, even if all federal regulations did cost \$1.75 trillion in 2008 (which at least some commenters believe may not be correct), if the monetized benefits of those regulations were determined to be greater than those costs, then policymakers may conclude that those costs were (in the words of Executive Order 12866) "justified." On the other hand, if the monetized benefits of federal regulations were estimated to be less than the estimated costs, policymakers may reach another conclusion, or may decide to examine any non-monetized costs and benefits of those rules. But a valid, reasoned policy decision can only be made after considering information on both costs and benefits.

The Center for Progressive Reform is another study that notes that the \$1.75 trillion cumulative burden cited by the study fails to account for any benefits of the regulation. I am going to, at the appropriate time, introduce that into the RECORD.

The Congressional Research Service notes that the study's methodology is seriously flawed with respect to how it calculated economic costs.

So I would urge the Members to be aware of what I am going to do during this debate the next time somebody names this study without naming the name of the study and the fact that it was put together by Mark and Nicole Crain, commonly called the Crain study.

The Congressional Research Service notes that the study's methodology is seriously flawed with respect to how it calculated economic costs. The study relied on international public opinion polling by the World Bank on how friendly a particular country was to business interests and ignored actual data on costs imposed by the Federal regulation in the United States. The Congressional Research Service concluded that a valid, reasoned policy decision can only be made after considering information on both costs and benefits of regulation.

The next thing I would like to do is examine what seems to be a political or legislative strategy that is being used in this debate. You see, there are three

¹⁰³ E-mail to the author from Nicole V. Crain and W. Mark Crain, March 7, 2011.

bills that are antiregulatory bills—and there's no question or dispute about that—designed to slow or halt rulemaking and give industry more opportunities to disrupt the rulemaking process of the Federal Government. H.R. 3010, which we are taking up today, is one of them. H.R. 527, which we took up yesterday, is another one of them. H.R. 10, the king of all regulatory antiregulatory bills, is coming up next week, the REINS Act, which, for the first time in American history, determines that the Congress must also approve the rules of all the agencies, of which there are some 40 or 50.

And for the benefit of every Member of the Congress, I am getting together every agency that would now be involved and that would have to have their rules—believe it or not, this is not “Saturday Night Live”—would come through the Congress. Can you imagine what that would do to our schedule?

These bills are blatantly and unhesitatingly designed to slow down and even halt all Federal rulemaking, thereby threatening public health and safety by undermining the agencies' ability to address a whole range of issues.

What about food-borne illnesses? What about toy safety? What about infant formula safety? What about financial security?

All three antiregulatory bills also give industry more opportunities to disrupt the rulemaking process. The bill under consideration now, for example, requires formal rulemaking and expands opportunities to challenge agency action in court. As if they need any help from the corporate lawyers that are all lined up to do their work at the present moment, but no, we want to give them more opportunities to go in court, as if they can't figure it out for themselves.

H.R. 527 of the previous day does this by expanding the use of small business review panels. The measure coming up next week would require Congress to approve all major rules. Not only do we have to do that, but we have to do it within 70 legislative days before they could take effect, effectively, of course, allowing industry to intervene in Congress to stop a rule.

Mr. Chairman, I reserve the balance of my time.

□ 0930

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds.

Here is another poll that I'm going to cite that will support what this administration's own Small Business Administration has found about the cost of these regulations. This is an article by the Gallup Poll. The article is dated October 24, 2011, just a few weeks ago. Here's the headline on the article: “Government Regulations at Top of Small-Business Owners' Problem List.

One in three small business owners are worried about going out of business.” The article was written by Dennis Jacobo, chief economist.

Here's the first line and the finding of the Gallup Poll: “Small-business owners in the United States are most likely to say complying with government regulations, 22 percent, is the most important problem facing them today; followed by consumer confidence in the economy, 15 percent; and lack of consumer demand, 12 percent.”

Mr. Chairman, arguably, the administration is responsible for every one of these problems because of the administration's policies.

I will now yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), who is the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for yielding.

Mr. Chairman, I rise in support of H.R. 3010. I reiterate what I said yesterday regarding regulatory legislation, that when critics accuse those of us who support it and furthermore accuse us of being willing to compromise health and safety standards: not guilty. But we are guilty of trying to reduce the number of redundant, excessive regulations—bad, onerous regulations. To that, I do plead guilty.

As I meet with representatives from industries in my congressional district and other districts here in Washington, one message is imminently clear: our regulatory process is out of control. There's enormous uncertainty over what actions agencies will take, there's uncertainty over which agencies have jurisdiction, and there's concern about the actions of independent agencies.

It is important to note that these perceptions are not a part of a larger campaign to discredit the Republican or Democratic agendas. They highlight a growing perception that our government is simply out of touch. The process is missing checks and balances, which are the cornerstone of our democracy, while regulators have virtually limitless resources and power. The result has enabled special interests to impose their will on certain areas of our regulatory system after clearing few hoops and low hurdles. This was not the intent of the Administrative Procedures Act and explains a legacy of executive orders requiring that agencies issue narrowly tailored, less costly alternatives that began with the Reagan administration.

Other costs continue to hit close to home, Mr. Chairman. They drive businesses to other countries, costing thousands of jobs. Many will argue that regulations create jobs. That may well be true of good, sound regulations; but ask many of the employers who have relocated their manufacturing facilities, and they will tell you it's in large

part due to our regulatory government. Every industry in America is concerned about our regulatory regime, and there is little doubt that bad regulations have driven American jobs to other countries.

The solution is not more regulation, Mr. Chairman. It's better and more effective regulation, which is exactly what H.R. 3010 is intended to create, much like H.R. 527, the small business regulatory reform bill that we approved yesterday.

When the Administrative Procedure Act was implemented, few imagined that our government would issue a regulation that would threaten the viability of an entire industry. Today, unfortunately, many would say this has become the routine practice. Prime examples are the EPA Cement MACT rule, OSHA's Noise Guidance, and HHS's grandfather plan rule. Some describe them as misguided. Others would say they're downright reckless.

H.R. 3010 addresses the situation by implementing new requirements that would give stakeholders a legitimate opportunity to improve regulations as they are proposed, promulgated, and ultimately implemented. In fact, most of the reforms included in this legislation simply codify President Obama's Executive Order 13563, Improving Regulation and Regulatory Review.

Finally, the bill will not change any existing regulatory standard or requirement.

The overwhelming view from my congressional district is that Federal regulations are driving American ingenuity and opportunity to other countries. Improving our regulatory process may be one of the most significant legislative considerations that we can provide to help preserve our safety and provide economic opportunity for future generations.

Mr. Chairman, we continue to hear, Jobs, jobs, jobs, echoed from shore to shore, border to border. This is a good piece of legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee, STEVE COHEN, the ranking member of the Subcommittee on Courts, Commercial and Administrative Law.

Mr. COHEN. I want to thank the ranking member for the time.

I have a nice speech that was written by a fantastic staffer that I'm not going to use today because I've used it in the past. Most of the speeches today have been used—or parts of them—on the other bills we've had.

Because of what we've done this week and the wonderful gentlemen on the opposite side—Mr. SMITH and Mr. COBLE are two great, wonderful people who I think dearly of. They just have different philosophies than I have. Different perspectives.

These bills have been bills to basically be anti-government bills. That's

what this Congress has been about. It's been about being anti-government, and it's been about defeating the President of the United States. These bills which we've got would destroy the Administrative Procedure Act and destroy the whole process of government that we've known for decades.

The fact is, President Bush had as many, if not more, rules than President Obama; but we didn't hear from the other side anything about the nefarious rulemaking process, the need for reform, the jobs that could be created by eliminating the rulemaking authority or stifling it and changing it, until President Obama became the President. We heard this morning from the other side that it's the administration that's at fault because of all the rules they've produced, and now they say some of rules can change. They say the administration is at fault for all the rules they passed. They made fewer rules than President Bush made. And there was silence on the other side. Silence.

All of a sudden there's a roar. This whole week, when we need jobs, when our economy needs job, when our people need unemployment compensation, unemployment insurance continued for the 99ers—not the 99 percent, although they're part of that—the 99ers in terms of weeks they get unemployment insurance; when we need the doctors and medical folks to get the Medicare fixed that we always put in to make sure that we continue to pay doctors a reasonable rate to treat our Medicare patients, we're not dealing with that. And when we need to be dealing with the payroll tax cut for the middle class, we're not dealing with that. We've spent a whole week on destroying government and being anti-government.

Rick Perry, one of the candidates for President on the other side, has talked about making Congress half time. How could we be half time when we're not accomplishing our jobs and creating jobs full-time?

As Mr. CONYERS talked about, next week we've got the mother of all anti-government bills, the REINS Act, which really is reining in government, a bill that would require every rule to be passed by both the House and the Senate and signed by the President within 70 or 75 days before it goes into effect. That's Star Wars—or anti-Star Wars. It's really a big dark hole out there in the universe where all rules and regulations would go and die and never be seen again and just disappear.

Well, that's not the way government is supposed to work or should work. And if we had that, how could we work half time under President Perry? We'd have to be working time-and-a-half. And we know there's not enough money for overtime. And President Perry doesn't want us to do that. He wants us to get a separate job when we go home. We go back to San Antonio,

we serve half time as a Congressman and half time we work at Walmart. That's what he's suggesting.

Who would really love this bill? The tobacco companies. Wouldn't it be great if we didn't have rules and regulations on tobacco and we didn't put little notices on tobacco that smoking can kill you; smoking can cause damage to infants; that pregnant women shouldn't drink or smoke. Tobacco companies would love this. Those rules and regulations, very burdensome, giving notice to people about the dangers of tobacco, which Europe has been doing forever and we need to put an end to because it costs us so much in medical costs and the lost of precious lives.

The polluters would love this. The destroyers and plunderers of our environment, they'd love it, because wow, Olly, Olly, in free, we can do whatever we want. Removal of mountains, drilling; more oil spills, less regulation.

□ 0940

In an emergency, the government can't even respond to clean up the mess. That's what they're talking about. It's all phrased in the tones of small business, small business, small business. Small business is wonderful. We do a lot with small business. Small business is a jobs creator. But this affects big business as well. And it's big business who is behind this, not small business. Small business is the front used to help the polluters, the tobacco companies, and the others that don't want to see regulations that protect the American public's food, air, water, transportation, and other areas.

The issue of judicial review has come up, and in this bill we give the courts more power than they otherwise had. The other side usually talks about the importance of the judicial branch simply being an equal partner; but in this position, the judicial branch could review any rule and regulation and make its own determination of cost-benefit analysis without expertise that the agencies have, and it would be the judiciary that had the final say. So it would give more power to the courts and more power, in fact, to the administration. The OIRA office in the White House would have more power than ever. So it's antithetical to much of which the other side argues about.

This is not a good bill. It's not good government. And I would ask that we all vote against it and we get back to the jobs that we should be for—creating jobs for the American people and getting us out of this deep, dark, long recession.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Unfortunately, we hear a lot of words that are really irrelevant to the bill that we are considering here today. Once again, let me repeat that the Regulatory Accountability Act only re-

quires agencies to adopt the least-cost regulatory alternative that achieves the agency's statutory objectives. It therefore assures that in all instances agencies will achieve those objectives, whether to protect public health, safety, or welfare or to satisfy some other statutory purpose.

The RAA's key contribution is to require that, once agencies have identified means to achieve their statutory objectives, they will simply choose the means that impose the lowest cost. I don't know how anyone could object to that. This creates a positive cycle in which agencies and regulated entities compete to identify innovative, least-cost means to achieve statutory objectives while they simultaneously produce the most benefits.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as he may consume to the former chairman of the Education and Labor Committee, the ranking member currently, the gentleman from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, this is a very sad day for America's workers. This country has spent great time and effort, along with the industrial base and the business base in this country, to make sure that when workers go to work every day they will return safely to their home. This legislation begins to bring that to an end because it would needlessly and recklessly expose our Nation's workers to preventable work-related death and injuries. It would do this by obstructing the ability of the Federal agencies to adequately respond to real safety and health concerns of our Nation's workplace.

Under the current law, both the Occupational Safety and Health Administration and the Mine Safety and Health Administration would be tasked to protect workers from exposure to risks or toxins over a working lifetime. However, this legislation would override that task. It would change the nature of the idea of protecting workers in the workplace to make sure we have the most effective means possible to protect those workers.

It wasn't the dust standards that killed the textile industry in the southeastern part of the United States. The dust standards that were invoked in 1978—that were railed against by the textile industry—in fact extended the life of the textile industry by making it more efficient by bringing in a new generation of technology to that industry. What killed those textile industries were free trade agreements. They were among the most efficient mills in the world. They just couldn't stand up against the unfair competition from the Chinese and their textile industry.

So let's understand what's happening here. This bill would change the standard of providing the most protective

standard that is feasible to providing a standard that picks the least costly approach. The least costly approach to protecting your hearing is to cover your ears, to cover your ears while you're working on a ramp at an airline factory, cover your ears while you're putting bags on an airplane. Cover your ears; that's the least costly. Eye protection: close your eyes, cover your eyes; that's the least costly. That doesn't work in the workplaces of America and the employers know it. The employers know it.

What do you say to an ironworker working on a bridge? What do you say to an ironworker working on a skyscraper? Hold on tight? Hold on tight? We saw what happened when they went to the least costly effective restraints on workers working on skyscrapers in Las Vegas. They were killing them—a record rate of killing construction workers—but it was the least costly. They didn't think they should have to string a net three floors down to catch the workers as they fell; they just chose another method, the least costly.

That's the Republican answer to safety in the workplace, stick your fingers in your ear? What do you do about breathing toxins? Get yourself a paper mask?

When we started changing the vinyl chloride standards, not only did it make the workplace more efficient, it protected the workers. It created a by-product that had great commercial value and expanded the industry by making them more efficient. What they used to waste, they now sell. What they used to waste and injure workers with, they now sell. That's the difference.

This standard, what is it, the least costly approach? Don't tell that to United States Steel in my district. I just went on a safety tour with the workers and with the management, and they told me how they've changed the traffic patterns, the pedestrian patterns, the vehicle codes, all of the changes inside of the steel mill because they want injury-free days, injury-free months, and injury-free years.

Take a tour of the Chevron refinery in my district, Dow Chemical, DuPont. Safety is their number one job daily in that facility, and they take pride in it. They invest a lot of money in it because they know what an unsafe workplace, what a dirty workplace, what a cluttered workplace costs them in lost time and productivity.

This bill goes counter to the best practices in industry, counter to the best practices in small businesses. This just doesn't work in modern industry. This is a throwback to the seventies or the sixties, where miners just assumed they had to consume coal dust and die of black lung; where steelworkers, they fell into open-hearth furnaces in the old mills. Today, you can get run over by a coal roll conveyance system, you

can get caught up in a rolling line, but you don't because they invest in your safety. And now the American Government is telling them you won't have to invest in this safety.

I think for most industries they're going to ignore that because they've been to the other side. They know what it was like to have casualties, and they know that that doesn't work. They know they can't stand. You can bankrupt the companies with black lung today and cotton dust.

We still have grain elevators blow up in this country. When I came to Congress, they were blowing up on a daily basis. But we have dust standards now and we saved workers lives, but we still tragically have a few accidents.

You can ignore the standards, as they did on the British Petroleum rig, and you can kill the workers because you avoided the process safety standards on that rig. In Texas City, Texas, you can blow up the workers because you ignore the standards—and they knowingly ignored them. That was the least costly they thought, at British Petroleum, was to ignore the standards. When they went to the boardroom in London and they raised this issue with the board of directors, they chose the least costly approach. They chose the least costly approach. And they had one of the worst safety records in America, British Petroleum, of blowing up their own facilities and killing their workers. They chose the least costly approach.

This legislation imposes—if you want to do something right, it's just delay for delay's sake. And the chairman has pointed that out and Mr. COHEN has pointed that out, how you just turn this over to a litigation process before you ever get around to the question of protecting your workers.

This legislation makes the workplace that our family members go to, that our neighbors go to, that our friends go to less safe than it is today.

□ 0950

It impedes the progress to apply new technology to new knowledge to the workplace to make it safer. That's what this legislation does. That's not what a modern corporation wants; that's not what a modern workplace should be for workers who go into it; and it's not where they want to go to work.

It's just unacceptable that we have this legislation at this time in our history. This legislation is an attack on the workplaces where middle class Americans go to work. These are their workplaces. These are the hot, heavy, dirty workplaces. These are the complex workplaces that pose risk of injury and illness to the workers in our workplaces.

This causes you to fall out of the middle class. Millions of Americans are falling out of the middle class because

of the income disparity in this country and the unfairness in this country.

There's another way to fall out of the middle class. You can fall out of the middle class; it's not just a question of lower pay. You can get hurt on the job, you lose your income, you become disabled, you can't go back to your full earnings. You end up on a disability program because you were injured on the job. All you did was show up and go to work. But under this legislation, you're more likely to be hurt.

You can reverse the dramatic downturn in black lung, as we saw in the Massey mines, where they wouldn't clean up the coal dust, and they killed 29 workers in the process. Over thousands of warnings, but the lawyers and the litigators prevented the standards ever from coming into place, the penalties from ever being put into place. They completely gamed the system.

That's how you can fall out of the middle class; or you can die in an explosion, as people did in Tennessee earlier this year, as they did in Georgia earlier this year, because dust standards weren't properly met; or as happened in Connecticut, where they didn't apply the safety standards to disconnecting the natural gas lines. Yes, you can do that and you fall right out of the middle class.

You lose your spouse in a construction site, in an injury, a trench caves in, a worker falls off a skyscraper—that's how you can fall out of the middle class. And it happens, it happens to American families every day.

We made a decision, as a Nation, that we would go in a different direction. We would look out for these workers, we would provide margins of protection, we would improve the safety in the workplace. This legislation undoes that for workers all across the country—the least costly way.

You know, I worked in the refineries in my district, and I saw workers fall face down in the bottom of those huge oil tanks that we were cleaning out because they had no respiratory gear, because it was before OSHA. I saw workers throw up.

I worked on the tankers going out to sea, and I saw workers fall a couple of stories into an empty oil tank on an oil tanker because they weren't connected to the ladders; there was no safety device. You went up the ladders; but if the fumes got you first, you fell. I saw workers that couldn't tell you what day it was when they came out of those tanks after cleaning them.

I saw workers fall into vats in the canneries when I worked in the canneries.

I saw workers on construction jobs get hit by moving equipment when I worked on a construction job. This isn't speculation. This is what happens to people all across this country every day they go to work.

And yet we stand here, in the Congress of the United States, and we say

we want to make sure when a member of your family goes to work, that they return home safely every day. That's not what this legislation does. This legislation makes it more likely that they're not going to return home safely and they're not going to return home at all.

We ought to reject this legislation and understand how far back in the past it takes us. It's against the best business practices of this Nation. It's against all of the success we've had in making the workplace safe for the workers and safe for the employers and safe for the profit measure.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

The AFL-CIO has backed up what the ranking member, Mr. MILLER, of Education and Labor has said. They warn that H.R. 3010 would upend more than 40 years of labor, health, safety and environmental laws, and threaten new needed protections. It would cripple the regulatory process and make protecting workers and the public secondary to limiting costs and impacts on business and corporations.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, November 28, 2011.

DEAR REPRESENTATIVE: When the Congress returns from the Thanksgiving break the House is expected to vote on three "regulatory reform" bills—H.R. 10, the Regulations from the Executive in Need of Scrutiny (the REINS Act), H.R. 3010, the Regulatory Accountability Act, and H.R. 527, the Regulatory Flexibility Improvements Act. Each of these bills would up-end the entire regulatory system making it impossible for the government to protect workers and the public from workplace hazards, dirty air and water, unsafe drugs, tainted food and Wall Street abuses. The AFL-CIO strongly urges you to oppose each of these bills.

The Regulatory Accountability Act (RAA)—H.R. 3010—is a particularly harmful measure. It amends the Administrative Procedure Act (APA), but it goes far beyond establishing procedures for rulemaking. The RAA acts as a "supermandate" overriding the requirements of landmark legislation such as the Occupational Safety and Health Act and Mine Safety and Health Act. The bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSHA Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations.

The RAA will not improve the regulatory process; it will cripple it. The bill adds dozens of new analytical, procedural, and judicial review requirements to the rulemaking process, which will add years to the process. The development of major workplace safety rules already takes 6-10 years; the RAA will further delay these rules and cost workers their lives.

The RAA substitutes formal rulemaking for the current procedures for public participation for high impact rules and for other major rules upon request. These formal rule-making procedures will make it more difficult for workers and members of the public to participate, and give greater access and influence to business groups that have the resources to hire lawyers and lobbyists to

participate in this complex process. For agencies that already provide for public hearings, such as OSHA and MSHA, the bill would substitute formal rulemaking for the development of all new rules, overriding the effective public participation processes conducted by these agencies.

H.R. 3010 would subject all agencies—including independent agencies like the Securities and Exchange Commission, the National Labor Relations Board (NLRB), Consumer Product Safety Commission (CPSC), and the Consumer Financial Protection Bureau (CFPB) to these new analytical and procedural requirements. It would be much more difficult for agencies to develop and issue new financial reform rules and consumer protection rules required under recently enacted legislation.

The REINS Act (H.R. 10) would radically alter the regulatory process by requiring Congress to vote to approve all major rules before they can go into effect. Rules not affirmatively acted on by both the House and the Senate within 70 legislative days would die. Under the REINS Act, politics, not scientific judgment or expertise would dictate all regulatory actions. Corporate opposition and influence would swamp the public's interest and block needed protections.

H.R. 10 is impractical, unworkable and unnecessary. Congress has neither the time nor expertise to consider and act on detailed, technical and scientific issues. Moreover, Congress already has the authority to disapprove rules through the Congressional Review Act or block their implementation by withholding funding.

H.R. 527, the Regulatory Flexibility Improvements Act, expands the reach and scope of the Regulatory Flexibility Act by covering regulations that may have an indirect effect on small businesses and adding a host of new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. Virtually any action an agency proposes even a guidance document designed to help a business comply with a rule could be subject to a lengthy regulatory process. While the bill purports to be focused on small business, it would cover more than 99% of all employers, including firms in some industries with up to 1,500 workers or \$35.5 million in annual revenues.

This bill also creates a small business "czar" by increasing the powers of the Chief Counsel of Small Business Advocacy. This individual would become a super-regulator, with new powers to review proposed regulations and suggest alternatives. Agencies would be subject to review by both the Office of Management and Budget and the Chief Counsel, adding to regulatory delay.

H.R. 3010, H.R. 10 and H.R. 527 would further tilt the regulatory process in favor of business groups and others who want to stop regulations, and make it much more difficult for the government to protect workers and the public. These are dangerous proposals that will not create one new job or solve any of the pressing problems facing our country. The AFL-CIO strongly opposes H.R. 3010, H.R. 10 and H.R. 527 and urges you to vote against all three bills.

Sincerely,

WILLIAM SAMUEL,

Director, Government Affairs Department.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 3 minutes.

I realize some people want to close their eyes and close their ears so they don't see or hear the facts. There's an

old adage that none are so blind as those who don't want to see the wisdom of the facts.

Mr. Chairman, despite the sound and fury that we've heard, let me repeat a fact; and the fact I want to repeat is this: that the bill always allows agencies to meet statutory objectives. If, for example, only one rulemaking alternative meets statutory objectives, the agency may adopt that alternative, even if its cost exceeds its benefits.

The bill generally requires agencies to adopt the least costly alternative that meets statutory objectives if more than one alternative meets those objectives. Agencies may adopt more costly alternatives to protect public health, safety and welfare, including workers' safety, however, if the benefits of the more costly alternative justify their costs, and the agency is acting to protect the interest of public health, safety or welfare that are within the scope of the statutory provisions that authorize the rulemaking.

As a result, many workforce safety, Clean Air Act, Clean Water Act and other public health, safety and welfare regulations on the books still could have been adopted under the bill, even if they were not the least costly alternatives.

The difference is agencies would have done a better job of assessing whether those regulations really were the best ones to adopt and would have had a greater incentive to look harder for the alternatives that achieved the most benefits for the lesser costs.

Further, the bill does not invite courts to immerse themselves in the weeds of whether agencies have satisfied every jot and tittle of how best to perform a cost-benefit analysis. Instead, it asks the courts to enforce the bill's least-cost standard, and allows the courts to defer to agency cost-benefit analyses that comply with guidelines from the Office of Information and Regulatory Affairs.

As the D.C. circuit most recently demonstrated in *Business Round Table v. SEC*, the courts know well how to enforce requirements that agencies weigh the economic impacts of regulation without immersing themselves in endless arguments over every fine point of economic analysis. So the bill will actually decrease litigation.

Mr. Chairman, this bill is really just a litmus test for all Members of the House as to, not whether they want to implement regulations or not, but whether they want to do so in the least costly manner possible. Again, I don't see how anyone can rationally oppose the objective of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), who is the

ranking member of the Agriculture Committee.

Mr. PETERSON. I thank the gentleman.

I rise today in support of H.R. 3010 because, especially in agriculture, we have been dealing with innumerable problems that have been brought by regulations that are not properly vetted and seem to be from people that have a lack of understanding of exactly what's going on in agriculture.

And it seems like we have some of these bureaucrats that are working on these regulations that they've basically set up, you know, they've claimed there is threat of lawsuits or whatever; and the next thing you know, they're off doing regulations that have been kind of self-fulfilling prophecies on their part.

This legislation gives us an overhaul, I guess, for the first time in 65 years, in the Administrative Procedures Act, to make sure that we have more openness, more transparency, more accountability in these regulations, more time, more analysis, more compilation on how these regulations are developed and how they can—how we can improve this so we can improve the people's confidence in the process, to try to make sure that we're taking into account the costs of what these regulations are going to place, not only on the businesses but, ultimately, on the consumers that are affected by this.

In agriculture, we have all these things that are coming down that I think people have a lack of understanding of just exactly what the effect is going to be. A lot of these regulations are going to have the effect of significantly increasing food costs to consumers in this country, and I just think a lot of these urban folks have no idea what they're doing. And the next thing you know, once, if these regulations got in place, they'd be back in Congress looking for more help for SNAP and for other programs to try to pay for the increased food cost that was put on them by these regulations.

The more we can open up this process, the more we can get people to understand the actual effect of these regulations and what they're going to accomplish if they're put into place, the better the situation is going to be.

I think this is a good step in the right direction. Personally, I would probably go even further than what's in this bill, but it is probably what can be accomplished at this point.

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I am very happy to be here today to support this effort, and I look forward to having a successful outcome.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

The distinguished ranking member of Agriculture wasn't here when the ranking member, Mr. MILLER of Education and Labor, was here talking about the

agricultural problems and the problems that H.R. 3010 presents to us.

What I would like to just ask the gentleman, yesterday the Food and Drug Administration issued a recall of both grapes and tomatoes for salmonella contamination. Did the gentleman have some reservation or objection to this regulation that the FDA operated on?

I yield to the gentleman from Minnesota.

Mr. PETERSON. I thank the gentleman for yielding.

I think it points out that the regulations we have in place are working.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield myself an additional 1 minute.

Mr. PETERSON. In agriculture we only have jurisdiction over meat and about 20 percent of the food safety is under the jurisdiction of the Ag Department. If the FDA was anywhere near as competent as the USDA is in terms of inspections, we wouldn't have these problems. You know, frankly, the FDA should not be regulating this, the Department of Agriculture should be regulating it.

Mr. CONYERS. If you think that this bill should go further, then why would FDA need to have H.R. 3010 be made more likely to kill regulations that control jobs and health?

Mr. PETERSON. We're talking about a bigger issue here.

All this bill does is give folks a better chance to understand what's going on here. This whole food safety issue has been a big problem because people are off on tangents that don't have anything to do with reality. Hopefully with this new procedure, we're going to be able to more fully vet this so the public can understand what's going on here.

Salmonella exists in all kinds of products. It's going to be there, it's always going to be there no matter what you do. What you have to do is have a regime in place so you can determine the salmonella before it gets into the food supply.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Chairman, first of all, I want to thank the gentleman from Minnesota for his comments.

I now yield 3 minutes to the gentleman from California (Mr. COSTA), also a member of the Ag Committee.

Mr. COSTA. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 3010, the Regulatory Accountability Act of 2011.

As a cosponsor of this legislation, I understand that this is not about eliminating existing regulations; it's about making sure that regulations do not eliminate the ability of businesses to thrive to create jobs in places like the San Joaquin Valley that I rep-

resent, especially during these difficult economic times.

Many major regulations can cost upwards of \$100 million dollars to the industries affected by the rule. But they also impact consumer costs as well. While business people in my district are carefully watching their bottom line, ill-advised regulations can hamper the ability to create jobs and get our economy going. So this legislation is also about jobs.

This legislation ensures that regulations are fully vetted before they are put in place. Despite the best intentions, we often see bureaucrats proposing rules without any practical knowledge of how they will work in the real world. H.R. 3010 guarantees that the business communities, farmers in my district can know, when regulations are being proposed, that they can have a seat at the table to explain how it would affect their work and be implemented.

This legislation, therefore, is also about transparency and accountability. Agencies would be required to provide information to the public about the potential economic impacts of the proposed regulations.

As the President said this September in his jobs speech, we should have no more regulation than the health and safety and the security of the American people require. Every rule should meet that commonsense test.

This legislation helps us ensure the executive branch regulations will meet that commonsense test. By modernizing our regulatory process, we can guarantee that regulations are enacted that truly are in the best interest of the public, the business, and the American people.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia, HANK JOHNSON, a ranking subcommittee member in Judiciary.

The CHAIR. The gentleman is recognized for 2¼ minutes.

Mr. CONYERS. Would the gentleman yield to me for just a few seconds?

Mr. JOHNSON of Georgia. I yield to the gentleman from Michigan.

Mr. CONYERS. Would the gentleman from California tell me now or at some future time which health regulations he would like to get repealed or withdrawn?

Mr. COSTA. I don't think that I can give you a specific on a health regulation. I think what we're really talking about here is the impact of risk assessment versus risk management to ensure that we provide the best protection for health and safety when we implement regulations.

Mr. CONYERS. So you don't have any complaint against FDA at the present time?

Mr. COSTA. The current proposed rules, I mean some work better than others. Some are implemented better than others.

Mr. CONYERS. But you're okay with them?

Mr. COSTA. I think the current point that you made earlier about the proposed issue with regards to certain commodities show that the current regulatory system is working.

Mr. CONYERS. So you don't want to improve it?

Mr. COSTA. No. I want to ensure that we meet good standards and good tests, and this legislation, I think, does that.

Mr. CONYERS. I thank the gentleman for yielding.

The CHAIR. The gentleman has reclaimed his time.

Does the gentleman from Michigan now yield to the gentleman from Georgia?

Mr. CONYERS. Yes, sir.

The CHAIR. The gentleman from Georgia is now recognized for 1¼ minutes.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman. I rise in opposition to this bill, the Regulatory Accountability Act.

Instead of creating jobs, the Tea Party Republicans are assaulting the very regulations that keep us safe and promote fairness to consumers. I'm disturbed by this assault on regulations that protect health, safety, and well-being, and the financial well-being of 99 percent of Americans.

This majority, the Tea Party Republicans who, having been elected as a result of all of the secret money received from the Wall Street corporations during the 2008 elections, beyond any reasonable doubt are now clearly doing the bidding of these Wall Street corporate interests. They're doing the bidding of them by this kind of legislation that would remove the kinds of regulations that protect the health, safety, and well-being of 99 percent of the American people.

It's not fair. It's not right. No jobs are being created. This bill is a travesty.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Our troubled economy forces many Americans to tighten their financial belts as they enter this holiday season. It is especially frustrating that the typical American worked more than 2 months, about 77 days, this year to pay for the cost of government regulations alone.

For the unemployed, the news is even worse. Official unemployment has hovered around 9 percent all year. When the unemployed and underemployed and those who no longer seek employment are counted, the effective unemployment rate reaches almost 16 percent.

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But rather than add much-needed jobs to the economy, the Obama administration has only added job-killing

regulations that burden businesses and stifle economic growth.

The administration counted 410 new major rules in its regulatory agendas for 2010 and 2011. Mr. Chairman, that is four times the number of major rules than during the first 2 years of the previous administration. In addition, the White House has reported to Congress that, for most new major rules issued in 2010, the government failed to analyze both the costs and the benefits. Many more major regulations are now in the works, and there is no assurance that the administration will adequately consider their costs and benefits either.

The Regulatory Accountability Act provides the cure for this epidemic of regulatory costs. It is a bipartisan, bicameral piece of legislation that requires agencies to do a better job of determining whether new regulations are really needed; and when regulations are necessary, it requires agencies to find the lowest cost alternative to achieve its goals. In other words, you can still achieve the goals but in the least costly way possible.

The Regulatory Accountability Act will not stop Federal agencies from issuing needed regulations, but it will stop them from imposing unjustified regulatory costs. In conclusion, I urge my colleagues to support the bill, and I look forward to its final passage.

With that, I yield to the ranking member of the Judiciary Committee.

Mr. CONYERS. I thank the chairman for yielding to me because we want to acknowledge the committee's parliamentarian, Allison Halataei, on her last day of service to the committee.

Allie has been an expert on House and committee rules, has ruled fairly on all matters of legislation that fall within the committee's jurisdiction, and has been valuable to all the members on both sides of the aisle. We've come to rely on her excellent judgment and experience.

On behalf of the Democratic members of the committee, we wish her well in her future endeavors.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, I will add that Allie Halataei has also served us well on the Judiciary Committee for 6 years. She has been on my personal staff for 2 additional years. She has also been a deputy chief of staff for the full Judiciary Committee in addition to having served previously on the Immigration Subcommittee.

We value all of her expertise, her talents, her dedication, and her conscientiousness. All of those wonderful attributes are going to be missed, but we do wish her well in her next position.

Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I rise today to speak in support of this important legislation that will ensure that regulations governing the businesses in our communities are fair and reasonable.

H.R. 3010 will provide a number of benefits for businesses in our communities, while also protecting public health and safety. It ensures greater transparency in the regulatory process and greater scrutiny of the economic effect of regulation.

We all know how regulations are implemented can have a significant impact on our communities. For example, in my home district, there is a utility company that owns a percentage of a power plant in New Mexico that is subject to a standard on regional haze. The state of New Mexico put together a plan to retrofit this power plant and others within the state to meet the clean air standards using one type of technology. In the meantime, the EPA also put together a plan to meet the exact same standard. However, EPA's plan uses a different kind of technology to meet this standard, one that costs ten times more. If this rule gets published, this plant will be required to use EPA's plan, ultimately costing each of my constituents up to 700 dollars over the life of this project to achieve the exact same standard that New Mexico's plan meets.

Under H.R. 3010, nonsensical requirements like this cannot be made, because it forces the agency to use the least costly alternative to meeting a standard.

While I do have significant concerns with how this bill is paid for, the importance of ensuring that regulations provide more benefit than burden to our citizens leads me to ultimately support it. However, should this bill pass the House today and the Senate consider it, I ask that the Senate change the pay for and ensure that no voters are disenfranchised in return for greater transparency in the regulatory process.

Mr. Chairman, I urge my colleagues to support this bill and ensure a more common sense, transparent and fair regulatory process.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Accountability Act of 2011".

SEC. 2. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(15) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

"(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

"(B) a major increase in costs or prices for consumers, individual industries, Federal, State,

local, or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(16) ‘high-impact rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of \$1,000,000,000 or more, adjusted annually for inflation;

“(17) ‘guidance’ means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

“(18) ‘major guidance’ means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(19) the ‘Information Quality Act’ means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

“(20) the ‘Office of Information and Regulatory Affairs’ means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.”.

SEC. 3. RULE MAKING.

(a) Section 553(a) of title 5, United States Code, is amended by striking “(a) This section applies” and inserting “(a) APPLICABILITY.—This section applies”.

(b) Section 553 of title 5, United States Code, is amended by striking subsections (b) through (e) and inserting the following:

“(b) **RULE MAKING CONSIDERATIONS.**—In a rule making, an agency shall make all preliminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the following:

“(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

“(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

“(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the agency’s jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

“(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

“(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

“(A) the alternative of no Federal response;

“(B) amending or rescinding existing rules;

“(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

“(D) potential responses that—

“(i) specify performance objectives rather than conduct or manners of compliance;

“(ii) establish economic incentives to encourage desired behavior;

“(iii) provide information upon which choices can be made by the public; or

“(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

“(6) Notwithstanding any other provision of law—

“(A) the potential costs and benefits associated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs, economic growth, innovation, and economic competitiveness;

“(B) means to increase the cost-effectiveness of any Federal response; and

“(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

“(c) **ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.**—In the case of a rule making for a major rule or high-impact rule or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

“(1) include a written statement identifying, at a minimum—

“(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

“(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

“(C) preliminary information available to the agency concerning the other considerations specified in subsection (b); and

“(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule;

“(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

“(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

“(d) **NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.**—

(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which shall include—

“(A) a statement of the time, place, and nature of public rule making proceedings;

“(B) reference to the legal authority under which the rule is proposed;

“(C) the terms of the proposed rule;

“(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

“(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

“(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c);

“(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

“(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

“(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D); and

“(ii) an additional statement of whether a rule is required by statute;

“(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule (including all costs to be considered under subsection (b)(6)), based on the information described under subparagraph (D);

“(G) a discussion of—

“(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

“(ii) the costs and benefits of those alternatives (including all costs to be considered under subsection (b)(6));

“(iii) whether those alternatives meet relevant statutory objectives; and

“(iv) why the agency did not propose any of those alternatives; and

“(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

“(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

“(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

“(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public's use when the notice of determination is published.

“(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

“(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to that requirement; or

“(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

“(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

“(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

“(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a *prima facie* case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a *prima facie* case.

“(C) There shall be no judicial review of the agency's disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency's final action. There shall be no judicial review of an agency's determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

“(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

“(e) **HEARINGS FOR HIGH-IMPACT RULES.**—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any

hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

“(1) Whether the agency's asserted factual predicate for the rule is supported by the evidence.

“(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

“(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

“(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

“(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

“(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days of its receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

“(f) **FINAL RULES.**—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

“(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

“(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

“(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

“(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

“(A) a concise, general statement of the rule's basis and purpose;

“(B) the agency's reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

“(C) the agency's reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule's costs (including all costs to be considered under subsection (b)(6));

“(D) the agency's reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

“(i) the agency's reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including all costs to be considered under subsection (b)(6)) than the rule; or

“(ii) the agency's reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

“(E) the agency's reasoned final determination—

“(i) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

“(ii) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

“(I) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

“(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

“(F) the agency's reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act; and

“(G)(i) for any major rule or high-impact rule, the agency's plan for review of the rule no less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule's benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives.

“(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title.

All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public's use no later than when the rule is adopted.

“(g) **EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.**—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

“(A) Subsections (c) through (e).

“(B) Paragraphs (1) through (3) of subsection (f).

“(C) Subparagraphs (B) through (H) of subsection (f)(4).

“(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public

interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency's adoption of an interim rule.

"(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (d) through (f) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (d) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule will cease to have the effect of law.

"(C) Other than in cases involving interests of national security, upon the agency's publication of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency's determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

"(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsections (c), (d), (e), or (f)(1)-(3) and (f)(4)(B)-(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

"(h) **ADDITIONAL REQUIREMENTS FOR HEARINGS.**—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency's discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule's adoption.

"(i) **DATE OF PUBLICATION OF RULE.**—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

"(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

"(2) interpretive rules and statements of policy; or

"(3) as otherwise provided by the agency for good cause found and published with the rule.

"(j) **RIGHT TO PETITION.**—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

"(k) **RULE MAKING GUIDELINES.**—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's

determination, with the economic impact of the rule.

"(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

"(2) The Administrator of the Office of Information and Regulatory Affairs shall also issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

"(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

"(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

"(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

"(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator's specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

"(l) **INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.**—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the Agency.

"(m) **MONETARY POLICY EXEMPTION.**—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee."

SEC. 4. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) **IN GENERAL.**—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

"§553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance

"(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

"(1) make and document a reasoned determination that—

"(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action);

"(B) summarizes the evidence and data on which the agency will base the guidance;

"(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

"(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

"(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance's benefits, and is otherwise appropriate.

Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

"(b) **Agency guidance.**—

"(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

"(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

"(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or duplicative of, the agency's governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

"(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty."

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

"553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance."''

SEC. 5. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

"(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an

agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

“(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553.

“(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

“(g) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record. This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”

SEC. 6. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking “Agency action made” and inserting “(a) Agency action made”; and

(2) by adding at the end the following: “Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such request or appeal, shall be final action for purposes of this section.

“(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency’s publication of an interim rule without compliance with section 553(c), (d), or (e) or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency’s determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.”

SEC. 7. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking “To the extent necessary” and inserting “(a) To the extent necessary”; and

(2) in paragraph (2)(A) of subsection (a) (as designated by paragraph (1) of this section), by inserting after “in accordance with law” the following: “(including the Information Quality Act)”; and

(3) by adding at the end the following:

“(b) The court shall not defer to the agency’s—

“(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556-557 of chapter 5 of this title to issue the interpretation;

“(2) determination of the costs and benefits or other economic or risk assessment of the action,

if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k);

“(3) determinations made in the adoption of an interim rule; or

“(4) guidance.

“(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.”

SEC. 8. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end, and inserting “; and”; and

(3) by adding at the end the following:

“(3) ‘substantial evidence’ means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.”

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (2) and (3) of section 706(b) of such title; and

(4) subsection (c) of section 706 of such title; shall not apply to any rule makings pending or completed on the date of enactment of this Act.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of House Report 112-296. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. MOORE

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-296.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 20, insert the following and redesignate provisions accordingly:

“(4) Whether the problem the agency may address with agency action disproportionately impacts certain vulnerable subpopulations including individuals whose income is below 200% of the poverty line, individuals who are aged 65 and older, and individuals who are veterans, and whether that impact would be mitigated through new agency action.”

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, my amendment to H.R. 3010 is quite simple. It

would ensure that an executive agency takes into account the needs of our Nation’s most vulnerable, at-risk subpopulations, including veterans, low-income individuals, and the elderly, when considering new action. This so-called Regulatory Accountability Act would undermine at least 25 health and safety rules, which would have a disparate impact on the subpopulations.

The authors of this bill continue this sideshow by bringing bill after bill to this House floor, claiming that they will create jobs by limiting the size and scope and reach of government and by repealing regulations that help and protect millions of Americans—balancing profit over people. Like magicians, they try to convince the American public with sleight of hand and deception that the cost to industry far outweighs the cost of health and safety protections.

Once we get past all of the flashing lights, smoke, and glitter, we see that this bill, like others, that we’re considering today is just no different, Mr. Chair.

H.R. 3010 would do far more than simply “modify” the executive rulemaking process. It would require agencies to adopt the least costly regulations—a race to the bottom—instead of taking the most protective steps necessary to ensure the health and safety of Americans, especially those who are most vulnerable. It would add dozens of new procedural hurdles without any promise of additional resources. It would tie up agency action for years when we know that so many Americans desperately need help right now.

These tough economic times are hard for everyone, especially those who are disproportionately affected by the economic crisis. We no longer have times for tricks, illusions, or silly gags. Study after study shows us that low-income communities live in the most toxic areas of our country. We must stop this bribery, trickery, and we must come back to reality.

We must agree that it is good policy for executive agencies to consider our Nation’s veterans, who, according to the Bureau of Labor Statistics, face an 11.7 percent unemployment rate, substantially higher than the national average. We must consider the disproportionately damaging health effects that air pollutants have on our low-income communities, on people who can’t afford to move to wealthier areas, as the EPA considers implementing provisions in the bipartisan Clean Air Act. We also must agree that the executive branch take into account the needs of our Nation’s seniors, who have become the subject of a dangerous debate in Washington over the future of entitlement programs.

It’s time to put down the magic wands, to pick up our voting cards and support legislation that protects the least of these.

I would urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Thank you.

President Obama has really curtailed more regulations than George W. Bush, so it is really mistaken that this President has not taken into account the needs of industry; but I think that when you get to a point at which you just want to abolish all regulations in favor of the so-called bottom line, then someone has to draw the line. I think that this amendment draws the line at subjecting those people who are particularly vulnerable—seniors, veterans, and those of low-income—to air pollutants.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

This amendment, regrettably, seeks special consideration in rulemaking for a handful of groups; but the bill seeks to declare no favorites and gives no special policy treatment to any group. Instead, the bill creates an even-handed procedural reform that benefits all groups with greater transparency, accountability, and public participation in rulemaking.

Perhaps the amendment is motivated by a concern that regulatory outcomes not shortchange the needs of seniors, veterans, and lower income families; but the bill already assures that these groups and all others will obtain the protection they need.

The bill always allows agencies to achieve the regulatory objectives that Congress has set. Generally, if an agency can reach the goal with a lower cost regulation, though, of course it should; but if a costlier regulation is needed to protect the public health, safety, or welfare, including protecting seniors, veterans, and low-income families, the agency can adopt that regulation.

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The agency just needs to show that the benefits justify the additional costs and the interests protected fall within the scope of the statutory provision that authorizes the rule.

In this reasonable, balanced way, the bill guarantees statutory objectives will be met while we at least achieve real regulatory cost control. That is a win/win solution for everyone in every group.

The Federal Government does not always need to do something more costly for special groups. It needs to always do something more cost-effective for everyone. I urge my colleagues to op-

pose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. OLSON

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-296.

Mr. OLSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 3, insert after "estimated impacts on jobs" the following: "(including an estimate of the net gain or loss in domestic jobs)".

The CHAIR. Pursuant to House Resolution 477, the gentleman from Texas (Mr. OLSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. OLSON. Mr. Chairman, I yield myself such time as I may consume.

My amendment clarifies one of the provisions in H.R. 3010 regarding rulemaking.

The bill before the House states that when making a rule, an agency shall consider potential costs and benefits associated with proposed rules, including direct, indirect, cumulative costs and benefits, and estimated impacts on American jobs.

My commonsense amendment specifies that the agency proposing the rule shall, and this is a quote from the amendment, "estimate the net gain or loss in domestic jobs" in their jobs impact analysis.

My amendment will ensure that the public has a full understanding of the real impact to American workers before the proposed rule becomes effective. At a time of record unemployment, we must properly balance Federal regulations to minimize job losses before these jobs leave our shores.

This will not, will not, stop Federal agencies from issuing needed regulations, but it will stop them from imposing unjustified and unintended regulatory costs without informing the American people how these regulations will impact jobs right here in the United States of America.

While regulations are necessary, when they are necessary my amendment requires agencies to find the lowest-cost alternative to achieve the regulatory goals.

I thank my fellow Texan, Chairman SMITH, for his support of my amend-

ment, and I ask my colleagues to support it as well.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. My good friend from Texas has introduced an amendment that I wish all of us could have joined with, as well as Mr. JOHNSON's amendment that was not allowed in order.

We've made a complaint not necessarily on one amendment but on this underlying bill. And the amendment now adds yet another analytical requirement to the already numerous analytical requirements of H.R. 3010.

I would have liked to have joined Mr. OLSON on making this just a job creation amendment, or a job creation bill. But part of the bill's super mandate overrides existing statutes like the Clean Water Act, the Clean Air Act, and the Occupational Safety and Health Act, all of which reflect bipartisan legislative agreement to prohibit or limit consideration of costs in the rulemaking process.

While I certainly agree with the idea of net job creation, H.R. 3010 does absolutely nothing to create jobs with or without the addition of this analytical requirement.

We can't cure this bill, and we might have been able to do so with an amendment by Mr. JOHNSON that exempts all rules that result in job growth. After all, it was allowed for H.R. 527, the other bill that we are considering today. I don't know why we can't come together, as some would say, and put forward bipartisan amendments that talk about creating jobs.

With that, I yield back the balance of my time.

Mr. OLSON. Mr. Chairman, I appreciate the comments of my colleague from Houston, Texas.

I wish this amendment was not necessary, but with the current administration, the regulatory environment has gotten out of control. The best example is the Environmental Protection Agency and all the rules and regulations they have imposed upon the oil and gas industry and the power industry in the State of Texas.

The best example of that is testimony from the administrator herself right here on Capitol Hill. When asked if she can survey the sort of job loss and impact on jobs from the regulations, she said no, not our business.

That's wrong. If the agency is going to propose changes to some regulatory rule, they need to let the American people how it's going to impact the jobs right here at home.

Again, it's a commonsense amendment. I urge my colleagues to support it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. OLSON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-296.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 19, strike "shall" and insert "may, if the agency determines appropriate,".

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I wish today was spent really dealing with job creation rather than diminishing the social safety net for the American people, something that we fought long and hard for.

But let me give you some good news. The unemployment has dropped to approximately 8.9 percent, I believe, or a little bit less. It means the country's economy is going in the right direction, and the time that we're spending on the floor on these bills is a job killer.

We'd much rather have spent our time passing the American Jobs Act, putting money in investment and infrastructure, rehiring firefighters, teachers, and law enforcement officers, and certainly we don't need to jeopardize this little baby's future with thwarting the opportunity for making sure food safety regulations are unfettered on behalf of the American people.

My amendment is a simple clarification. The way the rules exist today is that the agency, in its wisdom, thinking about the safety and security of the American people, food safety, the environment, clean air, clean water, has the right, the discretion to give preliminary 90-day notice.

What do we do in this bill? We demand that the agency give a 90-day notice in order to propose a rule, and prior to having it published in the Federal Register. My friends, there is no doubt that rulemaking is complex, but in many times rulemaking requires quick action. All my amendment does is put back in the discretion of the agency to determine whether they can have a 90-day notice.

The GOP claims that slashing regulations is the way to create jobs. Well, let me tell you what President Reagan and what President G.H.W. Bush said. As for the idea that cutting regulations will lead to significant job growth, Bruce Bartlett said in an interview, it's just nonsense, it's just made up.

Bruce Bartlett was the economic adviser under Presidents Reagan and

G.H.W. Bush. Indeed, as BLS data show, in 2010, only 0.3 percent of people who lost their jobs in layoffs were let go because of government regulation, intervention. But I will tell you this, this little one's life will be in jeopardy because of the intrusive and excessive 60-step process that these legislative initiatives are requiring.

□ 1030

Someone would say hogwash. The GOP claim that there has been a tsunami of regulations under President Obama is also a myth. It is simply a myth.

I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me just expand on this point regarding President Obama.

This administration has approved fewer regulations than the predecessor, George W. Bush, at this same point in their tenures. Furthermore, Bloomberg finds that the average annual cost of regulations under President Obama at about \$7 billion to \$10 billion is close to the average around the costs from 1981 to 2008.

This GOP bill kills rulemaking in favor of special interests. Sixty new analytical steps, can you imagine? You will be bogged down spending money and using government time and using the taxpayers' dollars to keep from protecting them; to keep from protecting this innocent child; to keep from protecting children with asthma; to keep from protecting people who need to have clean water; to keep from protecting those who need to have, if you will, a food safety requirement that keeps them from being impacted by E. coli.

How "unsensible," if I can use a word in quotes, is that? As the Coalition for Sensible Safeguards says, which includes Consumer Federation of America, this bill will make it virtually impossible for Federal agencies to ensure that American families are protected from tainted food, unsafe drugs, predatory financial schemes, dirty air and water, and dangerous workplaces.

Give us a break. Let us follow in the footsteps of President Bush, President Reagan, and our predecessor President Bush and realize that this regulatory scheme is broken.

Pass the Jackson Lee amendment and save lives, and let's celebrate that unemployment is going down and find a way to create jobs.

Mr. Chair, I rise today in support of my amendment to H.R. 3010 the "Regulatory Ac-

countability Act of 2011," which would amend the Administrative Procedure Act. This bill would require all agencies to adopt the least costly rule by formally codifying the cost benefit analysis process. The bill also overrides existing statutory standards in laws such as the Clean Air Act, Clean Water Act, and the Occupational Safety and Health Act. In addition, this measure will significantly slow the regulatory process, increase costs, and burden an already taxed judicial system.

My amendment would allow a federal agency to use their discretion to determine whether to provide advanced notice, not later than 90 days, of a proposed rule prior to it being published in the Federal Register. As it has not been found that agencies have been dilatory in using their discretion. And in fact, there are times when it would be unnecessary.

My colleagues on the other side of the aisle have provided no solid justification for the bill's inflexible mandate that would require an agency to issue an advance notice of proposed rulemaking, ANPRM, as part of the rulemaking proceeding for any major rule or high-impact rule. Agencies are in the best position to be able to determine the relative benefits and burdens of utilizing ANPRMs. I ask will this new rule create jobs?

As my Republican colleagues are often raising concerns about the never ending bureaucracy in Washington. This bill adds more than 60 new procedural and analytical requirements to the agency rulemaking process. This would include currently nonexempt rulemaking. In addition, the bill extends the timeframe required to complete legal consideration of an agency proposed rule. This measure is a blatant attempt to delay the rulemaking process and the final implementation of agency rules. Well if as many jobs were created as red tape will be created by this piece of legislation then every American would have a job and one waiting in reserve.

This measure calls for Judicial Review of every significant Executive Branch activity and functions. I have been serving as member of this governing body since 1995, and oversight of the Executive Branch is exactly what Congress does. In fact, one of the primary functions of a Congressional Committee is to provide oversight.

If the Judicial Branch were required to proactively approve every federal rule, it would be extremely time consuming. The Administrative agencies are made up of experts in their respective fields. Many of the regulations that administrative agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of the Judiciary to become adequately acquainted with each issue being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want.

As we consider this rule, it is important that we not forget that federal agencies have their own oversight process in place to ensure that proposed regulations are thoroughly vetted. For every proposed regulation, agencies are required to issue a notice of proposed rulemakings to the industry and market over which they regulate. Those entities then comment on the rules, and they go through many

rounds of changes before a final order is enacted.

Rulemaking takes years, and input from all relevant stakeholders is regularly solicited and received. Delays during the rulemaking process are already created by stakeholders and other branches of government. The reality is that the rulemaking process is already hampered by those whose sole intent is to water down or prevent rules they oppose. Additional delays only hurt Americans.

According to a recent report by the Public Citizen delays of OSHA regulations contributed to 100,000 work place injuries, 10,000 cases of work-related illness, and hundreds of workplace fatalities. Promulgating regulations save lives

Furthermore, rules enacted by Federal agencies are subject to Congressional oversight and review, and must meet standards of Judicial review. Arguably, rules and regulation issued by Federal agencies go through just as much, if not more, review as bills considered and passed by this body.

Implementing this rule would create an expanded use of formal rulemaking that will effectively prevent needed public health and safety rules, in addition to an expanded and less deferential judicial review process that will lead to endless litigation without enhancing due process. Instead of debating about oversight authority that Congress already has, we should be focusing on the issues that most concern the American people, particularly, creating jobs.

Collectively, the procedural and analytical requirements added by this bill would be enormously burdensome. The task of deliberating on, seeking consensus on, and drafting the numerous recitals that would be added to the rulemaking process would draw heavily on agency resources—a matter that should be of special concern at the present moment, when agencies are facing and will continue to face severe budget pressures. Increasing the time needed to accomplish rulemaking would not only be costly but also would tend to leave stakeholders (including businesses large and small) less able to plan effectively for the future. Not only new regulations, but amendments or rescissions of rules could be deterred by the additional expense and complexity that would be added to the process.

Enforcement of these requirements on judicial review is available to regulatory proponents and regulatory opponents alike, adding to the burden of defensive lawyering agencies must carry. Thus, both affirmative regulation and deregulation may be impeded. As our country rebounds from one of most severe economic downturns in our history, it is imperative that we make decisions that will enable our economy to grow and, most importantly, create jobs.

We should be using our judgment in a manner that would create American jobs by comprehensively reforming our broken immigration system. We should be working to implement an orderly process for immigration that eases the burden on employers, improves documentation, and compliments our enforcement efforts to make them more effective.

Healthy market competition not only protects consumers, but will help our economy to prosper. Congress should be examining the con-

solidation taking place in certain industries to ensure healthy competition is alive and thriving. America is a free enterprise society, and small businesses are part of the backbone of our economy, employing a vast portion of Americans. We should be ensuring that any consolidation taking place in the marketplace does not push out small businesses and render them unable to compete.

In the last couple of years, some sweeping mergers and acquisitions have taken place. Just recently, it was reported that 500 jobs are being cut as a result of last year's United—Continental merger. As we face a high unemployment rate, and Americans struggle to make ends meet, every job counts. We should be investigating the outcomes of mergers such as United—Continental, amongst others, to ensure that no more precious jobs are being lost.

Many of my colleagues on the other side of the aisle have stood up here and emphasized the importance of jobs for American workers—especially in the context of immigration debates. However, one of the largest contributors to the lack of employment opportunities here in American is the outsourcing of jobs to other countries where the labor is less expensive. We should be focusing our efforts on ways to return outsourced jobs to American soil.

In addition to jobs, the safety of the American people should be a priority. We should be spending time ensuring our prisons are safe. According to the Federal Bureau of Prisons, federal prisons now house more convicted international and domestic terrorists than the Guantanamo Bay detainment camp. To ensure the safety and security of our prisons, the ratio of employees to inmates is key. Hiring freezes within the Federal Bureau of Prisons coupled with rising inmate populations has the potential to negatively affect this critical ratio, and therefore threaten the safety and security of our prisons. By addressing the employee to inmate ratio, we are securing our Nation and creating more jobs for America.

Bottom line, the judicial branch has a large responsibility. They carry on their shoulders the needs of the American people. We should not further burden the Judiciary with the work that an entire branch of government has already been commissioned to do, especially since Congress still has oversight authority.

For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority. And for these reasons, I urge my colleagues to support my amendment to H.R. 3010.

I yield back the balance of my time.
Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

One problem in rulemaking is the practice of agencies to negotiate regulations behind closed doors with a few interested parties, then propose and adopt a predetermined rule.

To help cure this problem, the bill requires advanced notice of major and high-impact rules that agencies may propose. These are the rules that cost \$100 million or \$1 billion or more respectively.

The advance notice requirement ensures that those who bear the costs of

these high-cost regulations have an opportunity to shape agency decisions before they become entrenched in predetermined rulemaking proposals. It also dramatically increases the transparency of the most important agency rulemakings; and, of course, if emergency rules were needed, advance notice may be waived.

The amendment, on the other hand, makes advance notice discretionary, not mandatory, with the agencies. That guarantees that advance notice will rarely be used. It eliminates much needed transparency, and it only helps those who negotiate rules behind closed doors, then ram deals through the rulemaking process, ignoring public comment.

The amendment may arise from a concern that advance notice not unduly slow down emergency rules. If that is the case, there is no need for concern. Like the existing Administrative Procedure Act, the bill allows agencies to issue emergency rules before they complete ordinary procedure.

I urge my colleagues to oppose the amendment. It hurts the bill. It hurts the process.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

It is the Chair's understanding that amendment No. 4 will not be offered.

AMENDMENT NO. 5 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112-296.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, insert after line 19 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment

of the Regulatory Accountability Act of 2011, shall continue to apply, after such enactment, to any such proposed rule, final rule, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.”.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

H.R. 3010, seductively titled the Regulatory Accountability Act, would block every single new or pending Federal regulation, including those regulations which Congress has already directed agencies to write. This bill would neuter the Dodd-Frank Wall Street reforms protecting consumers; it would block tougher food safety oversight responding to last year's salmonella outbreak; and it would gut public health laws, jeopardizing clean air and water and workplace safety. It would effectively repeal 25 separate public health, consumer protection, and environmental laws Congress has already passed. No wonder the Statement of Administration Policy noted that the President would veto the bill if passed.

With this legislation, the House Republican leadership has now attempted to pass more than 170 pieces of legislation, riders and amendments to attack public health and the environment; but H.R. 3010's impacts would not stop here.

The Consumer Financial Protection Bureau and Securities and Exchange Commission would not be able to implement consumer protections mandated by law, including commonsense rules like prohibiting investment banks from betting against their own clients on the stock market. The EPA would not be able to complete the toxic air pollution control rule which Congress directed it to implement 21 years ago. Our regulatory system already is so slow that this critical public health standard, which would reduce mercury and arsenic pollution, has been taking since 1990 to develop. Apparently taking two decades to limit mercury pollution is much too fast for the sponsors of this bill.

This bill uses seemingly innocuous requirements to create a tangle of red tape so thick that it would be impossible for any Federal agency, frankly, to issue meaningful regulations ever again.

This bill uses several clever provisions to create regulatory gridlock. The first seems harmless. It requires agencies to use the lowest-cost requirement when issuing regulations. It di-

rects agencies to consider alternative regulatory approaches proposed by industry. This model emulates the structure of the Toxic Substances Control Act, which provides a case study for failed environmental legislation. Like this bill, the Toxic Substances Act requires regulations to adhere to the lowest-cost solution. What's wrong with that?

For this reason, polluters have been successful in challenging almost every proposed regulation on the premise that there are lower-cost alternatives. For example, asbestos. Despite its well-documented health hazard as a known carcinogen, it's still legal to use asbestos in America unlike in 50 other advanced countries, because asbestos manufacturers challenged the EPA's ban on asbestos and won the case in court when they showed that prohibiting asbestos was not the lowest-cost regulatory option.

The Toxic Substances Act is so ineffective that in its 35 years, a mere five of 22,000 potentially toxic chemicals have actually been regulated under its authority. This bill would require regulatory agencies to analyze every single alternative proposed by industry—a Sisyphean task that would effectively preclude any new regulation from ever again being issued against recalcitrant polluters.

The other clever provision of this bill which also appears innocuous is the requirement that agencies perform a cost-benefit analysis for every regulatory alternative, even spurious ones, proposed by industry. Of course, Congress wants agencies to consider both the cost and benefits of regulations. That's why agencies already do provide full cost-benefit analyses of proposed regulations. Requiring agencies to waste time analyzing every, even spurious, industry alternatives indefinitely delays any additional regulation.

There are only two differences between this bill and the majority's previous attacks on the environment. First, because of its broad scope, this bill would be more destructive; and, second, its clever language conceals how thoroughly it would eviscerate regulatory agencies.

That is why I have introduced this amendment, Mr. Chairman, to exempt public health and safety laws from the purview of this bill. The Republican leadership claims it supports public health and safety. Well, let's give them the opportunity to prove it.

I urge my colleagues to support this commonsense amendment to protect public health and safety. Without this change, this so-called Regulatory Accountability Act guts the important public health, safety, and consumer protection standards we have long counted on in this country; and it would, in fact, not hold industry accountable for any of its future actions.

With that, Mr. Chairman, I yield back the balance of my time.

□ 1040

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. The amendment carves out of the bill essential sectors or regulation and guidance. These include all rules and guidance documents on food safety, workplace safety, consumer product safety, clean water, and clean air. In many cases, these are precisely the agency actions that impose the most cost without producing enough benefits. A good example is the Environmental Protection Agency's recent proposal to control mercury emissions from coal- and oil-fired power plants. EPA estimated that the rule would cost \$11 billion annually to achieve; at most, just \$6 million in total mercury reduction benefits. That's a cost-to-benefit ratio of almost 1,200:1.

Proponents of regulation have nothing to fear from the bill's provisions to prevent excessively costly rules like this. The bill always allows agencies to achieve the statutory objectives Congress has set. Those objectives include protection of food, workplace, and consumer safety, as well as of clean air and clean water. All the bill requires is that agencies consider the cost and benefits of regulatory alternatives and, wherever possible, adopt the least-cost regulation that achieves that goal.

If a costlier rule's benefits justify its additional cost and the rule is needed to protect public health, safety, and welfare, the agency may adopt it. The agency just needs to show that the public health, safety, and welfare interest it seeks to protect are within the scope of the statutory provision that authorizes the regulation itself.

That is balanced reform that protects public health, safety, and welfare and the American economy and the American taxpayers and the small business owners of America.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112-296.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, insert after line 20 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Nuclear Regulatory Commission under the Atomic Energy Act (42 U.S.C. 2011, et seq.). Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules.”.

The CHAIR. Pursuant to House Resolution 477, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself 4 minutes.

My amendment would exempt rules proposed by the Nuclear Regulatory Commission from the new impediments to the regulations in this bill.

Mr. Chairman, there they go again. The right-wing Republican House majority is practicing more voodoo economics. This time it's the belief that overregulation is the cause of our slow economic growth and high unemployment rate. There is no evidence to support this position—none. In actuality, according to the Economic Policy Institute, “economy-wide studies do not find a significant decline in employment from regulatory policies.” And some regulations actually create jobs due to regulatory compliance.

More broadly, findings from the Office of Management and Budget in both Republican and Democratic administrations show the benefits of regulations far outweigh their costs. Most recently, OMB found that the benefits from major rules issued between 2001 and 2010 yielded benefits ranging from \$136 billion to \$651 billion and imposed costs of between \$44 billion and \$62 billion.

Despite these facts, the right-wing Republican House leadership presses ahead with what it calls regulatory reform. Today's bill, H.R. 3010, in the name of so-called reform, adds over 60 new procedural and analytical hoops agencies and departments must jump through before a regulation can be

issued. The result is to impede, obstruct, and delay the attempt of government to accomplish one of its most basic functions—protecting the health and welfare of our people.

Not surprisingly, groups who care about protecting public safety, health, and the environment, such as the Natural Resource Defense Council, Public Citizen, Defenders of Wildlife, and U.S. PIRG, oppose this bill. According to the Coalition for Sensible Safeguards, which represents a coalition of many such groups, this bill “will grind to a halt the rulemaking process” and “is nothing less than an attempt to roll back critical public safeguards and promote industry interests ahead of protecting American citizens.”

Americans should rightfully be scared that this bill will put their health and safety at risk. One example that highlights this is the subject of this amendment—nuclear power. The risks and dangers of nuclear power were made all the more clear this year. In Japan, we all watched in horror when that country was devastated by a meltdown of the Fukushima nuclear power plant. We are now told that over 10 percent of the land of that country will be unusable for decades. Later, Virginia was struck by a relatively rare but strong earthquake felt up and down the eastern seaboard. It caused a nuclear power plant near the epicenter to have to go offline.

Because of the catastrophes that can result from disasters, be they natural or manmade, at nuclear power plants, prevention of meltdowns is the key. That's why I'm a cosponsor of H.R. 1242, the Nuclear Power Plant Safety Act of 2011, sponsored by Representative MARKEY, which is designed to help do that. Among other changes, it would require the NRC to impose rules requiring plants to upgrade to withstand severe events, like earthquakes, and to have enough backup power so as to avoid a meltdown for a significant length of time.

The NRC must have the ability and flexibility to impose new regulations quickly to safeguard the health and well-being of Americans. Impeding the Nuclear Regulatory Agency's ability to regulate will not save one job, but it might cost millions of lives in the event of a disaster. Sadly, this bill makes the ability to regulate nuclear power plants all but impossible.

For me, this concern hits close to home. A nuclear power plant at Indian Point about which many people, including myself, have had concerns for years lies less than 40 miles from the center of New York City, in my district. There are 20 million people living within a 50-mile radius around the plant, the same radius used by the NRC as the basis for the evacuation recommended after the Fukushima disaster. Indian Point sits near two earthquake fault lines and according to NRC

is the most likely nuclear power plant in the country to experience more damage due to an earthquake.

To keep my constituents and, indeed, all Americans safe, I'm offering this amendment today. It would exempt the Nuclear Regulatory Commission from the onerous new requirements for rulemaking imposed by this bill. With this amendment, the NRC would have the ability to safeguard public health and safety as it should. We must pass this amendment so that rulemaking for nuclear disaster is not impeded.

I urge the passage of this amendment, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, does the gentleman from New York have any time remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, the argument for this amendment is very simple. This bill would make it almost impossible—by putting 60 new requirements in the way of agencies to make new rules, would make it almost impossible for rulemaking and, in fact, especially for emergency or safety rulemaking in the event that we perceive the necessity for such a thing.

At least for nuclear power plants, the potential for disaster, the potential for killing mass numbers of people, we have seen. We've seen it at Chernobyl. We've seen it at Three Mile Island. We've seen it at Fukushima. At least for that situation, allow the government rulemaking agency to continue to have the power to protect our people.

A vote for this amendment is a vote to continue to have the government have the power to protect our people. A vote against this amendment and for this bill is a vote to put the lives of all our people at risk and to prevent the government from protecting the lives of our people, and it would be almost an immoral vote.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The amendment creates a special carve-out from the legislation's requirements for regulations and guidance of the Nuclear Regulatory Commission. Regulation of the nuclear power industry, however, should go through the same rulemaking process as other regulations. In this way, all interested parties will have the best opportunity to test their assumptions about nuclear power and nuclear waste.

Perhaps the amendment is motivated by a concern that the legislation could prevent the Nuclear Regulatory Commission from issuing emergency rules and guidance or rules that adequately protect public safety. That concern, however, is unfounded. The legislation preserves agencies' ability to make interim-final rules for "good cause." This exception certainly would cover emergency rules from the Commission.

The bill also allows agencies to adopt alternatives to least-cost regulations if interests of public health, safety, or welfare require costlier rules. Only two conditions need to be satisfied: First, the costlier rule must produce benefits that justify the additional cost; second, the benefits must serve public health, safety, or welfare interests within the scope of the statutory provision that authorizes the regulation.

□ 1050

Surely the Nuclear Regulatory Commission and any other agency can adequately protect public health, safety, and welfare within those conditions.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112-296.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, insert after line 20 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

"§ 553b. Exemption for certain rules and guidance

"Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Secretary of Homeland Security. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United

States Code, is amended by inserting after the item relating to section 553 the following new item:

"553b. Exemption for certain rules."

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairman very much.

I think it's important to reinforce to our colleagues that many of us are on the floor of the House this morning as these bills have come through the Judiciary Committee, and I am just struck by the fact that I'm trying to reflect on the vast reach that these bills have taken up. We even have another bill just like this next week. And I'm, for the life of me, trying to reflect on where the data is that these bills are going to create jobs or that there is a problem. And that is what the task of the Members of the United States Congress is. This body and the other body, we are to come as part of the people's House and solve problems.

For example, I am going to be calling for hearings on the heinous actions of sexual abuse against our children in institutions such as Penn State and Syracuse and places around this country that are probably yet uncovered and yet undiscovered. That is a problem, our children being abused, sexually abused, and the vileness of the coverup.

We're sent here to solve problems. And frankly, I am concerned that H.R. 3010 does not solve a problem. I'd rather be addressing the vileness of sexual abuse as an epidemic across this Nation. But today we are here with a regulatory bill and no evidence that anybody has been disturbed by the regulations that have been put in place to save the lives of the American people.

So my amendment is a simple one again. Having been on Homeland Security since its origins—meaning the committee—and before the Department was even created as a member of the Select Committee on Homeland Security, having gone to Ground Zero, and as I reflect seeing the smoke still billowing from the ashes and looking at the rescue and recovery teams—they had not yet stopped seeking to recover those who tragically were in the midst of this hellish quagmire of terrorism. How can you not see the reason in waiving this bill or exempting all rules promulgated by the Department of Homeland Security? It is the newest department. It has the greatest scrutiny in place for the kinds of regulations that are involved.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Home-

land Security has helped push the United States forward in being innovative in protecting our Nation. Don't stifle that. Don't block us from stopping Times Square bombers and shoe bombers and Christmas day bombers that would impact the American people. Don't stop us from helping the Coast Guard do its duty, dealing with the travails of the waterways of America, the many huge ports that would open their doors to heinous acts with cargo. That's what they're telling us to do by making sure homeland security, securing the Nation has to be subjected to these amendments.

I know about the vulnerabilities in security firsthand. We see these all the time. There are 350 major ports. They need to do their work. They don't need to be stifled by a legislative scheme that puts in place 60 new provisions to get a regulation out. How insane.

Help us secure America. I'm asking my colleagues to support my amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. What does my amendment do? It simply says that if it is a regulation dealing with the securing of the American people, it is exempted from 60 barriers, look-sees, delaying tactics, long-windedness that would prevent that regulation from coming through to help the likes of the Coast Guard do its job, Customs and Border Patrol do its job, ICE do its job, the TSA, dealing with aviation security, do its job.

How clearer do we need to be? With cities and towns across the Nation facing threats indeed every day, ensuring the security of the homeland requires the interaction of multiple departments and agencies as well as operational collaboration across Federal, State, local, tribal and territorial governments, nongovernmental organizations, and the private sector. How in the world can we do our job and protect the American people? How can we provide small businesses with the opportunity for new technology procurement by layering and layering their ability to get this done?

I ask my colleagues to stand with me in supporting the homeland and Homeland Security. Vote for the Jackson Lee amendment that exempts Homeland Security regulations. But once and for all, let's be bipartisan on securing and protecting the American people.

Mr. Chair, I rise today in support of my amendment to H.R. 3010 the "Regulatory Accountability Act of 2011," which would amend

the Administrative Procedure Act. This measure would require that all agencies default to the least costly rule unless it can demonstrate that the additional benefits of the more costly rule justify the additional costs, and the agency offers a public health, safety, environmental, or welfare justification clearly drawn from the authorizing statute.

The Regulatory Accountability Act of 2011 (RAA) formally codifies the cost-benefit analysis process. The bill overrides existing statutory standards in laws such as the Clean Air Act, Clean Water Act, and the Occupational Safety and Health Act. In addition, this measure will significantly slow the regulatory process, increase costs, and burden an already taxed judicial system.

As a Senior Member of the Homeland Security and Ranking Member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency, which is why the Department of Homeland Security (DHS) should be exempt from this legislation.

This bill delays the promulgation of federal regulations, and delays a federal agency's ability to issue regulations when responding to an emergency and grants the Small Business Administration's (SBA) Office of Advocacy additional authority to intervene in agency rulemaking, without providing additional funding. Further, H.R. 3010 repeals an agency's authority to waive regulatory analysis during an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations "do not tend to significantly impede job creation," and furthermore, over the course of the last several decades, the benefits of federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that

the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how to protect our nation. Continuing to make advances in Homeland Security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. The Coast Guard, under the directive of the Department of Homeland Security, is tasked with protecting our ports of entry. Of the 350 major ports in America, the Port of Houston is the one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the State of Texas. Maritime ports are centers of trade, commerce, and travel along our nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak is crucial to the security of the American people.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing rules to include an evaluation of the "indirect" costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenges to those rules in court.

Under current law, the process already takes as long as eight years to complete.

Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups also have expressed concern that by extending the rule-making process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

This amendment seeks to shield the Department of Homeland Security from the bill's urgently needed rule-making reforms. There is no good reason to provide that shield.

For example, take the Department's rules to extend compliance deadlines for States to issue secure drivers' licenses under the Real ID Act. Ten years after 9/11 hijackers used fraudulent licenses to board airplanes used to murder 3,000 innocent Americans, the Department of Homeland Security continues to extend the deadline. Clearly, the Department of Homeland Security should not be exempt from the bill's provisions.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE). The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112-296 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. MOORE of Wisconsin.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. CONNOLLY of Virginia.

Amendment No. 6 by Mr. NADLER of New York.

Amendment No. 7 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. MOORE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 14, as follows:

[Roll No. 882]

AYES—187

Ackerman	Davis (IL)	Jackson Lee
Altmire	DeFazio	(TX)
Andrews	DeGette	Johnson (GA)
Baldwin	DeLauro	Johnson, E. B.
Barrow	Deutch	Jones
Bass (CA)	Dicks	Kaptur
Becerra	Dingell	Keating
Berkley	Doggett	Kildee
Berman	Dold	Kind
Bishop (GA)	Donnelly (IN)	Kissell
Bishop (NY)	Doyle	Kucinich
Blumenauer	Edwards	Langevin
Boswell	Ellison	Larsen (WA)
Brady (PA)	Eshoo	Larson (CT)
Brown (FL)	Farr	Lee (CA)
Butterfield	Fattah	Levin
Capps	Frank (MA)	Lewis (GA)
Capuano	Fudge	Lipinski
Cardoza	Garamendi	Loebsack
Carnahan	Gibson	Lofgren, Zoe
Carney	Gonzalez	Lowe
Carson (IN)	Green, Al	Lujan
Castor (FL)	Green, Gene	Lynch
Chandler	Grijalva	Maloney
Chu	Gutierrez	Markley
Cicilline	Hahn	Matheson
Clarke (MI)	Hanabusa	Matsui
Clarke (NY)	Hastings (FL)	McCarthy (NY)
Clay	Heinrich	McCollum
Cleaver	Higgins	McDermott
Clyburn	Himes	McGovern
Cohen	Hinchee	McIntyre
Connolly (VA)	Hinojosa	McNerney
Conyers	Hirono	Meeks
Cooper	Hochul	Michaud
Costello	Holden	Miller (NC)
Courtney	Holt	Miller, George
Critz	Honda	Moore
Crowley	Hoyer	Moran
Cuellar	Inslee	Murphy (CT)
Cummings	Israel	Nadler
Davis (CA)	Jackson (IL)	Napolitano

Neal	Rush	Thompson (CA)
Oliver	Ryan (OH)	Thompson (MS)
Pallone	Sánchez, Linda	Tierney
Pascarella	T.	Tonko
Pastor (AZ)	Sanchez, Loretta	Towns
Payne	Sarbanes	Tsongas
Pelosi	Schakowsky	Van Hollen
Perlmutter	Schiff	Velázquez
Peters	Schrader	Visclosky
Pingree (ME)	Schwartz	Walz (MN)
Polis	Scott (VA)	Wasserman
Price (NC)	Scott, David	Schultz
Quigley	Serrano	Waters
Rahall	Sewell	Watt
Rangel	Sherman	Waxman
Reyes	Shuler	Webster
Richardson	Sires	Welch
Richmond	Slaughter	Wilson (FL)
Ross (AR)	Smith (WA)	Woolsey
Rothman (NJ)	Speier	Yarmuth
Roybal-Allard	Stark	
Ruppersberger	Sutton	

NOES—232

Adams	Franks (AZ)	McKinley
Aderholt	Frelinghuysen	McMorris
Akin	Gallegly	Rodgers
Alexander	Gardner	Meehan
Amash	Garrett	Mica
Amodei	Gerlach	Miller (FL)
Austria	Gibbs	Miller (MI)
Bachus	Gingrey (GA)	Miller, Gary
Barletta	Gohmert	Mulvaney
Bartlett	Goodlatte	Murphy (PA)
Barton (TX)	Gosar	Myrick
Bass (NH)	Gowdy	Neugebauer
Benishek	Granger	Noem
Berg	Graves (GA)	Nugent
Biggert	Graves (MO)	Nunes
Bilbray	Griffin (AR)	Nunnelee
Bilirakis	Griffith (VA)	Olson
Bishop (UT)	Grimm	Owens
Black	Guinta	Palazzo
Blackburn	Guthrie	Paulsen
Bonner	Hall	Pearce
Bono Mack	Harper	Pence
Boren	Harris	Peterson
Boustany	Hastings (WA)	Petri
Brady (TX)	Hayworth	Pitts
Brooks	Heck	Platts
Broun (GA)	Hensarling	Poe (TX)
Buchanan	Herger	Pompeo
Bucshon	Herrera Beutler	Posey
Buerkle	Huelskamp	Price (GA)
Burgess	Huizenga (MI)	Quayle
Burton (IN)	Hultgren	Reed
Calvert	Hunter	Rehberg
Camp	Hurt	Reichert
Campbell	Issa	Renacci
Canseco	Jenkins	Ribble
Cantor	Johnson (IL)	Rigell
Capito	Johnson (OH)	Rivera
Carter	Johnson, Sam	Roby
Cassidy	Jordan	Roe (TN)
Chabot	Kelly	Rogers (AL)
Chaffetz	King (IA)	Rogers (KY)
Coble	King (NY)	Rogers (MI)
Coffman (CO)	Kingston	Rohrabacher
Cole	Kinzinger (IL)	Rokita
Conaway	Kline	Rooney
Costa	Lamborn	Ros-Lehtinen
Cravaack	Lance	Roskam
Crawford	Landry	Ross (FL)
Crenshaw	Lankford	Royce
Culberson	Latham	Runyan
Davis (KY)	LaTourette	Ryan (WI)
Denham	Latita	Scalise
Dent	Lewis (CA)	Schmidt
DesJarlais	LoBiondo	Schock
Diaz-Balart	Long	Schweikert
Dreier	Lucas	Scott (SC)
Duffy	Luetkemeyer	Scott, Austin
Duncan (SC)	Lummis	Sensenbrenner
Duncan (TN)	Lungren, Daniel	Shimkus
Ellmers	E.	Shuster
Fenarbothold	Mack	Simpson
Fincher	Manzullo	Smith (NE)
Fitzpatrick	Marchant	Smith (NJ)
Flake	Marino	Smith (TX)
Fleischmann	McCarthy (CA)	Southerland
Fleming	McCaul	Stearns
Flores	McClintock	Stivers
Forbes	McCotter	Stutzman
Fortenberry	McHenry	Sullivan
Fox	McKeon	Terry

Thompson (PA)	Walberg	Wittman
Thornberry	Walden	Wolf
Tiberi	Walsh (IL)	Womack
Tipton	West	Woodall
Turner (NY)	Westmoreland	Yoder
Turner (OH)	Whitfield	Young (FL)
Upton	Wilson (SC)	Young (IN)

NOT VOTING—14

Baca	Filner	Paul
Bachmann	Giffords	Schilling
Braley (IA)	Hanna	Sessions
Emerson	Hartzler	Young (AK)
Engel	Labrador	

□ 1126

Ms. HERRERA BEUTLER and Mr. GOODLATTE changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 882, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR (Mr. BASS of New Hampshire). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 250, not voting 21, as follows:

[Roll No. 883]

AYES—162

Ackerman	Davis (CA)	Hochul
Andrews	Davis (IL)	Holt
Baldwin	DeFazio	Honda
Bass (CA)	DeGette	Hoyer
Becerra	DeLauro	Inslee
Berkley	Deutch	Israel
Berman	Dicks	Jackson (IL)
Bishop (NY)	Dingell	Jackson Lee
Blumenauer	Doggett	(TX)
Boswell	Doyle	Johnson, E. B.
Brady (PA)	Edwards	Kaptur
Brown (FL)	Ellison	Keating
Butterfield	Eshoo	Kildee
Capps	Farr	Kind
Capuano	Fattah	Kucinich
Carnahan	Frank (MA)	Langevin
Carney	Fudge	Larsen (WA)
Carson (IN)	Garamendi	Larson (CT)
Castor (FL)	Gonzalez	Lee (CA)
Chu	Green, Al	Levin
Cicilline	Green, Gene	Lewis (GA)
Clarke (MI)	Grijalva	Lipinski
Clarke (NY)	Gutierrez	Loebsack
Cleaver	Hahn	Lofgren, Zoe
Clyburn	Hanabusa	Lowe
Cohen	Hastings (FL)	Lujan
Connolly (VA)	Heinrich	Lynch
Conyers	Higgins	Maloney
Costello	Himes	Markley
Courtney	Hinchee	Matsui
Crowley	Hinojosa	McCarthy (NY)
Cummings	Hirono	McCollum

McDermott	Quigley	Slaughter	Ryan (WI)	Smith (TX)	Walden	Hochul	McIntyre	Sanchez, Loretta
McGovern	Rangel	Smith (WA)	Scalise	Southerland	Walsh (IL)	Holden	McNerney	Sarbanes
McNerney	Reyes	Speier	Schmidt	Stearns	Webster	Holt	Meeks	Schakowsky
Meeks	Richardson	Stark	Schock	Stivers	West	Hoyer	Michaud	Schiff
Michaud	Richmond	Sutton	Schweikert	Stutzman	Westmoreland	Inslie	Miller (NC)	Schrader
Miller (NC)	Rothman (NJ)	Thompson (CA)	Scott (SC)	Sullivan	Whitfield	Israel	Miller, George	Schwartz
Miller, George	Roybal-Allard	Thompson (MS)	Scott, Austin	Thompson (PA)	Wilson (SC)	Jackson (IL)	Moore	Scott (VA)
Moore	Ruppersberger	Tierney	Sensenbrenner	Thornberry	Wittman	Jackson Lee	Moran	Scott, David
Moran	Rush	Tonko	Shimkus	Tiberi	Wolf	(TX)	Murphy (CT)	Serrano
Murphy (CT)	Ryan (OH)	Towns	Shuler	Tipton	Womack	Johnson (GA)	Nadler	Sewell
Nadler	Sánchez, Linda	Tsongas	Shuster	Turner (NY)	Woodall	Johnson, E. B.	Napolitano	Sherman
Napolitano	T.	Van Hollen	Simpson	Turner (OH)	Yoder	Kaptur	Neal	Slaughter
Neal	Sanchez, Loretta	Velázquez	Smith (NE)	Upton	Young (FL)	Keating	Oliver	Smith (WA)
Olver	Sarbanes	Visclosky	Smith (NJ)	Walberg	Young (IN)	Kildee	Pallone	Speier
Pallone	Schiff	Walz (MN)				Kind	Pascarell	Stark
Pascarell	Schrader	Wasserman				Kucinich	Pastor (AZ)	Sutton
Pastor (AZ)	Schwartz	Schultz	Baca	Finler	Perlmutter	Langevin	Payne	Thompson (CA)
Payne	Scott (VA)	Watt	Bachmann	Giffords	Schakowsky	Larsen (WA)	Pelosi	Thompson (MS)
Pelosi	Scott, David	Waxman	Bachus	Hanna	Schilling	Larson (CT)	Peters	Tierney
Peters	Serrano	Welch	Bachus (IA)	Hartzler	Sessions	Lee (CA)	Pingree (ME)	Tonko
Pingree (ME)	Sewell	Wilson (FL)	Clay	Johnson (GA)	Terry	Levin	Pollis	Towns
Polis	Sherman	Woolsey	Emerson	Labrador	Waters	Lewis (GA)	Price (NC)	Tsongas
Price (NC)	Sires	Yarmuth	Engel	Paul	Young (AK)	Lipinski	Quigley	Van Hollen

NOES—250

Adams	Farenthold	Lucas
Aderholt	Fincher	Luetkemeyer
Akin	Fitzpatrick	Lummis
Alexander	Flake	Lungren, Daniel
Altmire	Fleischmann	E.
Amash	Fleming	Mack
Amodei	Flores	Manzullo
Austria	Forbes	Marchant
Barletta	Fortenberry	Marino
Barrow	Fox	Matheson
Bartlett	Franks (AZ)	McCarthy (CA)
Barton (TX)	Frelinghuysen	McCaul
Bass (NH)	Gallely	McClintock
Benishek	Gardner	McCotter
Berg	Garrett	McHenry
Biggart	Gerlach	McIntyre
Bilbray	Gibbs	McKeon
Bilirakis	Gibson	McKinley
Bishop (GA)	Gingrey (GA)	McMorris
Bishop (UT)	Gohmert	Rodgers
Black	Goodlatte	Meehan
Blackburn	Gosar	Mica
Bonner	Gowdy	Miller (FL)
Bono Mack	Granger	Miller (MI)
Boren	Graves (GA)	Miller, Gary
Boustany	Graves (MO)	Mulvaney
Brady (TX)	Griffin (AR)	Murphy (PA)
Brooks	Griffith (VA)	Myrick
Brown (GA)	Grimm	Neugebauer
Buchanan	Guinta	Noem
Bucshon	Guthrie	Nugent
Buerkle	Hall	Nunes
Burgess	Harper	Nunnelee
Burton (IN)	Harris	Olson
Calvert	Hastings (WA)	Owens
Camp	Hayworth	Palazzo
Campbell	Heck	Paulsen
Canseco	Hensarling	Pearce
Cantor	Herger	Pence
Capito	Herrera Beutler	Peterson
Cardoza	Holden	Petri
Carter	Huelskamp	Pitts
Cassidy	Huizenga (MI)	Platts
Chabot	Hultgren	Poe (TX)
Chaffetz	Hunter	Pompeo
Chandler	Hurt	Posey
Coble	Issa	Price (GA)
Coffman (CO)	Jenkins	Quayle
Cole	Johnson (IL)	Rahall
Conaway	Johnson (OH)	Reed
Cooper	Johnson, Sam	Rehberg
Costa	Jones	Reichert
Cravaack	Jordan	Renacci
Crawford	Kelly	Ribble
Crenshaw	King (IA)	Rigell
Critz	King (NY)	Rivera
Cuellar	Kingston	Roby
Culberson	Kinzing (IL)	Roe (TN)
Davis (KY)	Kissell	Rogers (AL)
Denham	Kline	Rogers (KY)
Dent	Lamborn	Rogers (MI)
DesJarlais	Lance	Rohrabacher
Diaz-Balart	Landry	Rokita
Dold	Lankford	Rooney
Donnelly (IN)	Latham	Ros-Lehtinen
Dreier	LaTourette	Roskam
Duffy	Latta	Ross (AR)
Duncan (SC)	Lewis (CA)	Ross (FL)
Duncan (TN)	LoBiondo	Royce
Ellmers	Long	Runyan

NOT VOTING—21

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1130

So the amendment was rejected.
The result of the vote was announced
as above recorded.
Stated for:

Mr. FILNER. Mr. Chair, on rollcall 883, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. CONNOLLY
OF VIRGINIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Virginia (Mr. CON-
NOLLY) on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 171, noes 242,
not voting 20, as follows:

[Roll No. 884]

AYES—171

Ackerman	Cicilline	Doggett
Altmire	Clarke (MI)	Doyle
Andrews	Clarke (NY)	Edwards
Baldwin	Clay	Eshoo
Bass (CA)	Cleaver	Farr
Becerra	Clyburn	Fattah
Berkley	Cohen	Frank (MA)
Berman	Connolly (VA)	Fudge
Bishop (GA)	Conyers	Garamendi
Bishop (NY)	Cooper	Gonzalez
Blumenauer	Costello	Green, Al
Boswell	Courtney	Green, Gene
Brady (PA)	Critz	Grijalva
Brown (FL)	Crowley	Gutierrez
Butterfield	Cummings	Hahn
Capps	Davis (CA)	Hanabusa
Capuano	Davis (IL)	Hastings (FL)
Carmanan	DeFazio	Heinrich
Carney	DeGette	Higgins
Carson (IN)	DeLauro	Himes
Castor (FL)	Deutch	Hinche
Chandler	Dicks	Hinojosa
Chu	Dingell	Hirono

Lowey	Lofgren, Zoe
Lujan	Reyes
Lynch	Richardson
Maloney	Richmond
Markey	Rothman (NJ)
Matsui	Roybal-Allard
McCarthy (NY)	Ruppersberger
McCollum	Rush
McDermott	Ryan (OH)
McGovern	Sánchez, Linda
	T.

NOES—242

Adams	Dold	Jones
Aderholt	Donnelly (IN)	Jordan
Akin	Dreier	Kelly
Alexander	Duffy	King (IA)
Amash	Duncan (SC)	King (NY)
Amodei	Duncan (TN)	Kingston
Austria	Ellmers	Kinzing (IL)
Bachus	Farenthold	Kissell
Barletta	Fincher	Kline
Barrow	Fitzpatrick	Labrador
Bartlett	Flake	Lamborn
Barton (TX)	Fleischmann	Lance
Bass (NH)	Fleming	Landry
Benishek	Flores	Lankford
Biggart	Forbes	Latham
Bilbray	Fortenberry	LaTourette
Bilirakis	Fox	Latta
Bishop (UT)	Franks (AZ)	Lewis (CA)
Black	Frelinghuysen	LoBiondo
Blackburn	Gallely	Long
Bonner	Gardner	Lucas
Bono Mack	Garrett	Luetkemeyer
Boren	Gerlach	Lummis
Boustany	Gibbs	Lungren, Daniel
Brady (TX)	Gibson	E.
Brooks	Gingrey (GA)	Mack
Brown (GA)	Gohmert	Manzullo
Buchanan	Goodlatte	Marino
Bucshon	Gosar	Matheson
Buerkle	Gowdy	McCarthy (CA)
Burgess	Granger	McCaul
Burton (IN)	Graves (GA)	McClintock
Calvert	Graves (MO)	McCotter
Camp	Griffin (AR)	McHenry
Campbell	Griffith (VA)	McKeon
Canseco	Grimm	McKinley
Cantor	Guinta	McMorris
Capito	Guthrie	Rodgers
Cardoza	Hall	Meehan
Carter	Hanna	Mica
Cassidy	Harper	Miller (FL)
Chabot	Harris	Miller (MI)
Chaffetz	Hastings (WA)	Miller, Gary
Coble	Hayworth	Mulvaney
Coffman (CO)	Heck	Murphy (PA)
Cole	Hensarling	Myrick
Conaway	Herger	Neugebauer
Costa	Herrera Beutler	Noem
Cravaack	Huelskamp	Nugent
Crawford	Huizenga (MI)	Nunes
Crenshaw	Hultgren	Nunnelee
Cuellar	Hunter	Olson
Culberson	Hurt	Owens
Davis (KY)	Issa	Palazzo
Denham	Jenkins	Paulsen
Dent	Johnson (IL)	Pearce
DesJarlais	Johnson (OH)	Pence
Diaz-Balart	Johnson, Sam	Peterson

Petri	Ross (FL)	Thompson (PA)	Cohen	Johnson (GA)	Price (NC)	Lance	Nunnelee	Schock
Pitts	Royce	Thornberry	Connolly (VA)	Johnson, E. B.	Quigley	Landry	Olson	Schweikert
Platts	Runyan	Tiberi	Conyers	Kaptur	Rahall	Lankford	Owens	Scott (SC)
Poe (TX)	Ryan (WI)	Tipton	Costello	Keating	Rangel	Latham	Palazzo	Scott, Austin
Pompeo	Scalise	Turner (NY)	Courtney	Kildee	Reyes	LaTourette	Paulsen	Sensenbrenner
Posey	Schmidt	Turner (OH)	Critz	Kind	Richardson	Latta	Pearce	Shimkus
Price (GA)	Schock	Upton	Crowley	Kinzinger (IL)	Richmond	Lewis (CA)	Pence	Shuler
Quayle	Schweikert	Walberg	Cummings	Kissell	Rothman (NJ)	LoBiondo	Peterson	Shuster
Reed	Scott (SC)	Walden	Davis (CA)	Kucinich	Roybal-Allard	Long	Petri	Simpson
Rehberg	Scott, Austin	Walsh (IL)	Davis (IL)	Langevin	Ruppersberger	Lucas	Pitts	Smith (NE)
Reichert	Sensenbrenner	Webster	DeFazio	Larsen (WA)	Rush	Luetkemeyer	Platts	Smith (NJ)
Renacci	Shimkus	West	DeGette	Larson (CT)	Ryan (OH)	Lummis	Poe (TX)	Smith (TX)
Rivera	Shuler	Westmoreland	DeLauro	Lee (CA)	Sánchez, Linda	Lungren, Daniel	Pompeo	Southerland
Roby	Shuster	Whitfield	Deutch	Levin	T.	E.	Posey	Stearns
Roe (TN)	Simpson	Wilson (SC)	Dicks	Lewis (GA)	Sanchez, Loretta	Mack	Price (GA)	Stivers
Rogers (AL)	Smith (NE)	Wittman	Dingell	Lipinski	Sarbanes	Manzullo	Quayle	Stutzman
Rogers (KY)	Smith (NJ)	Wolf	Doggett	Loebach	Schakowsky	Marchant	Reed	Sullivan
Rogers (MI)	Smith (TX)	Womack	Doyle	Lofgren, Zoe	Schiff	Marino	Rehberg	Terry
Rohrabacher	Stearns	Woodall	Edwards	Lowey	Schrader	Matheson	Reichert	Thompson (PA)
Rokita	Stivers	Yoder	Ellison	Lujan	Schwartz	McCarthy (CA)	Renacci	Thornberry
Rooney	Stutzman	Young (FL)	Eshoo	Lynch	Scott (VA)	McCaul	Ribble	Tiberi
Ros-Lehtinen	Sullivan	Young (IN)	Farr	Maloney	Scott, David	McClintock	Rigell	Tipton
Roskam	Terry		Fattah	Markey	Serrano	McCotter	Rivera	Turner (NY)
Ross (AR)			Frank (MA)	Matsui	Sewell	McHenry	Roby	Turner (OH)
			Fudge	McCarthy (NY)	Sherman	McKeon	Roe (TN)	Upton
			Garamendi	McCollum	Sires	McKinley	Rogers (AL)	Walberg
			Gonzalez	McDermott	Slaughter	McMorris	Rogers (KY)	Walden
			Green, Al	McGovern	Smith (WA)	Rodgers	Rogers (MI)	Walsh (IL)
			Green, Gene	McIntyre	Speier	Meehan	Rohrabacher	Webster
			Grijalva	McNerney	Stark	Mica	Rokita	West
			Gutierrez	Meeks	Sutton	Miller (FL)	Rooney	Westmoreland
			Hahn	Michaud	Thompson (CA)	Miller (MI)	Ros-Lehtinen	Whitfield
			Hanabusa	Miller (NC)	Thompson (MS)	Miller, Gary	Roskam	Wilson (SC)
			Hastings (FL)	Miller, George	Tierney	Mulvaney	Ross (AR)	Wittman
			Heinrich	Moran	Tonko	Murphy (PA)	Ross (FL)	Wolf
			Higgins	Murphy (CT)	Towns	Myrick	Royce	Womack
			Himes	Nadler	Tsongas	Neugebauer	Runyan	Woodall
			Hinchee	Napolitano	Van Hollen	Noem	Ryan (WI)	Yoder
			Hinojosa	Neal	Velázquez	Nugent	Scalise	Young (FL)
			Hirono	Oliver	Visclosky	Nunes	Schmidt	Young (IN)
			Hochul	Pallone	Walz (MN)			
			Holden	Pascrell	Wasserman			
			Holt	Pastor (AZ)	Schultz			
			Honda	Payne	Waters			
			Hoyer	Pelosi	Watt			
			Inslee	Perlmutter	Waxman			
			Israel	Peters	Welch			
			Jackson (IL)	Pingree (ME)	Wilson (FL)			
			Jackson Lee	Polis	Woolsey			
			(TX)		Yarmuth			

NOT VOTING—20

Baca	Filner	Ribble
Bachmann	Giffords	Rigell
Berg	Hartzler	Schilling
Braley (IA)	Honda	Sessions
Ellison	Marchant	Sires
Emerson	Paul	Young (AK)
Engel	Perlmutter	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1133

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 884, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Stated against:

Mr. BERG. Mr. Chair, on rollcall No. 884, had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 247, not voting 12, as follows:

[Roll No. 885]

AYES—174

Ackerman	Boswell	Castor (FL)
Andrews	Brady (PA)	Chandler
Baldwin	Brown (FL)	Chu
Bass (CA)	Butterfield	Cicilline
Becerra	Capps	Clarke (MI)
Berkley	Capuano	Clarke (NY)
Berman	Carnahan	Clay
Bishop (NY)	Carney	Cleaver
Blumenauer	Carson (IN)	Clyburn

Adams	Cassidy	Gibson
Aderholt	Chabot	Gingrey (GA)
Akin	Chaffetz	Gohmert
Alexander	Coble	Goodlatte
Altmire	Coffman (CO)	Gosar
Amash	Cole	Gowdy
Amodi	Conaway	Granger
Austria	Cooper	Graves (GA)
Bachus	Costa	Graves (MO)
Barletta	Cravaack	Griffin (AR)
Barrow	Crawford	Griffith (VA)
Bartlett	Crenshaw	Grimm
Barton (TX)	Cuellar	Guinta
Bass (NH)	Culberson	Guthrie
Benishek	Davis (KY)	Hall
Berg	Denham	Hanna
Biggart	Dent	Harper
Bilbray	DesJarlais	Harris
Bilirakis	Diaz-Balart	Hastings (WA)
Bishop (GA)	Dold	Hayworth
Bishop (UT)	Donnelly (IN)	Heck
Black	Dreier	Hensarling
Blackburn	Duffy	Herger
Bonner	Duncan (SC)	Herrera Beutler
Bono Mack	Duncan (TN)	Huelskamp
Boren	Ellmers	Huizenga (MI)
Boustany	Farenthold	Hultgren
Brady (TX)	Fincher	Hunter
Brooks	Fitzpatrick	Hurt
Broun (GA)	Flake	Issa
Buchanan	Fleischmann	Jenkins
Bucshon	Fleming	Johnson (IL)
Buerkle	Flores	Johnson (OH)
Burgess	Forbes	Johnson, Sam
Burton (IN)	Fortenberry	Jones
Calvert	Fox	Jordan
Camp	Franks (AZ)	Kelly
Campbell	Frelinghuysen	King (IA)
Canseco	Gallegly	King (NY)
Cantor	Gardner	Kingston
Capito	Garrett	Kline
Cardoza	Gerlach	Labrador
Carter	Gibbs	Lamborn

NOES—247

Cassidy	Gibson
Chabot	Gingrey (GA)
Chaffetz	Gohmert
Coble	Goodlatte
Coffman (CO)	Gosar
Cole	Gowdy
Conaway	Granger
Cooper	Graves (GA)
Costa	Graves (MO)
Cravaack	Griffin (AR)
Crawford	Griffith (VA)
Crenshaw	Grimm
Cuellar	Guinta
Culberson	Guthrie
Davis (KY)	Hall
Denham	Hanna
Dent	Harper
DesJarlais	Harris
Diaz-Balart	Hastings (WA)
Dold	Hayworth
Donnelly (IN)	Heck
Dreier	Hensarling
Duffy	Herger
Duncan (SC)	Herrera Beutler
Duncan (TN)	Huelskamp
Ellmers	Huizenga (MI)
Farenthold	Hultgren
Fincher	Hunter
Fitzpatrick	Hurt
Flake	Issa
Fleischmann	Jenkins
Fleming	Johnson (IL)
Flores	Johnson (OH)
Forbes	Johnson, Sam
Fortenberry	Jones
Fox	Jordan
Franks (AZ)	Kelly
Frelinghuysen	King (IA)
Gallegly	King (NY)
Gardner	Kingston
Garrett	Kline
Gerlach	Labrador
Gibbs	Lamborn

NOT VOTING—12

Baca	Engel	Paul
Bachmann	Filner	Schilling
Braley (IA)	Giffords	Sessions
Emerson	Hartzler	Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1138

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall No. 885, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 11, as follows:

[Roll No. 886]

AYES—175

Ackerman Gutierrez Pallone
 Altmire Hahn Pascarelli
 Andrews Hanabusa Pastor (AZ)
 Baldwin Hastings (FL) Payne
 Bass (CA) Heinrich Pelosi
 Becerra Higgins Peters
 Berkley Himes Pingree (ME)
 Berman Hinchey Polie
 Bishop (NY) Hinojosa Price (NC)
 Blumenauer Hirono Quigley
 Boswell Hochul Rahall
 Brady (PA) Holden Rangel
 Brown (FL) Holt Reyes
 Butterfield Honda Richardson
 Capps Hoyer Richmond
 Capuano Inslee Rothman (NJ)
 Carnahan Israel Roybal-Allard
 Carney Jackson (IL) Ruppersberger
 Carson (IN) Jackson Lee Rush
 Castor (FL) (TX) Ryan (OH)
 Chandler Johnson (GA) Sánchez, Linda
 Chu Johnson, E. B. T.
 Cicilline Kaptur Sanchez, Loretta
 Clarke (MI) Keating Langevin Sarbanes
 Clarke (NY) Kildee Scott, David
 Clay Kind Schakowsky
 Cleaver Kissell Schiff
 Clyburn Kucinich Schwartz
 Cohen Keating Scott (VA)
 Connolly (VA) Larsen (WA) Scott, David
 Conyers Larson (CT) Serrano
 Costello Lee (CA) Sewell
 Courtney Levin Sherman
 Critz Lewis (GA) Shuler
 Crowley Lipinski Sires
 Cummings Loeb sack Slaughte
 Davis (CA) Lofgren, Zoe Smith (WA)
 Davis (IL) Lowey Speier
 DeFazio Lujan Stark
 DeGette Lynch Sutton
 DeLauro Maloney Thompson (CA)
 Deutch Markey Thompson (MS)
 Dicks Matsui Tierney
 Dingell McCarthy (NY) Tonko
 Doggett McCollum Towns
 Doyle McDermott Tsongas
 Edwards McGovern Van Hollen
 Ellison McIntyre Velázquez
 Engel McNeerney Vislosky
 Eshoo Meeks Walz (MN)
 Farr Michaud Wasserman
 Fattah Miller (NC) Schultz
 Frank (MA) Miller, George Waters
 Fudge Moore Watt
 Garamendi Moran Waxman
 Gibson Murphy (CT) Welch
 Gonzalez Nadler Wilson (FL)
 Green, Al Napolitano Woolsey
 Green, Gene Neal Yarmuth
 Grijalva Oliver

NOES—247

Adams Bucshon Diaz-Balart
 Aderholt Buerkle Dold
 Akin Burgess Donnelly (IN)
 Alexander Burton (IN) Dreier
 Amash Calvert Duffy
 Amodei Camp Duncan (SC)
 Austria Campbell Duncan (TN)
 Bachus Canseco Ellmers
 Barletta Cantor Farenthold
 Barrow Capito Fincher
 Bartlett Cardoza Fitzpatrick
 Barton (TX) Carter Flake
 Bass (NH) Cassidy Fleischmann
 Benishek Chabot Fleming
 Berg Chaffetz Flores
 Biggert Coble Forbes
 Bilbray Coffman (CO) Fortenberry
 Bilirakis Cole Foxx
 Bishop (GA) Conaway Franks (AZ)
 Bishop (UT) Cooper Frelinghuysen
 Black Costa Gallegly
 Blackburn Cravaack Gardner
 Bonner Crawford Garrett
 Bono Mack Crenshaw Gerlach
 Boren Cuellar Gibbs
 Boustany Culberson Gingrey (GA)
 Brady (TX) Davis (KY) Gohmert
 Brooks Denham Goodlatte
 Broun (GA) Dent Gosar
 Buchanan DesJarlais Gowdy

Granger Manzano
 Graves (GA) Marchant
 Graves (MO) Marino
 Griffin (AR) Matheson
 Griffith (VA) McCarthy (CA)
 Grimm McCaul
 Guinta McClintock
 Guthrie McCotter
 Hall McHenry
 Hanna McKeon
 Harper McKinley
 Harris McMorris
 Hastings (WA) Rodgers
 Hayworth Meehan
 Heck Mica
 Hensarling Miller (FL)
 Herger Miller (MI)
 Herrera Beutler Miller, Gary
 Huelskamp Mulvaney
 Huizenga (MI) Murphy (PA)
 Hultgren Myrick
 Hunter Neugebauer
 Hurt Noem
 Issa Nugent
 Jenkins Nunes
 Johnson (IL) Nunnelee
 Johnson (OH) Olson
 Johnson, Sam Owens
 Jones Palazzo
 Jordan Paulsen
 Kelly Pearce
 King (IA) Pence
 King (NY) Perlmutter
 Kingston Peterson
 Kinzinger (IL) Petri
 Kline Pitts
 Labrador Platts
 Lamborn Poe (TX)
 Lance Pompeo
 Landry Posey
 Lankford Price (GA)
 Latham Quayle
 LaTourette Reed
 Latta Rehberg
 Lewis (CA) Reichert
 LoBiondo Renacci
 Long Ribble
 Lucas Rigell
 Luetkemeyer Rivera
 Lummis Roby
 Lungren, Daniel Roe (TN)
 E. Rogers (AL)
 Mack Rogers (KY)

NOT VOTING—11

Baca Filner Schilling
 Bachmann Giffords Sessions
 Braley (IA) Hartzler Young (AK)
 Emerson Paul

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. WESTMORELAND) (during the vote). There is 1 minute remaining.

□ 1142

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 886, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) to reform the process by which

Federal agencies analyze and formulate new regulations and guidance documents, and, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOSWELL. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boswell moves to recommit the bill H.R. 3010 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

SECTION —. GUARANTEEING THE LOWEST PRESCRIPTION DRUG PRICES FOR SENIORS.

This Act and the amendments made by this Act shall not apply to new regulations or the revision of existing regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. Thank you, Mr. Speaker.

My motion to recommit will provide both parties with the opportunity to come together to save hundreds of millions of dollars, rein in Federal spending, and support America's seniors, America's troops, and America's veterans.

Let me be clear. The passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will be immediately voted upon.

The amendment is direct and incredibly important. Simply put, it will prevent the underlying bill from creating regulatory hurdles for low-cost drugs. Day in and day out, we talk about spending in this country and, particularly, in this Congress. Well, my

amendment gives the Chamber the chance to rein in one of the greatest culprits of our out-of-control spending—health care.

Today, health care spending is more than 17 percent of our Nation's GDP, a number so massive that a 5-point reduction would save Americans \$870 billion. Medicare part D covers 29.5 million Medicare beneficiaries. So how do we pay for prescription drugs? Eighty-three percent of Medicare part D funds come from our Nation's general revenue, and CBO has estimated that America's Medicare part D spending will total approximately \$53 billion in 2012. That's quite an incentive to pay for drugs wisely and efficiently. This amendment helps us do just that.

First, it protects current and future regulations that lower the cost of pharmaceuticals from being hindered by the underlying bill. We have done too much to support America's seniors and improve health care today to let regulations increase costs on our citizens or jeopardize their access to care.

Nationwide, we have provided greater access to health services for Medicare beneficiaries and reduced their costs by allowing access to discounted drugs in Medicare part D. We sent checks to seniors this year who hit the part D doughnut hole, and we made a commitment to close it by 2020. We must continue to aid our seniors and reduce the cost of their medicine, but we must also reduce this cost for our Nation.

The second part of the amendment ensures that this bill will not prevent the Secretaries of Defense, Veterans Affairs, or Health and Human Services from negotiating for lower drug prices. Military health care covers the needs of more than 9 million individuals, ranging from Active Duty, their families, and veterans. Fortunately, the Secretaries of the Department of Defense and the VA have the authority to negotiate with companies on the price of drugs. We must protect their ability to serve the millions of needs of military members—Active Duty and retired—and their families who have served our Nation.

Not only will this amendment defend the right of these agencies to ensure the best prices for our veterans and military families, it will protect any future provision that would provide the Secretary of Health and Human Services that same power to serve nearly 30 million Medicare part D beneficiaries and make medicine more affordable.

Our constituents know what a driving force health costs are in our Nation's spending crisis. They feel it every day in their own homes and do all they can to get by.

My own constituent, Jan, in Des Moines, recently wrote to tell me that she is "concerned about the prices of medicine in our country, as it's often the biggest part of most citizens' out-of-pocket health care costs."

Echoing her concerns in a small town, Donna wrote, "Countless Americans can't afford to buy medications in the U.S. and yet cannot afford to go without them."

These constituents and many more told me that if we could pass legislation to lower the cost of medicine that "it would be extremely popular with your constituents, and it would be easy to garner bipartisan support."

I agree with my constituents. We should do this. I hope that you will support this, bring it back, and let's pass it, and let's be sure that we do the best we can to help our seniors, our military with military families, and our veterans.

I yield back the balance of my time. Mr. GRIFFIN of Arkansas. I rise in opposition to the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. Thank you.

Eleven months ago on the floor of this House, the President of the United States promised the American people to "reduce barriers to growth and investment. When we find rules that put an unnecessary burden on businesses, we will fix them."

Those are the words of the President of the United States in this body. I couldn't agree more. That very month, the President issued an Executive order that said, "Our regulatory system must promote economic growth, innovation, competitiveness, and job creation."

□ 1150

I couldn't agree with the President more. The President said our regulatory system "must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends," and that it "must take into account benefits and costs."

I couldn't agree with the President more. He was right. The President's words were correct. He was right when he spoke here. When our regulatory system doesn't meet this standard—the President's supposed standard—it kills jobs, suppresses economic growth, and locks us ever further into stagnation.

We see the evidence all around us. I recently hosted a jobs conference in Little Rock, in my district, at the President Clinton Library, which brought together a diverse group of over 60 private sector job creators. They were there to discuss how Federal policies affect their ability to succeed in the marketplace. The job creators that I heard from in Little Rock that day overwhelmingly agreed and were of one voice, almost unanimous: the Obama administration's over-regulation of the private sector injects uncertainty into the market, which stifles job creation.

One of my constituents, Susan Gunaca, a constituent of mine who

owns a number of International House of Pancakes restaurants, said this, "As a business owner today, I am in a constant posture of defense."

Let me be more specific. Some of the jobs conference participants worked for companies that provide low-cost electricity to Arkansas families and businesses, but even their mission is under siege by the Obama administration's EPA, which is intent on forcing some power plants offline. The compressed timeline for many recently issued regulations requires too much in too short a timeframe for these electricity providers to comply.

Sandra Hochstetter Byrd of the Arkansas Electric Cooperatives put it this way: "As a for instance, the two most prominent rules, Utility MACT and the Clean Air Visibility Rule, could actually cause us to have to shut down our coal plants if they're not extended." If plants get shut down, electricity costs will go up and more jobs will be lost.

We will not sit idly by and watch as this administration kills jobs in Arkansas or in any other State in this great country. The President hasn't been to Arkansas in a long, long time; but I would be happy to show him the impact of over-regulation firsthand.

Republicans in Congress took the President at his word on regulatory reform to heart. We said, Hey, you're right, Mr. President. We're going to do something about it. We saw the evidence of overly burdensome regulations all around us. So what did we do? We got to work. We wrote a bill, the Regulatory Accountability Act, to reform a regulatory system so that it does exactly what the President said it should do.

We built the bill on the very terms of President Obama's Executive order. It calls on agencies to consider the benefits and the costs before they regulate. It calls on agencies to use the best reasonably available science. It calls on agencies to "use the best, most innovative, and least burdensome tools for achieving regulatory ends." And it does so while ensuring that agencies will achieve every single statutory objective Congress sets before them.

Recognizing the soundness and goodwill of this effort, several of our Democratic colleagues joined us to cosponsor this bill. A bipartisan group of Senators introduced companion legislation in the Senate.

It's time to adopt this legislation. It's time for the President to match his actions to his words by signing this bill.

But today, when this legislation comes before us, we hear a different story from too many on the other side of the aisle. When legislation comes to the floor of this House that will at one and the same time protect the American public and free business from unnecessary shackles on job creation, we hear a different tune.

When it's time to really take action to help America's job creators, many of my colleagues

on the other side of the aisle run from their responsibilities to protect a regulatory status quo that is killing job creation as we speak. Mr. Speaker, if you want to know how to create jobs, then just ask job creators. If you want to know what's stifling job growth, ask the job creators. They know. It's their job to know. They will tell you to pass this bill now.

When we have the opportunity to pass regulatory reform, President Obama shows his true colors: All talk, and no action. What a shame. He threatens to veto a bill that is built directly on the terms of his own executive order on regulation. He threatens to veto the very bill that would make his own words permanent for the benefit of the Nation.

And this political motion to recommit is laid before us in an attempt to assure that the President doesn't have to do what he promised. And it makes no sense because our bill addresses the precise issue of reducing drug costs raised by the minority.

Luckily, the majority of this House will vote to pass this bill. I urge all of my colleagues to support this bill, reject this motion to recommit, and show America that Congress can act for the good of job creators and the Americans who desperately want those jobs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOSWELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 186, noes 233, not voting 14, as follows:

[Roll No. 887]

AYES—186

Ackerman	Cleaver	Fattah
Altmire	Clyburn	Frank (MA)
Andrews	Cohen	Fudge
Baldwin	Connolly (VA)	Garamendi
Bass (CA)	Conyers	Gonzalez
Becerra	Cooper	Green, Al
Berkley	Costa	Green, Gene
Berman	Costello	Grijalva
Bishop (GA)	Courtney	Gutierrez
Bishop (NY)	Critz	Hahn
Blumenauer	Crowley	Hanabusa
Boren	Cuellar	Hastings (FL)
Boswell	Cummings	Heinrich
Brady (PA)	Davis (CA)	Higgins
Brown (FL)	Davis (IL)	Himes
Butterfield	DeFazio	Hinchey
Capps	DeGette	Hinojosa
Capuano	DeLauro	Hirono
Cardoza	Deutch	Hochul
Carahan	Dicks	Holden
Carney	Dingell	Holt
Carson (IN)	Doggett	Honda
Castor (FL)	Donnelly (IN)	Hoyer
Chandler	Doyle	Inslee
Chu	Edwards	Israel
Cicilline	Ellison	Jackson (IL)
Clarke (MI)	Engel	Jackson Lee
Clarke (NY)	Eshoo	(TX)
Clay	Farr	Johnson (GA)

Johnson, E. B.	Moore	Schakowsky
Jones	Moran	Schiff
Kaptur	Murphy (CT)	Schrader
Keating	Nadler	Schwartz
Kildee	Napolitano	Scott (VA)
Kind	Neal	Scott, David
Kissell	Oliver	Serrano
Kucinich	Owens	Sewell
Langevin	Pallone	Sherman
Larsen (WA)	Pascarell	Sires
Larson (CT)	Pastor (AZ)	Slaughter
Latham	Payne	Smith (WA)
Lee (CA)	Pelosi	Speier
Levin	Perlmutter	Stark
Lewis (GA)	Peters	Sutton
Lipinski	Peterson	Thompson (CA)
Loebach	Pingree (ME)	Thompson (MS)
Lofgren, Zoe	Polis	Tierney
Lowey	Price (NC)	Tonko
Lujan	Quigley	Towns
Lynch	Rahall	Tsongas
Maloney	Rangel	Van Hollen
Markey	Reyes	Velázquez
Matsui	Richardson	Visclosky
McCarthy (NY)	Richmond	Walz (MN)
McCollum	Ross (AR)	Wasserman
McDermott	Rothman (NJ)	Schultz
McGovern	Roybal-Allard	Waters
McIntyre	Ruppersberger	Watt
McNerney	Rush	Waxman
Meeks	Ryan (OH)	Welch
Michaud	Sánchez, Linda	Wilson (FL)
Miller (NC)	T.	Woolsey
Miller, George	Sarbanes	Yarmuth

NOES—233

Adams	Ellmers	Lamborn
Akin	Farenthold	Lance
Alexander	Fincher	Landry
Amash	Fitzpatrick	Lankford
Amodei	Flake	LaTourette
Austria	Fleischmann	Latta
Bachus	Fleming	Lewis (CA)
Barletta	Flores	LoBiondo
Barrow	Forbes	Long
Bartlett	Fortenberry	Lucas
Barton (TX)	Fox	Luetkemeyer
Bass (NH)	Frelinghuysen	Lummis
Benish	Galleghy	Lungren, Daniel
Berg	Gardner	E.
Biggert	Garrett	Mack
Bilbray	Gerlach	Manzullo
Bilirakis	Gibbs	Marchant
Bishop (UT)	Gibson	Marino
Black	Gingrey (GA)	Matheson
Blackburn	Gohmert	McCarthy (CA)
Bonner	Goodlatte	McCauley
Bono Mack	Gosar	McClintock
Boustany	Gowdy	McCotter
Brady (TX)	Granger	McHenry
Brooks	Graves (GA)	McKeon
Brown (GA)	Graves (MO)	McKinley
Buchanan	Griffin (AR)	McMorris
Buchshon	Griffith (VA)	Rodgers
Buerkle	Grimm	Meehan
Burgess	Guinta	Mica
Burton (IN)	Guthrie	Miller (FL)
Calvert	Hall	Miller (MI)
Camp	Hanna	Miller, Gary
Campbell	Harper	Mulvaney
Canseco	Harris	Murphy (PA)
Cantor	Hastings (WA)	Myrick
Capito	Hayworth	Neugebauer
Carter	Heck	Noem
Cassidy	Hensarling	Nugent
Chabot	Herger	Nunes
Chaffetz	Herrera Beutler	Nunnelee
Coble	Huelskamp	Olson
Coffman (CO)	Huizenga (MI)	Palazzo
Cole	Hultgren	Paulsen
Conaway	Hunter	Pearce
Cravaack	Hurt	Pence
Crawford	Issa	Petri
Crenshaw	Jenkins	Pitts
Culberson	Johnson (IL)	Platts
Davis (KY)	Johnson (OH)	Poe (TX)
Denham	Johnson, Sam	Pompeo
Dent	Jordan	Posey
DesJarlais	Kelly	Price (GA)
Diaz-Balart	King (IA)	Quayle
Dold	King (NY)	Reed
Dreier	Kingston	Rehberg
Duffy	Kinzinger (IL)	Reichert
Duncan (SC)	Kline	Renacci
Duncan (TN)	Labrador	Ribble

Rigell	Scott (SC)	Turner (OH)
Rivera	Scott, Austin	Upton
Roby	Sensenbrenner	Walberg
Roe (TN)	Shimkus	Walden
Rogers (AL)	Shuler	Walsh (IL)
Rogers (KY)	Shuster	Webster
Rogers (MI)	Simpson	West
Rohrabacher	Smith (NE)	Westmoreland
Rokita	Smith (TX)	Whitfield
Rooney	Southerland	Wilson (SC)
Ros-Lehtinen	Stearns	Wittman
Roskam	Stivers	Wolf
Ross (FL)	Stutzman	Womack
Royce	Sullivan	Woodall
Runyan	Terry	Yoder
Ryan (WI)	Thompson (PA)	Young (AK)
Scalise	Thornberry	Young (FL)
Schmidt	Tiberi	Young (IN)
Schock	Tipton	
Schweikert	Turner (NY)	

NOT VOTING—14

Aderholt	Filner	Sanchez, Loretta
Baca	Franks (AZ)	Schilling
Bachmann	Giffords	Sessions
Braley (IA)	Hartzler	Smith (NJ)
Emerson	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1212

Mr. MATHESON changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 887, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 167, not voting 13, as follows:

[Roll No. 888]

AYES—253

Adams	Boren	Cravaack
Aderholt	Boustany	Crawford
Akin	Brady (TX)	Crenshaw
Alexander	Brooks	Cuellar
Altmire	Broun (GA)	Culberson
Amash	Buchanan	Davis (KY)
Amodei	Buchshon	Denham
Austria	Buerkle	Dent
Bachus	Burgess	DesJarlais
Barletta	Burton (IN)	Diaz-Balart
Barrow	Calvert	Dold
Bartlett	Camp	Donnelly (IN)
Barton (TX)	Campbell	Dreier
Bass (NH)	Canseco	Duffy
Benish	Cantor	Duncan (SC)
Berg	Capito	Duncan (TN)
Biggert	Cardoza	Ellmers
Bilbray	Carter	Farenthold
Bilirakis	Cassidy	Fincher
Bishop (GA)	Chabot	Fitzpatrick
Bishop (UT)	Chaffetz	Flake
Black	Coffman (CO)	Fleischmann
Blackburn	Cole	Fleming
Bonner	Conaway	Flores
Bono Mack	Costa	Forbes

Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Hanna
 Harper
 Harris
 Hastings (FL)
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Labrador
 Lamborn
 Lance
 Landry
 Lankford
 Latham
 LaTourette

Latta
 Lewis (CA)
 LoBiondo
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnlee
 Olson
 Owens
 Palazzo
 Paulsen
 Pearce
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera

Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Schrader
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sewell
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Walberg
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McNerney
 Meeks
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Oliver
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Pelosi
 Perlmutter
 Peters
 Pingree (ME)

Polis
 Price (NC)
 Quigley
 Rangel
 Reyes
 Richardson
 Richmond
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sarbanes
 Schakowsky
 Schiff
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sherman
 Sires
 Slaughter

Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Vannatta (FL)
 Woolsey
 Yarmuth

NOT VOTING—13

Baca
 Bachmann
 Braley (IA)
 Carnahan
 Coble
 Emerson
 Filner
 Giffords
 Hartzler
 Paul

Sanchez, Loretta
 Schilling
 Sessions

□ 1223

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. HARTZLER. Mr. Speaker, today, I was unable to vote due to a conflicting obligation in my district. Had I been present, I would have voted as follows:

On rollcall No. 882, “no”; on rollcall No. 883, “no”; on rollcall No. 884, “no”; on rollcall No. 885, “no”; on rollcall No. 886, “no”; on rollcall No. 887, “no”; on rollcall No. 888, “aye.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 888, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. HASTINGS of Florida. Mr. Speaker, I mistakenly cast a vote in favor of H.R. 3010, the Regulatory Accountability Act. I would like the Record to reflect that my intent was to vote against this bill.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Friday, December 2, 2011. Had I registered my vote, I would have voted:

“Aye” on rollcall 882, On Agreeing to the Amendment to H.R. 3010—Moore of Wisconsin Amendment;

“Aye” on rollcall 883, On Agreeing to the Amendment to H.R. 3010—Jackson Lee of Texas Amendment;

“Aye” on rollcall 884, On Agreeing to the Amendment to H.R. 3010—Connolly of Virginia Amendment;

“Aye” on rollcall 885, On Agreeing to the Amendment to H.R. 3010—Nadler of New York Amendment;

“Aye” on rollcall 886, On Agreeing to the Amendment to H.R. 3010—Jackson Lee of Texas Amendment;

“Aye” on rollcall 887, On Motion to Recommitment with Instructions, Regulatory Accountability Act; and

“No” on rollcall 888, On Passage Regulatory Accountability Act.

IN MEMORY OF CONGRESSMAN
CARLOS MOORHEAD

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Mr. Speaker, I rise to recognize the passing of former Congressman Carlos J. Moorhead.

Carlos Moorhead represented the cities of Pasadena, Burbank, and Glendale for 24 years, from 1972 until 1996.

Prior to coming to Congress, he served for 6 years in the California State Assembly and before that as an attorney in private practice in the city of Glendale. Carlos was a gentleman in every sense of the word—kind, thoughtful, and absolutely dedicated to serving his constituents.

When I was first running for office early in my career and met Carlos, he was always gracious, even fatherly, taking me aside to give me advice and counsel, though we were in different parties. He was at all times hard-working and ethical. I never remember Carlos saying an ill word about anyone. He was able to disagree about policy without making it personal, and he provided a great example for another generation that has gotten away from that kind of civility.

Carlos served the communities in his district ably and effectively throughout his years in Congress. He served as ranking member on both the Judiciary and Energy and Commerce Committees during his tenure. He was particularly known for his expertise on energy policy and intellectual property.

Carlos is survived by his wife, Valerie; three children; six grandchildren; a sister; three nieces; and nephews.

MOMENT OF SILENCE

I would ask you all to join me in a moment of silence in memory of Carlos Moorhead.

Thank you, Mr. Speaker.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend from Virginia, the majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet at noon for morning hour and 2 p.m. for legislative business. However, no votes are expected in the House.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Thursday the House will meet at 9 a.m. for legislative business. We currently expect last votes for the week no later than 3 p.m. on Thursday, but

NOES—167

Ackerman
 Andrews
 Baldwin
 Bass (CA)
 Becerra
 Berkley
 Berman
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costello
 Courtney
 Critz

Crowley
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Deutch
 Dicks
 Dingell
 Doggett
 Doyle
 Edwards
 Ellison
 Engel
 Eshoo
 Farr
 Fattah
 Frank (MA)
 Fudge
 Garamendi
 Gonzalez
 Green, Al
 Green, Gene
 Grijalva
 Guterrez
 Hahn
 Hanabusa
 Heinrich
 Higgins
 Himes
 Hinchey
 Hinojosa

Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kaptur
 Keating
 Kildee
 Kind
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loebsack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Matsui

Members are advised to keep their plans flexible as we continue to work towards adjourning for the first session.

Similarly, Members were informed yesterday that we now expect to be in session and voting the week of December 12. The exact voting schedule is not known and will depend on the progress of our legislative business.

Next week the House will consider a number of bills under suspension of the rules on Monday and Tuesday. A complete list of these bills will be announced by the close of business today.

For the remainder of the week, the House will consider two bills which are part of the House Republican jobs agenda: H.R. 10, the REINS Act, sponsored by Representative GEOFF DAVIS of Kentucky; and H.R. 1633, the Farm Dust Regulation Prevention Act, sponsored by Representatives KRISTI NOEM of South Dakota and ROBERT HURT of Virginia.

In addition, we may be able to go to conference on a couple of year-end items, and we may consider legislation related to expiring provisions of existing law.

Mr. HOYER. I thank the gentleman for his information.

If I can clarify, and I understand that we are coming up to the end of the year. There is a lot of business which needs to be done in the time remaining, and so I understand his urging to be flexible.

My Members have asked me, I'm sure. Your members have as well, Friday the 9th is scheduled on the calendar to be a nonwork day, as a matter of fact, the 8th was the target date. Either side very rarely meets its target. But in your flexibility—clearly we've told our Members the following week, the week of the 12th, that undoubtedly we're going to be here. But can you give them some sort of confidence level with respect to the 9th, or is that not possible?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, as I've said earlier, it is our intention to finish legislative business for the week next Thursday at 3 p.m. and again to remain flexible while we monitor the progress of all of the discussions going on with the gentleman's side of the aisle, both in this Chamber and the one across the way.

Mr. HOYER. Reclaiming my time, thank you for that.

Let me posit a possibility here. Thursday at 3 o'clock we clearly, I don't believe, aren't going to finish the business that we need to finish before we leave. Therefore, my presumption is we will be back in the following week. Therefore, Friday would not be the last day and therefore we could do whatever we have to do on a Monday, Tuesday, Wednesday, Thursday and we should plan on a five-day week at least for the following week.

Is that correct?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman again the request is for Members to leave their schedules flexible. As I indicated we do expect to be in session the week of December 12 but the exact voting schedule is unknown at this time and will depend upon the discussions surrounding the issues that we need to address prior to the Christmas holiday.

Mr. HOYER. Further on the schedule, just so our Members have pretty clear information, the week of the 19th, which is the following week, can you give me some thought on what you are advising your Members with respect to the week of the 19th?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I say to the gentleman I join with the Speaker in saying that we want to be out of here by the 16th, and it will all depend on whether we get the work done. It is not our desire to be here the week running up to Christmas. And I would say to the gentleman that it is my hope that we can finish our business by the end of the week of the 12th.

□ 1230

Mr. HOYER. I want to tell my friend that there is overwhelming bipartisan unanimity on the gentleman's hope; but for the purposes of my Members, I will say that I would hope our Members would take the flexibility beyond the week ending on the 16th and make sure, at least on the 19th and 20th and 21st, that they're flexible as well. I think none of us want to be meeting that week, but we have a lot of work to do, as the gentleman knows.

The gentleman has announced that we may go to conference next week on the MilCon bill that was passed by the House and the Senate. It is the only bill that, I think, is in that status.

Do you anticipate other bills being added in that conference? Of course, we all know there are nine appropriations bills which still remain unpassed, a number of which have not passed the Senate and some of which have not passed the House, itself.

Will the gentleman clarify the situation that may result or may be effective as it relates to such a conference with respect to the other appropriations bills.

Mr. CANTOR. The gentleman is asking about the shape or form of an appropriations package and what it is we'll be voting on. As the gentleman knows, the committee on both sides of the aisle is engaging in discussions to try and finish up our work, and I look forward to that happening, again, within the time frame in which both of us would like to see it happen.

Mr. HOYER. That doesn't clarify it very much, but I understand the gentleman's problem with respect to what is being done. Let me ask the gentleman:

If we can't get agreement, in light of the gentleman's focus on the 16th as the date of adjournment, is the gentleman saying that we might consider a CR for some period of time, either a balance-of-the-year continuing resolution or a continuing resolution for some other time?

Mr. CANTOR. Our hope is, again, to be able to avoid that so that we can have a full appropriations package to dictate the priorities that we can agree upon for spending in the rest of the year.

Again, as the gentleman knows, we are operating within the context of the Budget Control Act, the agreement that was put into law at the end of the debt ceiling discussions at the beginning of August of this year. The amount of spending reductions is not enough for many of us on our side of the aisle and perhaps may not be enough or too much on his side of the aisle; but we are operating under the deal that was agreed upon, and the hope is to try and finalize all bills; and we're working towards that end at this point.

I thank the gentleman for the question.

Mr. HOYER. I thank the gentleman for that information.

I am pleased to hear that he is going to be sticking with the level of funding that we agreed upon. I think the gentleman's observation is correct: there are many people on my side who believe that is lower than is necessary to meet the responsibilities they would like to see met, and on your side it's too much in terms of the fiscal situation that confronts us; but I am pleased to hear that we're going to be consistent with the 1.043 discretionary number that was set forth in the Budget Control Act.

My friend knows that, in the Budget Control Act, we also provided for some headroom for emergency spending as a result of disasters. The gentleman well knows our region in the Northeast was hit very hard by a hurricane. We've had an earthquake. We've had tornadoes and other natural disasters. That gave \$11 billion of headroom.

Will we continue to honor that part of the agreement as well?

Mr. CANTOR. As I said earlier to the gentleman, our intention is to operate and abide by the terms of the Budget Control Act.

Mr. HOYER. I thank the gentleman for that.

I was profoundly disappointed that the so-called supercommittee, or the special committee on deficit reduction, either was unable to reach an agreement on at least a \$4 trillion agreement to reduce our deficit or, as I had urged individually, to extend its life for a period of time, 60 to 90 days, which would have allowed us further opportunity to reach such a deal.

I think that it is absolutely essential for our country. I think it would be an

extraordinary plus for our economy if we were to reach such an agreement. I think it would raise the confidence of the American people and raise the confidence of the international community and, not inconsequentially, that of the rating agencies as well. We didn't reach an agreement. We didn't extend the life of that commission. I would like to see us set up another process which would give us accelerated consideration of such an agreement.

Having said that, we built into the Budget Control Act a disciplinary consequence of that failure, which was the sequester—a \$1.2 trillion across-the-board cut, divided equally between defense and non-defense discretionary spending. The Speaker had said that we are morally bound to accept the defense cuts if the supercommittee failed.

I wonder if you support the Speaker in that commitment.

Mr. CANTOR. I'd say to the gentleman that I don't know the quote from which the gentleman pulls as to the Speaker's statement. I know that I share with the Speaker a commitment towards fiscal discipline and that there will be the requisite cuts to go along with the increase in the debt ceiling that will occur by law at the end of this year.

It is my hope that we can act in a bipartisan way to find a way to implement cuts that can replace the across-the-board cuts that will do what, I believe, is irreparable damage to the Defense Department and our ability to defend this country.

If I could, Mr. Speaker, quote from Secretary Panetta, who said as recently as Monday, "If Congress fails to act over the next year, the Department of Defense will face devastating, automatic, across-the-board cuts that will tear a seam in the Nation's defense."

He went on to say, "The half-trillion in additional cuts demanded by sequester would lead to a hollow force incapable of sustaining the missions it is assigned." Furthermore, "the Pentagon's ability to provide benefits and support for U.S. troops and their families also would be jeopardized if the automatic cuts," as designed, "are allowed to go into effect."

Mr. Speaker, he ended his statement by saying, "Our troops deserve better and our Nation demands better."

I'd say to the gentleman that it is my hope that we can work in a bipartisan fashion to try and do that which eluded the supercommittee and the other efforts along the way this year to try and come up with the requisite cuts. Again, I hope that we could do so and make sure the cuts are there, not avoid the cuts, but also not allow them to eviscerate our ability to defend this country.

Mr. HOYER. I thank the gentleman for his comments, and I appreciate Mr. Panetta's quote. I believe Mr. Panetta's quote is an accurate quote and, I believe, substantively correct.

Let me give the gentleman another quote from the former chairman of the Joint Chiefs of Staff, Admiral Michael Mullen. I know the gentleman knows Admiral Mullen, who served so ably as the Chairman of the Joint Chiefs of Staff.

He said, "The most significant threat to our national security is our debt."

He went on to say, "And the reason I say that is because the ability for our country to resource our military—and I have a pretty good feeling and understanding about what our national security requirements are—is going to be directly proportional—over time, not next year or the year after, but over time—to help our economy."

So I would agree with the gentleman that we need to reach a bipartisan agreement. I would hope the gentleman would share my view that we need to reach a bipartisan agreement on a big deal. A little deal, as the Speaker and I have discussed, will simply push off until next year a decision and the year after in just doing it incrementally. That will not give confidence to the markets. It will not give confidence to the business community. It will not help our economy either domestically or internationally.

So my concern, I tell my friend, is if we now walk away from the sequester, as we have walked away from too many agreements in the past, we will again remove the discipline, remove the incentive, remove the imperative, as the gentleman points out, for coming to a bipartisan agreement, which is Bowles-Simpson, Rivlin-Domenici, the Gang of Six.

As the 100, the 40 Republicans and 60 Democrats, as the 46 equally divided between Republicans and Democrats have said, we need to reach a balanced deal: a deal which will restrain and cut spending, a deal that will deal with entitlement sustainability over time, and a deal that will provide a revenue stream that will allow us to fund what we believe to be absolutely essential, of which, as the gentleman points out, and he and I agree, national security is one.

□ 1240

So I would hope that we would not walk away from that disciplinary incentive to, in fact, have Republicans and Democrats come to an agreement.

I yield to my friend.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, no one is talking about walking away from fiscal discipline, and I share in the gentleman's desire to try and address the real problem here, which is Washington spending.

As the gentleman knows, the Republican majority in the House has the only plan on the table that actually is a big deal that fixes the problem. Unfortunately, there's just not an agreement on those very big issues.

As I've said and indicated earlier, there have been at least three attempts

this year to chase the so-called big deal, and the problem is there's no agreement. There's no agreement on doing what's necessary to fix the real problem. And so if we've been there—and the President, himself, has said that there may be some issues that have to be disposed of or resolved in next year's election, but it doesn't mean we can't make some incremental progress.

I disagree with the gentleman, Mr. Speaker, that somehow if we make some progress, that that somehow takes away from our ability to solve big problems. We have already demonstrated around here the bar is pretty low when it comes to fixing big problems, and that's unfortunate, but it doesn't mean that we can't work incrementally together to address priorities.

I'm with the gentleman. I know that the response from the markets and otherwise are not going to be as positive if we don't fix the problem through a so-called big deal. But the point of contention is, one, the unwillingness to fix the real problem, because it's we in the majority that have put forward the only fix, long term, as CBO would say; and then the other point of contention is we don't believe that now is the time to raise taxes on small business men and women.

And it's not the millionaires and billionaires; that's not the point. We don't believe that when you want to grow the economy, when you want to create jobs, that we should be putting a higher burden on the small business people of this country to create the jobs we want.

So if we know that there's that divide—we have already seen it play out for 8 or 9 months—let's try to work incrementally together in a bipartisan way, the way most people do that have differences, come together where you can set aside the differences.

Mr. HOYER. I thank the gentleman for his comments.

I think that both sides have shown some flexibility in some respects. Certainly a number of Republicans and Democrats showed flexibility on the Bowles-Simpson Commission.

Now, none of the House Members on the Republican side showed that flexibility, for reasons that I've heard them articulate. I understand they had reasons. But, unfortunately, we didn't get to the 14 votes in a bipartisan way on the Commission. As you know, I was not on the Commission, but I supported the Commission's report, would have voted for the Commission's report, as did Mr. DURBIN, the majority whip in the Senate.

Let me say to the gentleman, with respect to small business, nobody wants to put taxes on small business. As a matter of fact, we want to reduce taxes for small business. We offered that on the floor in the United States Senate yesterday. Every Democrat but

one voted for that yesterday. Unfortunately, it did not pass. Your side, as you know, offered an alternative, an alternative which didn't even enjoy the support of the majority of your party.

So we need to get to bipartisan support, but I wish the gentleman would, when we talk about trying to ask some of the wealthiest people in America to pay a little more—not a lot more, but a little more—to meet the obligations so our country is fiscally sound, would not keep putting forth this, what I believe to be, windmill of small business.

We are for small business. This tax cut would reduce substantially taxes on small business. Your party, the majority, voted against it in the United States Senate. It hasn't been brought to the floor.

We would hope that we would extend the tax cut for middle class working people and not restore that tax, and that that would affect both individuals and, as the gentleman knows, small business. So we have a tax cut that we're recommending. The President has gone all over the country and talked about it, but it hasn't been brought to the floor. We think that's regrettable. We would hope you would do that.

Furthermore, frankly, the millionaires' tax, the billionaires' tax is, as you know, a net taxable income level. It's not going to hurt small business at all. It's not going to hurt job creators at all. And, very frankly, I will tell my friend, we continue to follow an agenda which I don't think you can quote me an economist that will tell me that your regulatory bills that we've been spending time on, day after day, week after week—which I know sounds good to your people. We need regulatory reform. We need regulatory simplification. We need to make it in America. One of the ways we need to do so is make it profitable to make it in America. I agree with that 100 percent. But I don't have any economist who has told me that that's going to create jobs. As a matter of fact, Bruce Bartlett, an economist for the Reagan administration and Bush administration, said specifically it will have little, if any, effect.

Do you have an economist who said that that's going to grow jobs?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, let me respond to some of the gentleman's questions, first about Bowles-Simpson.

I think maybe some of the position that was taken by the House Members on Bowles-Simpson reflects the fact that it didn't fix the real problem. Again, it didn't fix the entitlement problem we have in this country given the demographics, and so that's the real problem.

And so if you don't fix the real problem and you go raise taxes, which the Bowles-Simpson plan suggested and gave you options to do, it's like throw-

ing good money after bad. And I think the American people are tired of it. We have to fix the problem, and that's what we want to do.

And as far as the sequester is concerned, I want to reiterate that we're not talking about, and I'm not suggesting, on not doing all the cuts, because we believe—and this is the change that we put in place here when we became the majority. We believe you shouldn't be raising the credit limit of the country without turning things around and stopping the spending.

So we're not talking about or not suggesting not doing all of the cuts. What I am saying is we need to work together to find the commensurate cuts that aren't those that disproportionately affect the defense of our country. And I think the gentleman agrees with me; a priority is the defense of our country.

That's why if we can't see our way clear to even finding \$1.2 trillion through the Joint Select Committee process, then let's look to see how we come together in an incremental way. But I think the American people are looking for some progress here.

But I want to tell the gentleman, again, I don't believe that raising taxes is a good thing. And, again, the gentleman continues to talk about balanced deals, and that is a euphemism for saying raising taxes.

But, look. If we disagree on that, if the gentleman thinks it's good to raise taxes, then we have a disagreement. So let's, instead, focus on areas where we can actually find common ground, and the common ground should be, as the gentleman suggests, on small business.

Now, every economist there is will tell you that uncertainty, that added costs will provide an impediment to job creation. Now, I'm sure the gentleman has visited small business people in his district like I have in mine. And the kind of regulatory measures that we brought forward, whether it's regulations being proposed by the EPA, those being proposed by the NLRB, or any of the other measures, the ones that we passed on the floor today, these are measures to remove the uncertainty of added costs to our businesses, our small business men and women. Today's measures and this week's measures went to the fact that we need some common sense put back into the regulatory process.

□ 1250

We want to make sure that agencies take into consideration their actions and the consequences that those actions have on small businesses. We want to make sure that the agencies are going through a cost-benefit analysis that's a balanced and sensible approach. And yes, I think you will find agreement among economists, if you've got that kind of certainty, you will

lend the process towards a better economy to create jobs.

Mr. HOYER. I thank the gentleman for his comment. I take from his comment, however, that he doesn't have an economist who has said that these bills are going to grow jobs. I agree with him that economists certainly believe that over the long term certainty is a good thing. We all agree on that. I hope all of us agree on that, and I would like to accomplish that. That's one of the reasons I'm for a big deal.

But let me give you a quote from Ben Bernanke as it relates to your saying we want to raise taxes. Nobody wants to raise taxes. I will tell my friends, I've been in office now for a long period of time, some 40-plus years. It takes zero courage, zero courage, to spend money and not pay for it. We believe we ought to pay for things. That's the difference.

Taxes are the money we collect to pay for things: taxes that we collect to pay for our national security, taxes we collect to pay for researchers at NIH, taxes we pay for FBI agents to protect us from terrorists, both domestic and foreign. Those are what our taxes are. Taxes are to help our kids get a college education so we can be competitive in the international community. It's paying for things that we're for.

And I will tell my friend, I'm glad to see you come to the point where we're going to pay for things because very frankly, as the gentleman knows, we're collecting revenues at a far lesser rate than your budget asked to spend, than your budget, the Ryan budget, which, as you well know, did not balance the budget within the next 20 years and was all on the cut side, and the gentleman well knows was not a viable document. It did pass the House of Representatives; it did. I'm not sure it would have passed the Senate even if the Republicans had been in control of the Senate.

But notwithstanding that, let me give you a quote from Ben Bernanke because I agree with you—and you and I have talked about this privately, and we're now talking about it publicly. We ought to come together. We ought to sit down. We ought to reason together. We ought to be courageous together. We ought to have the will to address the extraordinarily dangerous fiscal crisis that confronts us.

Ben Bernanke said this: We aim to push our elected leaders to face the Nation's long-term fiscal challenges with civility, honesty, and a willingness to sacrifice their own reelection. This means not kicking the can anymore. That's why, if we abandon the sequester, that will be kicking the can. If we abandon trying to get a big deal, that will be kicking the can. This means—as he said—means reaching a deal on debt, revenue, and spending long before the deadline arrives this fall. Well, it came and it went and we failed. It means

considering all options from entitlement programs, and the gentleman knows I've given a number of speeches on having to deal with the entitlement programs. We need to do that, but we also need to deal with taxes and revenues so we pay for what we buy, and we ought to tell the American people we can't buy that if you don't want to pay for it.

Now, very frankly, I think in the short term, given the economic crisis, lack of jobs, and the struggling economy, raising additional revenues in that timeframe, as Bowles-Simpson and Domenici-Rivlin both said, is not good policy, and they would not propose that, and it has not been proposed, as the gentleman knows. But I would tell my friend that paying for things—and as the gentleman knows, one of the reasons we've gotten into this problem was we didn't pay for things in the last decade. We have bought a lot of stuff, and we didn't pay for it. We asked our children to pay for it because it's a delayed effect.

We didn't pay for the wars, and we didn't pay for the prescription bill, and we didn't pay for the tax cuts. Simply giving up revenue, voting for tax cuts, and continuing to buy things is, frankly, I think not only not courageous but it is a disservice to this generation and generations yet to come.

And I yield to my friend.

Mr. CANTOR. I thank the gentleman, and the gentleman asks what regulations did we put forward, bills removing impediments in the regulatory process. Well, I mean the Keystone Pipeline, look at that bill. That bill says we'll create 12,000 construction jobs right away if we can remove the necessary government redtape getting in the way of that project. So I don't see that there's any disagreement over that, but somehow we have your side saying that we shouldn't do that.

And if the gentleman is so interested in paying for things—because I don't believe that that's an issue now because we're not saying remove the sequester. What we're saying is finding cuts elsewhere but imposing that discipline. But if we're talking about not paying for things, what about the stimulus? My goodness, that was an 800-plus billion dollar effect at the end, didn't pay for anything, and it ended up imposing all kinds of debt now on us and our children and theirs.

And so I am with the gentleman: let's be courageous. Again, our budget was put out there. In the joint select committee process, our side proposed a plan to come together, and I think that the gentleman knows on his side there were comments made that there was never any coalescence on the part of the Democrats as to a way to come to some solution.

So I'm for the courage, but seemingly, after looking at the three processes that have taken place, the Biden

talks, the White House talks, and those between the Speaker and the President and the leader on the other side of the Capitol, as well as now the joint select committee, all of those did not come to a result. So if that's the case, let's then say, well, wait a minute, maybe something's not working here. Then let's try and see what can work and what can't work. We really can come together in a bipartisan way and find some things that we agree on. Let's set aside those big differences, and the President even suggested back in the spring those big differences may get in the way. So, fine, let's find a way for us to at least make some progress because some progress is better than none. So incremental progress is better than no progress. That's for sure.

Mr. HOYER. I thank the gentleman for his comment, and I agree with it. Some progress is progress, however you describe it.

Let me clarify, because I want to make sure in terms of coming together and reaching some progress; you mentioned the—I'm not sure that every Republican agreed to it, maybe the gentleman knows, but there was—Mr. TOOMEY put a proposal on the table which offered \$300 billion in additional revenues. Of course, that was offset by an \$800 billion increase next year in tax cuts or a net reduction of \$500 billion in revenues for next year, excuse me, for January 2013.

Let me ask the gentleman, in reaching that, the gentleman mentioned entitlements. I agreed with him on entitlements, but the gentleman then said he's not for any increased revenues. All three of the bipartisan commissions, the two commissions and the Gang of Six, all three have said that revenues must be part of that picture. That's taxes—a fancy word for taxes. Does the gentleman agree with that, because that certainly was the basis for bipartisanship in all of three of those fora?

I yield to my friend.

Mr. CANTOR. Again, I'd say to the gentleman, I think our side has demonstrated—we've put forward a number of plans, both in these processes that we're talking about and in the joint select committee, as well as with our budget. And I think we come from the perspective, Mr. Speaker, let's fix the problem. If you don't fix the problem and then you want to raise taxes, especially on small businesspeople, you are throwing good money after bad and you're aggravating the crisis that is gripping this country right here and now as well, which is the jobs crisis.

So, again, Mr. Speaker, I would say, let's agree to work towards common ground. We have laid out very well several times where differences are, but it's time for us to really work to transcend those differences and work in a bipartisan manner and see where we can come together. We've done it. We've done it in the House on the trade

agreements. We've done it in the House on the 3 percent withholding bill. We've done it in the House when it comes to the veteran hiring bill. We can do this. Now, yes, it's not everything that all of us want, and I share the gentleman's frustration.

□ 1300

The gentleman has been here a lot longer than I have. But I will tell you I think the gentleman's career has been built on progress. So let's work towards progress again. That's all.

Mr. HOYER. I thank the gentleman. I didn't get an answer to my question, however. He's gotten an answer to his "solve the problem" issue. And what he means by solving the problem is we have to deal with the sustainability of entitlement programs. I've adopted that premise myself in speeches that I've given on numerous occasions on this floor and in other fora around the country.

What I'm asking him is, does he also agree—that proposition was adopted by all three of the fora that we have discussed—does he also agree, as Mr. Bernanke points out, that revenues, or taxes, however you want to call it, resources to pay for what we believe are priorities—for instance, the gentleman correctly believes we need to invest in our national security. I feel very strongly about that.

For 30 years I have voted on behalf of the national security of this Nation—to pay for it and to pursue weapons systems, personnel levels, strategies to assure our national security. So I have no qualms with saying that is a priority. If it is a priority, if it is important, it is important to pay for it. Paying for it is through revenues. If we don't pay for it, if we borrow—we're going to borrow over a trillion dollars to protect our country in Afghanistan, Iraq, and other places around the world, but particularly those two. That's important. That's important to do. He and I agree. But I think it's important to pay for it and not have my children and grandchildren pay for it, who are going to have to pay for their security in their time. And if we leave them only a legacy of deep debt, they will not be able to do so. That is an immoral policy, in my opinion, as well as a fiscally irresponsible policy.

So I ask my friend, I understand we've got to fix the problem. What you're talking about is make sustainable demographics of change, costs of change. We have to make sustainable entitlements. But does the gentleman agree that a component of the solution has to be dealing with revenues as well?

Mr. CANTOR. We've always said, certainly, there needs to be more revenue. But we need to be focused on how we can have a sustainable revenue flow, and that's from a growing economy.

The gentleman asked me before whether we have economists that will

endorse our Republican jobs-creator agenda. And, yes, the Speaker, as he knows, has issued a letter with 132 economists listed on that letter. And I'm going to send it to the gentleman so he can be reminded yet again that, yes, there are plenty of economists who embrace the notion that if we take away the impediments that Washington has put in place, that we can see a growing economy and produce more revenues.

I would say to the gentleman about his assertion about fixing the problem, he's correct, we need more revenues. We believe we need more revenues. Let's first see if we can fix the problem, because just paying for things by raising taxes doesn't fix the problem.

We know the demographics of this country. We know 10,000 people every day turn 65 and become eligible for Medicare. We know that Medicare is supported by premiums and taxes paid in. And those revenues cover only a little over half the cost of the program. We know that means that every day times 10,000, you're 50 percent in the hole. You cannot tax your way out of that. You can't grow your way out of that. You've got to fix the problem.

Back to my original notion. We're the only ones that have put a real fix on the table to that problem. And so what the gentleman says is, No, no, no, we don't want to fix the problem; we just want to tax people more until sometime, somewhere we come up with a solution to fix the problem. That's like throwing good money after bad. And raising taxes on small business people is going to get in the way of getting more revenues into Washington because you're not going to spur the economy into a growth mode.

Again, Mr. Speaker, we have been over and over this for months. We know where our differences lie. Let's come together.

I would say Keystone pipeline: again, the gentleman has a lot of support on his side for the unions in this country. They want to see the Keystone pipeline built. Twelve thousand new jobs right away—almost 13,000 construction jobs. We've got manufacturing jobs and spin-offs that will come from that. Why can't we come together on jobs?

So, again, we can do this. We really can. It's time for us to begin to work together towards a productive end. Let's get America back to work, get this economy growing again, and then maybe we can then tackle some of the bigger problems that have eluded us in this quest to try and accomplish it all that has failed this year.

Mr. HOYER. I thank the gentleman for his comments.

We ought to come together on jobs. I would urge the gentleman to bring the President's jobs bill to the floor with such amendments, such changes, such improvements, such deletions as the gentleman feels necessary.

The President put out a jobs bill which every economist has said will grow the economy, will grow jobs; and it has been languishing in this House since September while people are losing jobs.

Now, the good news is we had some improvement in the economy. By the way, the Recovery Act worked, as the gentleman knows. I want to comment on his going into deficits as a result of the Recovery Act. As the gentleman knows—and he voted for—George Bush suggested \$700 billion in unpaid spending to staunch the financial crisis brought on by the meltdown on Wall Street in September of 2008, when President Bush was President. He offered a bill. He didn't offer to pay for that. And we didn't pay for it.

You and I both voted for it because we thought it was the responsible thing to do to stabilize the financial structure of this country. I believed we were absolutely right at that point in time. It was a very unpopular bill but, nevertheless, I think absolutely essential.

So in terms of some 5 months later, confronted with the deepest economic crisis since Herbert Hoover, we acted. We acted with the Recovery Act. And the Recovery Act has worked. It was not as big as some asked it to be, but it created some 2 million jobs over the last 36 months. It has not been as robust because we lost 8 million jobs. So if you add 3 million back, you lose 8 million, you haven't gotten to where you need to be.

But I tell my friend that we ought to come together. We ought to reach agreement. We ought to reach a balanced agreement. Your side thinks when we talk about balance, we're talking about revenues. He's right. But when we talk about balance, we're also talking about fixing the problem the gentleman talks about. We're talking about a balanced deal.

I would urge my friend in these coming few days that we have left, where we're apparently going to do either a CR or an omnibus appropriation bill—and we were criticized greatly for not doing every appropriation bill individually. You have an appropriation bill, as the gentleman knows, that hasn't even passed subcommittee much less full committee or the floor of the House. But we need to get those bills done because it will give certainty and confidence to the American people that we can work together. I'm hopeful that over the next few days that we can, in fact, do that.

I would urge my friend to let us keep the discipline of the sequester in everybody's mind because we don't want that alternative. But we want to have that as the alternative to people so that we can give incentives to work together to summon the courage, to summon the judgment to reach an agreement which will get our country on the right track and give our citizens

the confidence in their government that we wish they would have.

But they will only have it if we do, as the gentleman suggests, come together and work constructively toward a balanced package not only in terms of a fiscal package, but appropriations.

Let me say as well on appropriations, this side of the aisle did what your side of the aisle didn't do over the last 4 years when we were in charge. We made sure those bills passed. Your bills had your levels that we agreed on. And we congratulate you on sticking with the agreement we reached. I will tell my friend we will do so again if you do not put in the riders that Mr. BOEHNER and your Pledge to America said ought not to be in must-pass bills.

You will recall, I'm sure, that Mr. BOEHNER said we ought not to have extraneous controversial items which are not germane in bills that must pass. We ought to consider those on their merits. And I will tell my friend that if you do that, as the whip, as I have done on the two CRs we passed, on the debt limit extension we passed, and on the omnibus, or the "minibus" that we just passed, I will help you get those through. We will work together, and America will have greater confidence in us if we do that.

I yield to my friend.

□ 1310

Mr. CANTOR. I just want to thank the gentleman, and I look forward to working with him over the next 2 weeks.

I just want to clarify, no one is talking about removing the sequester, absolutely not. The gentleman knows where I stand on that. I'm talking about making sure that we come together to find the cuts commensurate with those aimed at the Defense Department, and in lieu of those cuts, putting others in place so we can maintain our priority of the national defense of this country.

Mr. HOYER. I will assure the majority leader that we will maintain our flexibility on schedule.

I yield back the balance of my time.

ADJOURNMENT TO MONDAY,
DECEMBER 5, 2011

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentleman from Georgia?

There was no objection.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60

minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I thank you for the time.

You know, for folks who aren't accustomed to seeing what you and I just saw, I think that's quite a treat. In about—what does it turn out to be? In about 45 minutes, we've had the majority leader for the Republicans and the minority whip for the Democrats lay out in intricate detail the differences that we're facing here as well as the commonalities that we're facing here. That hasn't happened in a little while. It was a little more spirited today than it sometimes is as they come down on Friday afternoons to share with each other what the schedule will be going forward, but that's always a treat to see, and I hope folks enjoyed being able to be a part of that.

What I have on my mind today is twofold. We're talking about jobs. All day, every day in this body we're talking about jobs. And much like you saw the majority leader and the minority whip lay out competing opinions, competing views of what America should look like going forward, we have competing views about what creates American jobs. And I will tell you that, Mr. Speaker, we sometimes spend too much time talking about the creation side that we ignore the destruction side. Because it's absolutely about creating jobs, but it's so much easier to stop killing jobs.

Creating jobs, we can disagree about how to make that happen—lots of different proposals on the table—but destroying jobs should be something that we agree today should never happen, should be something that we say day in and day out we're not going to let happen. And that's the case as we talk about energy independence. Energy independence.

I'm going to quote my Georgia colleague, Jimmy Carter, Mr. Speaker. He was giving a speech in 1979. He said: "In a little more than two decades, we've gone from a position of energy independence to one in which almost half of the oil we use comes from foreign countries at prices that are going through the roof."

Sound familiar? Mr. Speaker, does it sound familiar? This was a speech given in 1979. "In a little more than two decades, we've gone from a position of energy independence to one in which almost half of the oil we use comes from foreign countries at prices that are going through the roof."

I'll tell you what else my Georgia colleague, President Carter, said: "I am, tonight"—in his 1979 speech—"setting a goal for the energy policy of the United States. Beginning this moment," he said, "this Nation will never use more foreign oil than we did in 1977—never."

Hear that. The speech given in 1979 by the President who created the De-

partment of Energy, whose sole mission was to wean the United States from foreign oil and create domestic capacity to meet all of America's energy needs, not just because of jobs but because of national security is what the President said. "Beginning at this moment, this Nation will never use more foreign oil than we did in 1977—never."

Well, sadly, that has not come to fruition, and we're going to talk a little bit more about why that is.

Quoting again from President Jimmy Carter: "From now on, every new addition to our demand for energy will be from our own production and our own conservation. The generation-long growth in our dependence on foreign oil will be stopped dead in its tracks."

Folks, this is President Jimmy Carter—I would argue one of the more liberal Presidents that we've had in our lifetime—from my great State of Georgia. I'm going to be one of the most conservative Members that we have in this U.S. House of Representatives, and I agree with absolutely everything he said. I was 9 years old when he said it: never use more foreign oil than we use at this moment in 1977; every new demand for domestic energy will come from domestic energy production.

Who disagrees with that? Who disagrees with one of our most forward-thinking, energy-independent Presidents that we've had? Who disagrees?

Let's move forward. Let's look at U.S. oil consumption. 1973 to 2004 are the numbers I brought down today. This top line, U.S. oil consumption. U.S. oil consumption. Here we are in 1979 when the President was giving his speech: All the new demand, he said, will come from U.S. energy supplies.

The red lines are oil imports. Red line is the amount of oil that we are bringing in from overseas. Here's the President's speech in 1979. Here's that peak year in 1977. He was giving the speech in '79, but he said let's look at 1977, a peak year for our imports across the globe. We will never import that much oil again.

Well, look out there. Look right out there, 1996, 1997, 1998 through today, we absolutely are. And why? And why? The why is because of U.S. oil production.

You know, we talk—and again, you saw it with the majority leader and the minority whip. When they were talking about their competing visions for a direction for America, they were talking about jobs. And the minority leader asked, he said: Name one economist who will tell you that reducing regulation creates jobs? That was an honest question. Name one economist who agrees that reducing government regulation creates jobs.

Folks, look at the Gulf of Mexico. Look at the Gulf of Mexico. Mr. Speaker, you know as I do, as you are from that part of the world, that America's

largest shallow water oil drilling company declared bankruptcy in the midst of some of the highest costs per barrel of oil that the world has ever seen. Why? Why, Mr. Speaker, would a U.S. oil producer, the largest in the country, declare bankruptcy when the price that we're getting for a barrel of oil is among the highest in world history?

□ 1320

I'll give you the answer: Because the United States government wouldn't give them a single permit to drill. Hear that. More oil imports from around the world than ever before in American history, focus on both sides of the aisle on creating jobs, and the largest shallow water oil producer in America goes out of business because the American Government won't give them permits.

Tell me, who believes, Mr. Speaker, that that didn't cost jobs, that that regulatory decision to refuse to allow Americans to drill for American oil in American waters, as they have for decades, who believes that didn't cost us a job?

Now, good news. Good news. Those rigs that we would have been using to drill for American oil, they're not being moth-balled. They've just gone overseas to drill for foreign oil that we'll then be able to pay top dollar to get back in America.

Folks, why? Why?

This is an energy independence issue, and it is a jobs issue, and it is a national security issue.

Look back: 1980, after President Jimmy Carter's speech that said we will never import more oil, importing, here, six million, almost seven million, barrels a day.

Fast forward, 2008. That number's almost doubled to 13. It's almost doubled to 13. Folks, we're rich with energy in this country.

Mr. Speaker, you know, as I do, we have been blessed. There are countries around this world that don't have access to fresh water. We do. There are countries around this world that don't have access to beaches and to mountains and to waterways, and we do. There are countries around this globe that don't have access to energy, but we do.

Mr. Speaker, who is it who decides that we can't harness U.S. energy? Who is it? Is it some sort of natural law of nature that says we can't harness U.S. energy?

No. It's the folks who sit in these chairs. It's the folks who sit in these chairs day in and day out who decide, no, no, you cannot harness American energy. You know where you ought to get your energy? Get it from overseas. Get it from overseas.

Now, you might ask, where is it we have to go overseas to get our energy? And I think that's a fair question, something that we don't talk about very much when we talk about free

trade. You know, every single nation that America has had a free trade agreement with, we have a manufactured goods surplus.

We talk so much, Mr. Speaker, about the trade deficit that we have with the world. You've heard it. You hear it all the time, a trade deficit that we have with the world.

Why? It's energy. It's importing energy that creates the trade deficit. Those jobs we talk about, manufacturing jobs, good, high-paying manufacturing jobs, in everybody's district in the country, we have a trade surplus with every single nation with which we have a free trade agreement. What we don't have is an energy surplus.

These are the top oil-producing countries in the world, top oil-producing countries in the world. Our green line up top is the former Soviet Union; it changes over to Russia. You see it's right up there at the top even as we enter 2010.

This beige line is Saudi Arabia. It is also up there at the top as we enter 2010.

Down here you see the next biggest oil producers, China in purple, and Iran in blue. You tell me if that's who you want to import our energy resources from.

And here, in red, is the United States of America. This is production in millions of barrels per day. This line should be going up. This line should be going up, and this line is going down, and the question is, why? Why?

Look again to the seats in this room, Mr. Speaker. Look again to the policymakers in this country. Bill after bill after bill we have passed in this Chamber, Mr. Speaker, that would free up the American energy production that would create jobs, not tomorrow, not a week from tomorrow, not a year from tomorrow, but today, that would create jobs today, and those bills languish in the Senate.

Do not tell me that regulations don't impact jobs. Asking the question, does an economist agree that regulation removal would create jobs, folks, we don't need an economist. We need any mom or dad in the country. We could get a sixth grader to come and say what's going to happen. If regulations put people out of business, removing those regulations will let them come back in.

Largest oil-producing countries in the world, Russia, Saudi Arabia, Iran and China and the United States of America—we're in good company. We are in good company, Mr. Speaker, in the top five oil-producing countries in the world; but we're going down while every other country is going up. We are producing less, while folks with whom we have fundamental disagreements about a world view, their production goes up.

And so who do we get our oil from, Mr. Speaker? Are we able to find

enough oil in this global market to buy only from our friends? No, we're not. We buy from anybody who'll sell to us. And I don't need to speculate on what they do with the dollars we give them. I think we all have suspicions of our own.

This chart, Mr. Speaker, is American oil production, U.S. field production of crude oil. We had a slow start back in the 1800s. We didn't know how powerful it was going to be. I'm not going to fault us for that.

We started to sort out the technology, Mr. Speaker; we started to put it to good use. You see that spike running right up into the 1970s when President Carter was giving his speech. In fact, there's a little jog in the chart here, Mr. Speaker. You can't see it, but oil production went down, and Jimmy Carter gave a speech. He said, we are going to find domestic sources for American energy. We are not going to sell our future away to the world for the price of a barrel of oil. We are going to do it ourselves. And so you see an uptick.

President Carter, you know, he's known for oil, oil embargoes, this energy speech. But really solar energy for which I would say I remember President Carter most fondly. He began that huge push for alternative sources of energy, and he was focused on that throughout this time. But his commitment to energy independence was every bit as large as his commitment to solar energy, and we began to produce more oil.

Now, follow that line, Mr. Speaker, from 1990 straight down through 2010. Straight down.

It's not that we're not blessed with energy, Mr. Speaker. It's that we're also blessed—I'll use the word loosely—with a Congress that believes, or at least believed before this freshman class got here, that they're the smartest folks in the room, and if only the rest of America will do what they want them to do, America will be better off.

Mr. Speaker, the decisions in my community about what makes the families in my community better off are made around the family dinner table, not 640 miles away in Washington, DC. The decisions about how to make ends meet are made around that dinner table, not 640 miles away in Washington, DC. The decisions about the environment, about transportation and about jobs are happening at that local level until we destroy that opportunity from Washington, DC.

We have the oil. We could turn this chart around today; but, regulatorily, we won't allow it to happen.

Next time, Mr. Speaker, someone talks about a jobs proposal, I hope you'll direct them to jobs.gop.gov. Because you know as I know, Mr. Speaker, at jobs.gop.gov you will find the list of more than 20 pieces of legislation that we have passed in this Chamber

that sit idle in the Senate that will create jobs, again, not tomorrow, not next week, not next year, but today. Today.

Where's an economist that believes reducing regulation creates jobs? Folks, that's not the question. The question is, is there a family in America that doesn't know for a fact that reducing regulations creates jobs? We're not talking about thwarting clean water, folks. I drink out of the same spigot everybody else does. We're not talking about thwarting clean air. I sniff out of the same air that everybody else does. We're not talking about those public health and safety issues. We're talking about national security.

When you look at this chart, Mr. Speaker, it talks about the nations that produce oil, the oil that we need to run this country, Russia, Saudi Arabia, Iran and China.

□ 1330

Is there an environmental issue when it comes to energy production? You bet there is. But I propose this, Mr. Speaker. Give us energy independence. Give us energy independence in this country, Mr. Speaker, by whatever means necessary, by hook, by crook, you drill, you dig, you put the solar panels on the roof. Do whatever you have to do. Give us energy independence today. And I'll be glad to have the discussion that the President from my great State of Georgia started in the late 1970s about having enough alternative energy sources to fund this country.

Folks, who doesn't love green? Green's wonderful. I saw a study the other day that said it's the most soothing color for children. Green's wonderful.

Green's not what we get when we have to bargain with Russia, with Saudi Arabia, with China, and with Iran to get the lifeblood that keeps the American economy going. Green is not what we get.

Folks, drill, dig, do whatever you have to today to achieve energy independence to reduce this imported number. Twice as much oil being imported today as we were when President Carter gave his speech that it would never rise again.

We can do it, Mr. Speaker. We're Americans. We're the greatest engineers on this planet. We have the hardest working workforce on this planet. We have folks who are willing to save and sacrifice like nobody else on this planet. We can do it. The question is, Mr. Speaker, are we in the U.S. House, in the United States Senate, down at 1600 Pennsylvania Avenue in the White House, are we going to free the American people to pursue that goal?

You know, I came to this Congress about freedom. I don't actually view my job as the job of being the smartest person in the room. I view my job as protecting the freedom of folks back

home, because if you've not been down to the seventh district of Georgia, Mr. Speaker, I'll tell you you're going to find some of the smartest folks in the land right down there. It's kind of the north metro suburbs of Atlanta. And folks run this country from there with the decisions they make every day of the week.

We don't need a Federal law that tells you whether to buy a Snickers or a Twix. I'm sure we could have a spirited debate about that here in this Chamber. But we don't need a law to do it because folks just make that decision every day. Are there enough peanuts in Snickers, Mr. Speaker? Do you think we should have them add some more?

You know, those are the kinds of things we decide we're going to regulate out of this body in the name of making everybody happy. The children, when they get their trick or treat bags on Halloween that have the mini-Snickers in there, how much happier would they be if each of those mini-Snickers bars had eight peanuts in them instead of just seven? They'd be so much happier. And it would help peanut farmers in Georgia. It would be a home State jobs creation initiative. We should regulate that from Washington, DC. No. Because families regulate that. If you don't like the peanuts on the Snickers, you're going to get a Payday bar. If there are not enough peanuts in Payday, you're going to go on to the next one.

We as Americans, Mr. Speaker, not as congressmen, as Americans, we sort out these decisions a thousand times a day. How do we get more freedom then, Mr. Speaker, back into individuals' hands?

We're talking about jobs, and that's, again, energy independence. It's a national security issue. It should be the focus of everything we do in this House because it's a national security issue. If you don't believe we would make different foreign policy decisions, Mr. Speaker, if we were not dependent on people who hate us to fuel this economy with their oil, I'd have to disagree because I'm absolutely certain of it. We would make better foreign policy decisions if we produced our own energy resources—and we can.

We're the Saudi Arabia of coal, for Pete's sake. What has this body over the past several years been trying to regulate right out of existence? Coal. The one resource that we have in abundance more than anyone else on the planet. And folks in their wisdom have decided that it would be better not to harvest our coal and instead import oil from people who hate us.

Folks, that's not freedom. That's decisionmaking going on right here. And I promise you we'll get it right in the Seventh District of Georgia more often than not. And when folks believe they're the brightest people in the room, they start to make mistakes.

That brings me to the FairTax.

Oh, Mr. Speaker. You know the FairTax is a tax bill, but at its heart, it's a freedom bill. What the FairTax is, Mr. Speaker, if you haven't looked at it recently, it's a fundamental change in the way we tax America. Today we tax income, and of course, the power to tax is the power to destroy.

I ask young people when I go to schools to speak, I say, Who wants to come to work for me? I'm going to work you hard, and I'm going to work you long. And I'm going to give you \$10 an hour. I get a couple of hands that go up. Apparently \$10 an hour is not as much today as it was back in my day. I would have jumped at \$10 an hour. But I get hands that go up for \$10 an hour. Then I say but I'm going to have to tax you \$9 of that so you're only going to be able to take home \$1. Now who wants to come work long hours for me? All of the hands go down.

The power to tax productivity is the power to destroy productivity. The power to tax income is the power to destroy income. Why? Why do we want to destroy that which makes this country great?

So the FairTax shifts that paradigm. Instead of taxing what people produce, we want to tax what people consume. A consumption tax. You've all seen it. It's in your sales tax. Back home in your State you get taxed on what you consume. And we could do it.

I'll tell you, the FairTax is a jobs program, because when we stop taxing productivity, we get more of it. That creates jobs. I'll tell you, the FairTax is about transparency.

You know, Mr. Speaker, the payroll tax, that 15.3 cents out of every dollar that comes out of your paycheck, that FICA line that you see, now 7.65 percent comes from the employee, the other 7.65 is hidden as an employer tax, but it's a 15.3 percent payroll tax.

Did you know, Mr. Speaker, that 80 percent of American families pay more in the payroll tax than they do in the income tax? Eighty percent of American families pay more in the payroll tax than they do in the income tax.

Now, I just got back from Thanksgiving. I've got doctors in my family, I've got teachers in my family, I've got all sorts of folks so I can assure you, Mr. Speaker, I got an earful throughout the entire Thanksgiving dinner. It was more of a three-day festival for me. Different sides of the family coming into town, and I got lots of good advice about how we should do things differently up here.

But you know not one person mentioned the payroll tax. The income tax was a hot topic. But nobody mentioned the payroll tax, and it's the biggest tax that 80 percent of Americans pay. Why? Because the payroll tax is hidden in every single paycheck that you get. You don't feel it. The government gets

its share first. You get your share second. You don't feel it go away unless, Mr. Speaker, you're one of the self-employed folks in America. And instead of paying the 15.3 percent payroll tax, you pay the equivalent 15.3 percent self-employment tax. And then you feel the bite of that tax each and every day. You know that's the biggest tax that you pay.

The FairTax, instead of allowing all of those taxes to be hidden, hidden in business taxes, hidden in income taxes, hidden in payroll taxes separated out so you don't feel the pain, the FairTax takes your entire Federal tax burden and sticks it into one rate, a sales tax on everything that you buy. One rate.

Now, that rate would have to be 23 percent. That's a big number. Twenty-three percent is what the sales tax rate, the FairTax rate would need to be in order to replace Federal income taxes on businesses, on individuals, Federal payroll taxes on businesses, on individuals, the gift tax, the death tax, the capital gains tax, the dividend tax, all of those Federal taxes on income, the FairTax could replace them all with a 23 percent personal consumption tax there at the cash register.

And you'd see it, Mr. Speaker. Can you imagine? Today I can just raise an excise tax here, raise a quarter of a percent on income tax there. I can do lots of funny math as they like to do in Washington, DC, because folks can't feel the pain. They always think it's not going to tax me. It's going to tax somebody else. Yes, I vote "yes" because it's going to tax him instead of me. The FairTax puts us all in the same boat and let's us see how much the United States Government costs us.

I'm a cost-conscious shopper, Mr. Speaker. I brought a marker down here with me today in case I had to write any big red marks on my chart. This was free with rebates at Office Max last week. I don't know if anybody else got it. Free with rebates for this marker. Dollars and cents matter. We make different decisions in our personal purchasing life when we experience those costs.

□ 1340

Transparency let's you know how much your government is costing you.

Does everybody want a free marker? Yes. Does everybody want to pay the \$6.95 it would have been if it weren't free with a rebate? I think not.

It puts the entire cost of government out where you can see it. Most importantly, the FairTax is about individual freedom.

Folks, have you thought about how the Tax Code manipulates your life?

It doesn't matter whether you sit on the far right over here with the Republicans or if you sit on the far left over there with the Democrats. Sometimes something happens when you show up

in Washington, D.C.—and you do. You believe you're the smartest person in the room. Everybody tells you how wonderful you are. You think your ideas are so great. Then you decide—you know what?—that I should reward people for doing this behavior and that I should punish them for doing that behavior, and if I do it, they'll be happier and America will be better.

So what am I going to do?

I'm going to put a tax on gasoline because I don't want people driving to work. That's bad. Then I'm going to put a tax credit on electric vehicles—right?—because that's green. We were talking about green earlier, Mr. Speaker. I'm going to put a tax credit on electric vehicles. So I'm going to punish those people who buy oil at the community gas station, and I'm going to reward those people who go out and buy these \$60,000, \$70,000, \$80,000 electric vehicles.

I don't actually think that's very good tax policy, but we have the power to do that. We can manipulate your behavior every day of the week by changing how the Tax Code touches your pocketbook. I was talking about that electric vehicle tax credit. That wasn't just an example. That wasn't just something I made up.

Do you remember when this President passed his energy bill? It included in it a tax credit of \$6,500 for everyone who would go out and buy an electric vehicle. Well, again, the Volt was not on the market at the time in the 40s, and the only vehicles out there were in the \$80,000-\$90,000 range. But Americans are industrious, which is why, if you leave America to Americans, we're going to be just fine. Americans are industrious.

What they found out was, if they put brake lights on their golf carts, as well as some side view mirrors, some good seatbelts up front, some headlights and windshield wipers, that the Department of Transportation would certify those golf carts as road-ready vehicles, and they could get the \$6,500 tax credit. Ah. Now it turns out you can't buy an American-made golf cart for \$6,500. Our golf carts are a little more expensive than that. Yet our friends in China are not only willing to share their oil with us—guess what?—they're willing to share their golf carts with us, too. So it turned out, at the end of tax year 2009, Americans were literally standing in line for VIN numbers for Chinese golf carts so that they could claim this tax credit. Free golf carts for all.

Did anybody get one, Mr. Speaker? Did you get that free golf cart? Don't tell me if you did. I know some folks who did. I'm not proud of it, but I know some folks who did. Free golf carts for all from the United States Tax Code.

Folks, when we bring all that power and all that authority here, it gives us the power to manipulate your life, and we don't always manipulate it for the

powers of good. I would tell you, even when we're trying to manipulate it for the powers of good, as the President was trying to manipulate it for the powers of good in his energy bill, we run afoul. Why do we need to pay people to engage in behavior? We make those decisions each and every day.

The FairTax abolishes the income tax code so that no longer can people who think they're the smartest people in the room in Washington tell you how to live your life. It's not just a crazy conservative, Republican idea. No. We have that idea from folks on the other side of the aisle, too.

Let me quote President Obama:

You've got too many companies ending up making decisions based on what their tax director says instead of what their engineer designs or what their factories produce, and that puts our entire economy at a disadvantage.

You were here, Mr. Speaker, when the minority whip asked: Is there any economist who believes that regulations destroy jobs or that removing regulations would create jobs?

We don't need an economist. We've got the President of the United States:

Too many companies make decisions based on what their tax director says, based on tax regulation, instead of what their engineer designs or what their factories produce, and that puts our entire economy at a disadvantage.

President Barack Obama.

We'll go more:

We need to make America the best place on Earth to do business. A barrier government can remove is a burdensome corporate tax code with one of the highest rates in the world.

The minority whip asked: Where is the economist that believes that repealing regulation is going to create jobs?

It's the President of the United States:

A barrier that government can remove is a burdensome corporate tax code with one of the highest rates in the world.

We can do that. We don't need world approval. We don't need to shop that around for a decade. We could do that here, and we have legislation drafted to make it so.

I'll quote Senate Majority Leader HARRY REID:

Our tax system is broken, and it needs to be fixed.

I probably could have quoted any American and would have gotten that same sentence. I don't think there is anybody who disagrees with that, Mr. Speaker. Our tax system is broken, and it needs to be fixed. Where are the ideas to fix it? I tell you they are here in this House, Mr. Speaker—the FairTax. The FairTax, this personal consumption tax that I'm talking about, has more cosponsors on it—more Members of Congress who have added their names to the bill who have

said they want to be a part of that—than any fundamental tax reform legislation in either the House or the Senate. It has the most Members in both bodies. We have proposals to fix it.

Let me quote House Minority Leader NANCY PELOSI:

Any tax reform and closing of loopholes, which is really important for us to do as a sense of fairness, must also reduce the deficit.

The minority leader knows we've got to cut out these loopholes, these tax breaks, these deductions, these exemptions. We hear that down here, Mr. Speaker, and you've heard me go on about it in the Rules Committee. Folks come down here, and they say, Oh, I hate this tax break or I hate that tax break. Oh, this loophole is unfair or that loophole is unfair.

Folks, every loophole is unfair. Don't just pick on the oil companies because you don't like oil companies. Don't just pick on the solar panel companies because you don't like solar panel companies. Every loophole is unfair. Everything that advantages your business over another business is unfair. Everything that advantages your family over another family is unfair. There is no secret spot that we go to here in the Congress to get money to pay our bills. There's not one. There's no secret spot. It comes out of American taxpayers' pockets—every penny.

When you cut a special break to a special interest, only one of two things is going to happen—they're going to pay less. So either you, the American taxpayer, is paying more, Mr. Speaker, or we, collective America, are borrowing more and passing that bill on to our children and grandchildren.

Why? Why do we give the special tax breaks and the loopholes? Who elected us, Mr. Speaker, to decide who wins and who loses? My people sent me here to protect their freedom. They're going to decide who wins and who loses by the sweat of their brow and by the power of their ideas. They didn't send me here to choose.

The Tax Code is not supposed to be about picking winners and losers. It's supposed to be collecting whatever revenue there is that we need to run this country. You can't run a country for nothing. I'm not a guy who says let's abolish all taxes all the time. We have a social contract in this country, and we have to collect dollars to pay for national defense. We have to collect dollars to pay for homeland security. We don't need to dispense favors from the Tax Code.

I challenge you, Mr. Speaker, to help me challenge our colleagues. If you want a special favor for that special interest in your district, don't hide it in the Tax Code. Bring it down here as a spending bill. Let's debate it. Instead of saying, Oh, my favorite special interest back home, I want to give you a 50 percent tax break—instead of that,

why not just come to the House floor and say, Hey, I just want to write you a big check for 50 percent of your tax bill—because that's what it is. That's all it is—every single tax break, every single tax loophole, deduction, exemption, on and on.

□ 1350

We call it part of the Tax Code; it's just the government writing you a check. Folks we're broke, 15 trillion in debt that we're passing on to our children and our grandchildren. We can't write those checks.

The FairTax does away with that. All the exceptions and exemptions make the Tax Code transparent for people to understand. Now, one of the things I hear these days in this tough economic time—and it is a tough economic time—folks say, but, ROB, if we had a consumption tax like what you're proposing, people are consuming less in these tough times, and so we're not going to have enough money to run the government.

Well, folks are right. We are absolutely consuming less in these tough times, and I encourage you to consume even less going forward, tighten the belt. Think about that next purchase. Make those decisions. Tighten it as much as you can. Saving is the virtue.

For far too long, we've celebrated consumption as the virtue. We have a chance right now, and it's only right now, Mr. Speaker. We haven't had this chance in almost 100 years. America used to produce what the rest of the world wanted. America used to be the exporting giant that sent the world the goods that it needed and the middle class prospered as a result.

Well, we've gotten out of that habit. We've gotten out of the production business. We're putting more businesses out of business every day with the regulations we've talked about earlier. Now we're in the importing business; now we're in the borrowing business.

But, Mr. Speaker, we have a once-in-a-lifetime opportunity right now. Why? Because there are a billion new middle class Chinese consumers coming online today, and they want what we make. There are a billion new Indian middle class consumers coming online today, and they want what we make. We do not have to buy everything from the world. We can produce everything for the world.

Consumption is not to be celebrated. Production is to be celebrated, which is why I want to take the tax off production and put it on consumption.

This chart represents—the blue is personal consumption through the years, the last decade. The red is personal income. And what you'll see is the red line drops below the blue in bad times and above the blue line in good times. What does that mean?

The red line is income. The blue line is consumption. Yes, it's true that in

bad economic times we consume less but, guess what, we earn even less than that.

Is there less personal consumption going on today, Mr. Speaker? There is, but also less personal income going on today. Folks don't have jobs. When you tax income, you tax one thing and one thing only and that's the production that you had today.

When you tax consumption, you tax, perhaps production from today, also savings from yesterday and also borrowing from tomorrow. It's a much more stable income stream for the government. And let me tell you why that's important.

Mr. Speaker, you know, we've only been in this House 11 months now, part of the biggest freshman class this body has seen in a generation. But in just this period of time, we have learned that it's hard to cut spending, hard to find agreement. It takes 218 votes to cut spending. I'm having a hard time finding those 218 votes on programs I want to eliminate. It's hard.

But because income drops lower in tough economic times than consumption, and because income rises higher in good economic times than consumption, what happens is in the bad times, because we have an income tax, we end up borrowing more to pay our bills and in the good times when we have a surplus, how much did we save? Mr. Speaker, do you remember? How much did we save and put a way for a rainy day during those 3 years of surplus in the 1990s? A lot? No, it was zero. Oh, but we spent some more. Oh, boy, did we spend.

And by "we," Mr. Speaker, I know you weren't here. But, boy, did this Congress spend. In good times if you send this Congress the money, it's going to spend it. Don't send it. Don't send it. Because the consumption tax flattens out the volatility of the tax receipts in this country so that in bad times we don't have to borrow as much and in good times we don't spend as much.

That's important because that gets multiplied over Congress after Congress after Congress. You know, the FairTax isn't some sort of amazing record-breaking idea. It just says get the government out of the way. You know, when this Republic was founded, the only way we funded this government was through consumption. That was the only tax we had, a consumption tax.

That's how we funded the government because our Founding Fathers said, if you have enough money to import china from China and silver from India, then you have enough money to help to keep this country afloat. If you have enough money to spend big, you have enough money to pay taxes big.

But let's talk about the individual American family for a moment. You know, back when the income Tax Code

started in the 20th century, the Tax Code was 400 pages long, 400 pages long. Now, I read a lot of legislation around here, Mr. Speaker, as you do, and 400 pages is a lot of pages to get through, but I can sort that out. By World War II, 1945, the Tax Code was 8,000 pages long, grew 20 fold in the first part of the century.

By 1984, it was 26,000 pages long; and, Mr. Speaker, we're getting past the amount of pages that I can digest. We're getting past the amount of pages that I can sort out on my own. I'm having to hire professional help now. I've got to hire staff like I.S. Dunklin here in order to sort through all of this Tax Code. That's 1984—26,000 pages; 2004—60,000 pages; 2011—72,000 pages, Mr. Speaker.

Who is it? Which is that American family that has so much extra time on their hands today they've sorted through 72,000 pages of Tax Code to figure out what the tax bill is. It makes a criminal out of all of us, out of all of us.

Did you see the article in Money Magazine? They brought in about 20 different tax preparers, gave them average, middle class families, incomes and deductions and credits, you know, their life, of 20 different tax preparers who looked at this one family's circumstances. How many of them do you think came up with the same answer? How many of them came up with the same tax bill? Zero.

Twenty different tax preparers, 20 different answers about what this middle class American family would owe. You can't sort through 72,000 pages; and, why, this is the thing about the FairTax, Mr. Speaker. We have inherited this Tax Code. This Congress has inherited this Tax Code from those who have gone before us, but we don't have to keep it. That's what's so great about America. We get to choose; we get to decide.

We could erase the Tax Code today. Instead of 72,000 pages, we could have this. We could have a blank page, and we could begin anew to decide what we want the American Tax Code to look like.

Folks, I don't mind paying taxes. I just don't want to pay someone to help me pay the taxes. I don't mind paying taxes, but I don't want to be at risk of getting arrested because I didn't do it right. I only spent 60 hours trying to sort it out, and it should have taken 70 hours.

Folks, if you have to pay the government, if the government has to get the money before your family gets the money, why can't we make it easy? And I'll tell you that we can. Making it easy is what it's about for the American family, but making it easy also has an impact on jobs.

You know, don't think for a minute that we don't live in a global economy. Why, it hasn't always been true. Back

in the 1970s we were a little more insular. As a Nation, we could make some different choices.

But today money can leave this country with the click of a mouse. One click of a mouse and you can transfer a trillion dollars from here to Zurich. And guess what, the big CEOs can get on their plane and they can fly to Zurich too. And guess what, the folks who live in Zurich they want jobs too. Everything that has to do with the prosperity of this country can get up and leave, except for the American worker.

You and I are here. You and I aren't going anywhere. So we are invested in making sure that those people who provide the jobs for us stay here too.

Look at the average effect of tax rates. This is effective tax rates. I have got some other charts that talk about the statutory rate, because the statutory rate for business taxes in America is the single highest statutory rate in the world. Again, you can create a company with a click of a mouse. You can move your trillions with a click of a mouse.

Where are you going to move them? You are going to move them to the country that has the highest rate in the world as America does, or you can move them somewhere that has a lower tax rate.

Folks, as the minority whip was asking if we had an economist, we don't need an economist to sort that out. Every high school student who has had a semester in economics knows if somebody is taxing here and somebody is taxing here, the money is going to go to the low tax jurisdiction. That's the marginal tax rate.

But look at the effective tax rate, because you might be thinking, but, ROB, you just told me about all of the loopholes and the exemptions and the credits. I bet that's how America stays competitive. We just give away all of these freebies kind of under the table to all of our businesses, and that keeps them afloat? No and no.

The effective rate is the rate that folks are paying after you factor in all of those loopholes and exemptions, United States, 27.7 percent. The 58 other countries in the OECD, that group of economically developed countries from around the world, those people who are competitors in a global marketplace, their average rate, 19.5, 19.5. Our friends in the European Union, you have probably been following them. They have got this breed of socialism that's been pervasive over there. It's putting their business out of business one by one by one.

□ 1400

You probably think they've got the really big tax rate. No, no, they're just 21.9. The big tax rate belongs to the land of the free and home of the brave. Folks you don't need an economist to sort this out.

Mr. Speaker, we know if we charge employers more to stay here, they're going to do what? Leave. And if we charge employers less in America, they're going to do what? They're going to stay, and more importantly, they're going to come. They're going to come. The Tax Code is a business opportunity. It does not have to be a burden. We have simply made it a burden in this country.

This map shows you what the global tax rates are around the globe. We're here in orange in the 30 to 39 percent rate. We're actually at 39. So we're the highest of the orange countries. Look here who is in 10-19. Here we are, we're up here around 40 in America. Look at our friends to the north. Anybody been to Canada recently? It's not a bad place. They've got good schools, good energy infrastructure. Wars don't break out there very often. Nobody's out to get them. It's pretty pleasant. They charge businesses about half of what we charge for them to have the pleasure of doing business there.

Now, I'm just asking, Mr. Speaker, you see the young people that come through this Capitol. Ask them, where would you start your business? Would you start it in the country that has the 40 percent tax rate or would you start it in a country that has a 20 percent tax rate? Businesses don't pay taxes. Consumers pay taxes, and when we burden our businesses, we not only reduce the number of jobs that are available in this country, but we reduce the competitiveness of our goods overseas, and that's where the American competitive future lies. We must become the exporter to the world, and we cannot do it when we hide taxes in the price of everything we pay.

Have you ever walked up to a Coke machine? I'm from Atlanta, as you know, Mr. Speaker, and we're the home of Coca-Cola, and I like to say wonderful things about Coca-Cola, and I do on a regular basis. But when I walk up to a vending machine out here on Independence Avenue, and there's a Coke machine there and there's a Pepsi machine there, the price is always the same whether you want to buy a Coke or Pepsi. Why is that? Why is the price the same? Why doesn't Coke decide they just want to make a whole lot of money and they're going to charge \$2 while Pepsi is only charging \$1? Even better, why doesn't Coke charge \$5, while Pepsi is charging \$1? And the answer is competition.

There comes a time when you cannot sell your product because the price is too high. These orange Nations are raising the price of those products. The green Nations are lowering the price of their products. Look at the green: it's our neighbors in Canada, it's our neighbors in Europe. We cannot compete today with this Tax Code. And who gets to change it? How hard is it, Mr. Speaker? Where do we have to go to

find the wisdom to change the Tax Code? Oh, good news. It's right here, right here with us in this body. We can erase the code and start fresh tomorrow.

Mr. Speaker, people talk about these things as if they're unattainable. The income tax hasn't always been in this country. It started in the early part of the 19th century. We can stop it just as effectively as they started it. We get to choose.

Looking at the top 75 countries—you're going to have a tough time reading it, Mr. Speaker. These are 75 Nations around the world ranked by how easy it is for businesses to pay taxes in those countries, ranked by the ease of tax compliance. Let's see, we've got a lot of smart guys in America. Maybe we're up here at number one? No. There's Hong Kong at number three. That's a thriving economy. Ireland here at number five. We've got Canada here. We knew they were going to do well. Denmark, Switzerland. No, there's America, over in column number four at number 69. Mr. Speaker, it's an embarrassment. Top 75 countries by ease of paying your tax bill, America is number 69. There are dictators in these other countries that write the tax codes. There are monarchs in these countries that write the tax code. We're the land of the free and home of the brave. We write our Tax Code, and you want to know where the jobs have gone, Mr. Speaker? We have run the jobs off one by one by one. Stop the nonsense about talking about growing jobs and you're still running jobs out. Keep the jobs we've got and the new jobs will come. We can fix this.

Sixty-nine out of 183 countries America ranks, and in terms of the level of the corporate income tax, the level, 131 out of 183. People wonder, they ask the question all the time, why are jobs leaving America? I don't think government can stop it. Government stopping it? Government's causing it. Get that: Government's causing it, and we can stop it, and we must.

But you might be thinking, well, good news, ROB. At least if we've got this terribly burdensome Tax Code and at least if we've got the highest corporate rates in the world, at least if we're doing things more stringently than anyone else on the planet is doing them, we must be getting a lot of money for it; businesses must just be paying tons here. Oh, no. No. Revenues as a percent of GDP, you see the U.S. down there in red. Here is the OECD, the average. We're down there at the bottom.

For all the pain and suffering that we put businesses through to make them pay their taxes, for all the jobs that we lose in this country because businesses know it's too complicated to do business here, we don't get much for it.

Interesting sideline, Mr. Speaker: If you go over to the former Soviet bloc

countries, you'll find most of them have flat taxes these days. The flat tax, consumption tax, sales tax, all of these taxes that we know generate job growth. We can't get one in America, but the former Soviet bloc countries got one. They all got them. Why? Because they were starting new countries where they could start from scratch and do it any way they wanted to. And when you start from scratch, you end up with a flat tax. You end up with a consumption tax. You end up with something that's going to grow your economy instead of punish it. We're punishing our economy, and we're not getting a thing for it.

Mr. Speaker, H.R. 25 is the FairTax. H.R. 25. Folks can find it at thomas.loc.gov. That's the Library of Congress' Web site that does all of the legislation, posted for all Americans to see and read. It's only about 115 pages long. It's a short read, not 75,000 but 115 pages long, talking about what we could do if we had the will to do it. I think we do have the will. We have more cosponsors of the FairTax than any other tax bill in the House. The Senate, the Senate version of the FairTax, more cosponsors on the Senate version of FairTax than any other fundamental tax reform bill in the Senate. We can do it, Mr. Speaker, but it's a heavy lift.

And if folks have suggestions, Mr. Speaker, if you would encourage folks, if it's about the FairTax, if they know how we can get this country back on track, they can send an email to fairtax@mail.house.gov and you will be able to see it. If it's about energy independence and how we can change national security in this country, how we can reclaim all of the bounty with which God has bestowed this country, energyindependence@mail.house.gov, Mr. Speaker, is an email address that folks can send their ideas to about how we can get this going forward, because I am certain as I am that the sky is blue that the best ideas for saving America in this time of crisis, Mr. Speaker, they are more likely to come from the family dinner table back home than the committee hearing room here.

That's who we are here. We're just folks who used to be at the family dinner table back home, and we've taken 2 years out of our lives to come up here and be a part of a larger discussion, but the good ideas still come from back home. Mr. Speaker, if folks would send in those ideas, we can begin to change this Chamber one seat at a time. We can begin to effect this process one Member of Congress at a time. Members of Congress don't change their minds or change their votes because of lobbyists on Capitol Hill. No, they change their minds and change their votes because of lobbyists back home, and that lobbyist is named Sally the pharmacist, and that lobbyist is named

Steve who works at the foundry. Those lobbyists are the individual voters back home. That's what effects change in this place. That's what causes change to happen in Washington, DC.

The American people still run this Republic. I see it every day, and Mr. Speaker, if the American people would reclaim this House, reclaim this House by reclaiming their Representatives, by pushing forward those commonsense ideas—we don't need an economist to tell us, we know it to be true—we can reclaim this country.

□ 1410

I'm not telling you it can happen overnight. I'm not telling you it's going to be easy. But if there is one thing I am certain about America, Mr. Speaker, is in times of crisis we get the job done. If there's one thing I know about the American family, it's if you tell the American family they can't, then they will. We can do it, Mr. Speaker. 300 million Americans together can do this, but their ideas have to be heard.

This big freshman class, I would argue, is doing a better job of making the families' hopes and dreams heard on Capitol Hill than we've seen in my lifetime. But we can still do better. Fairtax@mail.house.gov and energyindependence@mail.house.gov. We will get those ideas heard.

Mr. Speaker, I'm grateful to you for providing me the time this afternoon. I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

ENERGY POLICY

The SPEAKER pro tempore (Mr. GOSAR). Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Mr. Speaker, on the 8th day of March, 1956, a scientist, geologist by the name of M. King Hubbert spoke to an audience in San Antonio, Texas. The audience was a bunch of oil people. He gave what I think is going to be recognized as the most important speech of the last century. It was really a very audacious speech. At that time, the United States was King of Oil. We produced more oil, we sold more oil, and we consumed more oil than any nation in the world.

M. King Hubbert told that group of oil geologists and company executives that in just 14 short years the United States would reach its maximum oil production, that no matter what they did after that their oil production would decline. This was an incredible speech. Essentially no one believed it because, as I say, at that time the United States was the King of Oil, producing more, shipping more, consuming more than any other nation in the world.

For a number of years, M. King Hubbert was a pariah. Nobody believed him. He was kind of relegated to the lunatic fringe. In 1980, 10 years after his prediction that the United States would reach its maximum oil production, you could look back, and what you saw is shown on this chart. This, of course, goes out beyond that year. What you see is what happened then.

The United States did reach its maximum oil production in 1970. After that, the production fell off no matter what we did. Now, there was a little blip on the downside because we found a lot of oil in Alaska. You can see it there on the chart. And we found a lot of oil in the Gulf of Mexico, the yellow that you see there. There was a little blip on the down slope, and M. King Hubbert had not included in his predictions the oil that we would find in Alaska and the Gulf of Mexico. He included only the lower 48.

This chart shows where that oil came from. A lot of it came from Texas, the biggest single source of oil. The first oil, of course, was found in Pennsylvania and part of the rest of the USA. Then you have natural gas liquids on the top. As we found and used more and more natural gas, the natural gas liquids increased. That's not gas in your gas tank. That's propane and butane and things like that.

This is something that could have hardly been believed. How could a country as creative and innovative as the United States possibly not be able to continue to produce more and more oil when they needed more and more oil?

What M. King Hubbert did was a pretty simple thing. Oil had been pumped for long enough—50 years or so—by that time that they had some idea of what went on in a field, and the production in an individual oil field followed kind of a bell-shaped curve. As you pumped the field, you got more and more; and then when you reached the top, it became harder and harder to get the oil, and so it fell off as you went down the other side of the bell curve.

And so what he reasoned was, if I can make some estimate of how many oil fields there will be in the United States and I add up all those little oil fields, all those little bell curves, I'll get a big bell curve, and that will tell me when we're going to reach our maximum production in the United States.

Just about a year later, another speech was given. I don't know if these two gentlemen knew each other at all. But this other speech was given by the father of our nuclear submarine, Hyman Rickover. Hyman Rickover spoke to a group of physicians. The audience is irrelevant. He spoke to a group of physicians in St. Paul, Minnesota, and he said something that should have been self-evident, but obviously they weren't because nobody else was saying them and nobody has said them much since then.

What he said in this speech was that in the 8,000-year recorded history of man, the age of oil would be but a blip, and he referred to it as this "golden age." Here are a few quotes from that speech.

By the way, you can find it on the Internet. If you simply Google for Rickover and energy speech, it will come up. It was lost for a number of years, and a few years ago it was found and put on the Internet. And what he says here seems to be axiomatic.

"There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy," he says, "500 million years ago and took eons to grow to their present volume.

"In the face of the basic fact that fossil fuels are finite"—they will run out—"the exact length of time these reserves will last is important in only one respect: the longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift."

Now, this would seem to be, as I said, axiomatic. Obviously, the Moon isn't made out of green cheese and the Earth isn't made out of oil. It is finite. One day it will run out. And so it is obvious that one day one will have to come to grips with this. You will have to find alternative energy sources. Just when is that time for the world?

When we ran out of our ability to produce more oil when we wanted more oil was in 1970. But the United States was the first great industrialized Nation and so we would expect that we would reach that point before the rest of the world. Just when would the rest of the world reach that point?

I love this statement: "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit about how his offspring will fare."

□ 1420

I have 10 children, 17 grandchildren, and two great-grandchildren. Particularly my great-grandchildren and some of my grandchildren will look back and they will ask themselves, how could

they have done it? How could they have gone on feverishly looking for and drilling for oil when it was obvious that it was finite, when it was obvious that there would come a time when we would have to transition from oil to alternative sources of energy?

Now, this is a warning from the past, but that wasn't the only warning that we were going to have because your government has paid for four separate studies of this problem. And the phenomenon is called "peak oil." That's the time at which you reach your maximum production capability; and after that, no matter what you do, production will fall off. As we saw earlier, that happened in the United States in 1970. By the way, by 1980 it was painfully obvious that M. King Hubbert was right, because looking back those 10 years, we say, gee, we really did peak in 1970, didn't we? And we're tipped over and starting down the other side now.

Your government paid for four studies. Why four? Because they didn't like what the first one said, and so they ordered another one and didn't like what that one said, so a third and then a fourth. I have quotes here from two of those studies.

The first of those studies was a study by SAIC, and the primary author of that study was Robert Hirsch, and it's usually referred to as the "Hirsch Report." It was issued in 2005. These are just a couple of quotes from that: World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of confident forecasters project peaking within a decade. Others contend it will occur later. Prediction of the peaking is very difficult because of geological complexities, measurement problems, pricing variations, demand elasticity, and political influences. Peaking will happen, but the timing is uncertain.

The world, they said, has never faced a problem like this. Without massive mitigation, more than a decade before the fact, before peaking occurs, the problem will be pervasive and will not be temporary. We had a temporary problem with the Arab oil embargo in the seventies. This will not be temporary. Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary, the report said.

We were very comfortable living in this "golden age"—as it is referred to by the father of our nuclear submarine, Hyman Rickover. He noted that the incredible amount of energy and oil permitted us to live a very high-quality life, as compared to our ancestors who had not yet found how to tap into the enormous riches of fossil fuels. When I first heard this statistic I was stunned. I said to myself, it can't be true. One barrel of oil—that's 42 gallons—one

barrel of oil has the energy equivalent of 25,000 man-hours of effort. That's 12 people working all year. A barrel of oil has the energy equivalent of 12 people working all year long. Wow, that seems incredible, doesn't it?

And then I thought, I drive a Prius and it takes me about 50 miles on a gallon of gasoline, not very big, a gallon of gasoline. Now, I could pull my Prius that 50 miles, but it would take me a long time. With the come-alongs and the chains and hooking to the guardrail and trees, I could get the Prius that 50 miles. Wow, I said, maybe there are 25,000 man-hours of work in one barrel of oil.

Now, it wasn't very long ago that oil was worth \$12 a barrel. That means that you could buy the life-enhancing effects of having a full-time servant work for you all year long, and you could buy it at the well head for \$1. If you look around the world and see the quality of life that most of the world's people live, it is really quite incredible compared to the quality of life that our ancestors lived before they found how to tap into the enormous potential of fossil fuels.

There was another report which issued in 2005, and that was a report by the Corps of Engineers. And here is a quote from that report: "In general, all nonrenewable resources follow a natural, simple curve—production increases rapidly, slows, reaches a peak, and then declines at a rapid pace similar to its initial increase." This is the bell curve, the curve that M. King Hubbert had noted that permitted him to make his prediction as to when the United States would reach its maximum oil production.

The major question for petroleum is not whether production will peak, but when it will peak. There are many estimates of recoverable petroleum reserves giving rise to many estimates of when peak oil will occur and how high the peak will be. A careful review of all the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline.

Your government didn't like what these two studies said, and so there were two more studies ordered, one from the Government Accountability Office and the fourth one from the National Petroleum Council. I do not have quotes from these two; but they say essentially the same thing, that the peaking of oil is inevitable with potentially catastrophic consequences. Since your government didn't want to hear what these reports said, it didn't pay any attention to what the reports said, and we have gone on with policies of Drill, Baby, Drill.

Just recently, there have been two more reports that tell us where we are—they also look at where we have been—and they make their prediction of where we are going. The first of

these reports is the one on top that issued in '08. And the people who issued it were the IEA, the International Energy Agency. They are a creature of the OECD, a consortium of major industrial countries. There is a similar organization, the Energy Information Administration, which is a part of our Department of Energy. And they do similar things and have published similar curves; but this is the IEA, the International Energy Agency.

The blue part of the chart here represents conventional oil. Now, if they had a long enough chart, it would go back here about 100 or more years. We started pumping way back here when we didn't need much, and so we didn't pump much. And every time we needed more oil, we could find more oil and we could pump more oil. And we've been doing that now for right at 150 years.

And so here we are now. And what they show in this chart is the total liquid fuels—that's the line up here—has been plateaued. You can see it's flat there at 84 million barrels a day. We've been stuck there for 5 years now.

□ 1430

We're in a recession worldwide. We aren't using as much oil as we might use. And still oil hovers near \$100 a barrel. A couple, 3 years ago when the world's economy, including ours, kind of had a momentary collapse, the oil prices dropped down to \$40 a barrel. But the reality of the supply compared to the demand, the prices steadily rose until oil is right at \$100 a barrel now.

What this chart showed was a fairly significant drop-off in the production of oil from our conventional oil field. This is following the same curve, you note, that was followed by the United States after 1970. So our 1970 plateau is the world's plateau that occurred—what?—'05 to '09, something like that, was roughly when their curve occurred.

The chart here has several other contributions to our liquid fuels. The top on here is natural gas liquids, and you saw that in the previous chart. That's propane and butane and liquids like that. The green one under it is nonconventional oil. That is growing, and that will grow. That's oil from places like the oil sands of Alberta, Canada, where they have a lift there, a shovel that can lift 100 tons at a time. It dumps it into a truck that hauls 400 tons, and then they haul it to a big cooker, and they heat it up so that the oil will flow. It won't flow otherwise.

They have a large amount of what we call stranded natural gas. Stranded natural gas is natural gas that is where you don't have very many people. And since it can't be moved—it's not a liquid. It's a gas, and it's difficult to move long distances, so it's cheaper when it's stranded, and so they're using this stranded natural gas as an energy source to warm this oil up so that it will flow.

The next little wedge there, a dark red wedge, really is a part of the dark blue one down here. It's enhanced oil recovery. It's the additional oil we get by pumping live steam down there or pumping seawater down there, or pushing CO₂ down there to push it out. Enhanced oil recovery, that is growing. That will grow because we're finding more ways of doing that.

Then they show two wedges to keep this production line going up, because they think it should go up, and so we'll just find some oil so that it will go up. The light blue here is oil from the fields that we've found but are too difficult to develop, like the field in the Gulf of Mexico that is under 7,000 feet of water and—what?—30,000 feet of rock. It's way down there. As the price of oil goes up, why, more and more of these fields will be feasibly economically developed.

The bright red wedge there is a wedge of fields yet to be discovered because they, predictably, cannot get enough oil from the fields that we have discovered. They're too difficult to develop now, so we'll need to find some new fields.

Notice that by 2030 they have predicted that we would rise from our current 84 million barrels of oil a day to about 106 million barrels of oil a day.

Now, this same organization, the IEA, issued another chart 2 years later, in '10, and this chart is pretty different. It shows, of course, the same plateau. Actually, they show a little dip here. Is it starting down or is that simply an undulation at the plateau?

They have reversed the top two contributions and given them different colors, but they're the same thing. This is natural gas liquids, the purple one, and the yellow one is nonconventional oil production.

Notice that they don't show the little wedge here for enhanced oil recovery. They have included it where it ought to be, simply as a part of the production from the current oil fields. And notice, they go out to '35 rather than '30 in this chart. They go out 5 years further, and they show a really precipitous reduction in the amount of oil that we're going to get from the fields that we're presently pumping.

And so, to keep this curve going up, because it must go up if the world is going to have any opportunity for a growing economy, to keep the curve going up, they are predicting two huge wedges that will come from the fields that we have now discovered: the too difficult to develop and fields yet to be discovered.

There is little confidence that these prognostications will occur. The United States could not do this. We are the most creative, innovative society in the world, and we could not reverse the decline of oil production in our country. And most of those who are serious students in this area do not be-

lieve that these two wedges will occur. So it is very probable that what the world is going to do is what the United States has done, and that is that it will tip over and there will be ever less and less oil, harder and harder to get, and more and more expensive.

The next chart kind of puts this in a global perspective. This is a chart which shows what the size of the countries of the world would look like if their size were relevant to the amount of oil reserves that they have. And you notice here that Saudi Arabia dominates the world. That's because Saudi Arabia may—we aren't really sure because they won't open their books. Saudi Arabia may have 22 percent of all the reserves in the world.

You may remember, oh, 6 weeks or a couple months ago, there was a WikiLeaks expose that said that maybe the Saudis had overestimated their oil reserves by as much as 40 percent. So the map might not look quite like this, but relatively like this.

Now, why would they overestimate their reserves?

When OPEC couldn't produce more oil than they were producing and they were all anxious for more revenues, OPEC decided that they would limit their production so as to keep the price of oil up. And so they permitted each of the countries to pump a percentage of their reserves.

And so if you look back at the history of this, you will see that, without finding any new fields, their reserves could go up 50 percent, sometimes their reserves doubled. It was kind of a contest amongst liars, because the more you said you had, the more you could pump because you could pump a percentage of what your reserves were. So we really aren't sure what these reserves are because they will not open their books, but it's roughly like this. Certainly, the largest reserves of all the oil are in Saudi Arabia.

Look at those countries around them, Iran and Iraq and Kuwait. Little Kuwait, that looks like a province down there in the corner of Iraq, and look how much oil they have. The United Arab Emirates, you can hardly find them on a map.

Now, I want you to look for the countries on the map that have the largest economic activity, and that's the United States. We represent a fourth of all the economic activity in the world. We're one person out of 22, and we have a fourth of all the good things in the world.

It's really interesting to ask yourself: How come? What is so different about the United States that this one person out of 22 has a fourth of all the good things in the world?

That is a subject for another time, and we will come and talk about that, but it's an interesting challenge: Why?

Look at the United States here. We have only 2 percent of the reserves of

oil in the world, and we use 25 percent of the oil in the world.

Now look at Europe. It's hard to find them on this map, isn't it? Europe, collectively, is economically a bit bigger than the United States, and they're even in worse shape than we are as far as having oil reserves. They are almost totally dependent on oil which is shipped in.

□ 1440

And now look to find the two countries that have between them better than 2½ billion people out of our 7 billion people in the world, China and India. See them over here? Tiny, tiny. They have very small reserves of oil.

Last year the Chinese bought 13 million cars. We struggled to sell 12 million cars. China is now the world's largest polluter. They just passed us. We're number two in that category. China's economy is growing very rapidly. Their demands for oil are increasing rapidly. I do not have the chart here, but China is buying up oil all over the world.

I asked the State Department why would China buy oil. We have only 2 percent. We use 25 percent. We're not buying oil anywhere. I said why would China buy oil. You see, you get your oil today by going to the global oil auction and if you have the money—it's dollars today; let's hope it stays that. If it turns to yen or euros, we're going to be in a heap of trouble. And if you have the money, you get the oil. So you're not benefited at all by owning oil today.

The State Department's answer was, I'm not sure China understands the marketplace. Wow. A country at that time growing at 14 percent, I think China understands the marketplace. I think they understand that there is such a thing as peak oil. Well, do they understand that?

Five years ago, I led a codel to China, this holiday season. I was in Shanghai on New Year's Eve. Nine of us went to talk about energy. China began their discussion of energy by talking about post-oil. Of course there will be a post-oil world. It's not today.

We're not running out of oil. That's not what we're running out of. There is a lot of oil left. There is more oil left than all of the oil we have used in all of the world's history up to now. What we're running out of is our ability to produce that oil at the increasing rate to meet increasing demands. We're not running out. There will be oil for another 150 years. Ever less and less, more and more expensive, harder and harder to get.

Our time is running out.

If you have only one chart to look at, this would be the chart.

This is when we discovered oil way back there. Huge amounts of oil. This dark, heavy line here is our consumption of oil. You need to kind of thank

the Arabs or their Arab oil embargo. If they hadn't had that in the seventies, look where this curve would be. It would have gone off the top of the chart. That woke us up. Your air conditioner now is probably three times as efficient as your air conditioner was then.

Well, we will return to talk about what can we do about this. Today, we talked only about the problem. It's a huge problem. We're equal to that problem. We'll be back and talk about how we respond to the problem.

I yield back the balance of my time.

BUDGETARY AND OTHER CONCERNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

We're in a time of massive overspending, a time when some want to raise taxes, creating more of an economic problem. But it's been shocking that after the biggest wave election since the 1930s, 80-plus brand-new Republican conservative Members coming into this House, it's been nearly a year, and we really haven't cut much of anything. There's plenty of places to do it. It should be done. It can be done.

We ought to just say we're going back to the last Speaker PELOSI budget before the big bailouts and stimulus all started occurring. I don't remember governmental entities around the country, Federal Government entities, in 2007 and 2008 with Speaker PELOSI at the helm of things, complaining that they weren't getting enough Federal money. Yet, if we went back there and just said, you know what, forget the stimulus and the bailouts, obviously those haven't worked. Let's just go back to the '07 or '08 budget. They didn't pass a budget; they passed appropriations—but let's go back to those numbers. Instantly, a trillion dollars trimmed off.

What we've had is a President of the United States coming into office jumping up the Federal spending by a trillion to a trillion and a half dollars and then saying we're not cutting any of that extra trillion dollars we've added on. We just need now to raise taxes to get up to all of this giveaway spending that we've done.

There are many good examples of that, but none better than in the solar energy area—a place like Solyndra getting between five and \$600 million that's been completely wasted.

We've been told by Secretary Napolitano that the country just can't afford to build a fence on our southern border where our problems now are not Latin American citizens coming up here. We have what are sometimes labeled

OTMs, "other than Mexicans," coming in; and many of them are coming in and they're not coming in to do us any favors, and they're not coming here to get jobs.

We have an obligation to provide for the common defense. Our oath requires us to do that, and we're not doing it.

But good grief, if you took the money that this administration squandered giving away to Solyndra, take the \$700 million or so that was squandered, given away to a solar plant in Nevada—actually they had about \$35 billion to give away, they literally have been doing—and according to the information from this administration—some of us think it shouldn't cost nearly this much—but if you took just \$1 billion to \$2 billion of that \$35 billion that had been squandered by this Energy Department and said we're committed to providing for the common defense, and in providing for the common defense we're going to build a fence, it would cost a fraction of what this administration has squandered on solar energy giveaway programs. What a waste.

Then we have ObamaCare. You want to save a trillion dollars? Just stop it. Repeal ObamaCare. The vast majority of American people sent a new majority into the House to try to get that done. Turns out, we've got to have help in the Senate we don't have down there so that we can do the will of the majority of the American public and repeal ObamaCare. There's a trillion dollars in savings, actually more than that.

We've got \$105 billion being spent right now, in the process of being spent, to make sure that the mechanisms are in place so that by 2013, 2014, ObamaCare is going to be the law of the land whether the Supreme Court strikes it down or not, because all of these mechanisms will be in place. It's time to repeal it. It's time to get rid of it and have serious health care reform.

And you can't have serious health care reform until you know what the cost of health care is. You can't go into any doctor's office or any hospital, any health care provider's office and say how much does it cost for this procedure, that procedure if it is something that's covered by insurance or Medicare or Medicaid because they can't tell you. It depends, they'll tell you. What kind of insurance you got? Are you on Medicare? Medicaid? Are you paying cash?

Ironically, in a society where paying cash should normally get you the lesser price, in health care, because of some of the insurance agreements, they are not allowed contractually to charge as little to the cash-paying people as those who have insurance get charged to their insurance companies.

□ 1450

Well, that's not the free market. That's not competition. So that's something that has to be dealt with. We need transparency there.

When we look at the figures, for example, on Medicare for the calendar year of 2010, it has been estimated that \$522.8 billion was spent on Medicare. When you divide the number of households in the United States that have been estimated to have one or more people on Medicare, you'll find out we're apparently spending between \$20,000 and \$30,000 a household for Medicare. You can buy some really great private health insurance, especially if you have a high deductible, for a lot less than \$20,000 a year.

That's why the proposal I had—some have called it bipartisan—has clearly become a partisan entity. After being called to the woodshed by this current President, they were able to strike about \$200 billion or \$300 billion from their estimated costs of ObamaCare only to find, once it passed, it got put back in. Well, if CBO has a margin of error of \$300 billion out of every \$1 trillion they estimate, then it's probably not something we ought to keep. It's kind of like the Energy Department. When they're that bad at what they do, it's time to get rid of them and do something new.

But you can't blame the folks who are there. Their hands were tied with rules that were put in place in 1974 up until the last 5 or 6 years with the most liberal Congress in our history, the same Congress that said we weren't going to stay with our commitments to allies in Southeast Asia. We left, some estimate, 2 million people to be killed when we fled Southeast Asia. Now this President seems to be following the same trends that we saw with Jimmy Carter: turning on our allies, hurting our friends, helping our enemies—and there's always a price to be paid for that.

So we've got ObamaCare put in place. Over \$1 trillion could be saved. Just repeal the thing, and let's start with real reform.

Even though CBO refused to score it, Newt Gingrich told me, if I could get that bill scored, it might revolutionize the discussion on health care. So, naturally, CBO wouldn't score something like that even after they were requested by the ranking Republican on Energy and Commerce—the committee of jurisdiction—and by the ranking Republican on the Joint Committee on Taxation. They both requested it be scored, but CBO didn't score it. It might have interfered with ObamaCare being passed. The bottom line was it would have given seniors a choice.

Do you want to keep being on Medicare and have the Federal Government tell you what you can or can't have, and have to go out and, with the precious few dollars you have from Social Security, have to pay AARP or somebody else's Medigap insurance or wrap-around insurance or supplemental insurance? Do you want to have to keep paying precious dollars?

Or would you like the alternative of having the Federal Government buy you basically the best private insurance you could have with a high deductible—of \$3,500, \$5,000, whatever we want to say, whatever ends up being the most cost-effective—and we would give you cash in a health savings account that you'd control with your own debit card, where you'd make the decisions? The only restriction is it would have to be for health care. You couldn't use that money for anything else. Give people a choice. Let them decide if they want to quit buying Medigap insurance.

I know, as wonderful as AARP is, 2 years ago, I think, they cleared over \$400 million in clear profit from their supplemental Medicare insurance. So you hate to cut in on a charitable institution like AARP's massive profits like that off people who can't afford to buy the product. But gee, let's give seniors a choice.

Then, of course, we would need to give incentives to young people. Put your own money into a health savings account. It would be your money, but it could only be used for health care. You can't pull it out for something that's not health care. You can gift it to other people's health savings accounts. When you pass away, if you've got money in there, you can pass that on and have someone inherit that from you into that person's HSA, but once it's committed as health savings account money, it has to be spent on health care.

Yet we've been told if that happens, then the vast majority of young people in their twenties and thirties would have so much massive amounts of money built up by the time they'd be eligible for Medicare, not only would they not want Medicare, they wouldn't need it. They'd have plenty of money to do what they wished.

Now, that would get us off this road to the dustbin of history, because we have bankrupted ourselves on entitlement programs. At the same time, what an incredible deal—you'd get better health care; you'd get more control; you'd put patients back in control; you'd put patients and doctors back making the decisions.

I'm a big supporter of health insurance, but the trouble is for a number of years now we haven't had health insurance in America; we've had health management. I'm very concerned that, unless health insurance companies get back in the business of health insurance instead of health management, then there will be some bill that ends up running them out of business.

It, of course, will be ObamaCare if it's not repealed. Then it will be the government controlling things—a massive takeover.

As I've said before, ObamaCare is kind of like the cap-and-trade bill. They're all about the same thing. It's

all about the GRE—the Government Running Everything. That's what it's about.

We could save money and return freedom to people who have not had it in the area of health care, and they would control their destinies. But there are some people here in Washington who genuinely, honestly believe they need to be making the personal decisions for people across America because, gee, they're smarter, and they would make better personal decisions for people who haven't done so well on their own.

Thinking like that caused the original Revolution. They didn't want some king who thought he knew more about what they should do with their lives making the decisions about their personal lives. Some have drawn the parallel that there is a correlation between the American Revolution and the French Revolution when compared to the Tea Party movement and the Occupy Wall Street movement, because the American Revolution was about one thing: It was about liberty.

There were people who signed and pledged their lives, their fortunes, their sacred honor. They were all at stake. And many who signed, pledging their lives, their fortunes, their sacred honor, lost their lives and their fortunes—but their sacred honor was intact when they died.

The Declaration of Independence says we are endowed by our Creator with certain unalienable rights and that among those are life, liberty, and the pursuit of happiness.

Nobody is guaranteed happiness. Yet the Founders knew that we were endowed by our Creator with these rights. But like any endowment, like any inheritance that's passed on from a loving father, if you're not willing to fight for it to the death, if necessary, you will not keep your inheritance. If you make stupid decisions with your endowment, with your inheritance, you're going to lose it; you won't keep it.

Many countries have suspected they were endowed by their Creator with unalienable rights, but they didn't fight to preserve them. They never fought to grasp them to begin with, and they've never had them.

□ 1500

Some have had them and squandered them. We have been given such a gift by our Creator and by those who were willing to defend our inheritance so that we could enjoy that incredible endowment. Of course, we find out that there are some people in the Occupy movement who have big trust funds, massive amounts of money to keep them going, and they're out there complaining about people with money, got their laptops or their iPads, don't appear to be hurting too much. It appears some of them were born on third base and have gone through life thinking

they hit a triple. Well, they haven't, and they need to be grateful for the people that got them to third base, but they're not.

We can get spending under control, but we've got to get back to a moral Nation. As the Founders said, this government was never intended to work as a government for immoral people, for a people who did not grasp and understand the gift from their Creator, and that they had a Creator.

We know that there are those who, in this country, are atheists because they have the freedom to do that, and that's fine. They have the freedom of religion, but the late Bob Murphy from Nacogdoches, Texas, used to say, you know, I used to feel sorry for atheists, he said. I do, I feel sorry for atheists because they have to tell the world, while they're trying to act like intellectuals, they have to try to tell the world that they believe the equation nobody plus nothing equals everything.

As Bob used to say, how embarrassing, to act like an intellectual and say I believe the equation, nobody plus nothing equals everything. Because the truth is, we were endowed by our Creator. It didn't just happen. These incredible gifts didn't just appear. We are endowed by a loving Creator.

I learned a lot about the nature of God as a father who loved his children. I learned even more about the nature of God as a judge and chief justice, how you don't want to punish people. You got a taste of that as a father. But there has to be laws, there has to be enforcement, there has to be equal enforcement and people not be above the law.

Well, when you get people in positions of authority who think they're above the law, that they should be in a position, as was King George III, to decide legislative, judicial and executive decisions, we're in trouble.

In North Dakota, there has been the largest oil find since the discoveries in Alaska. Some think the shale finds of oil in North Dakota may even exceed Prudhoe Bay. It's big.

We, those of us who believe in God, should be thanking God for the endowment of all the natural resources in this country. We have been richly blessed, and yet we have got an administration that says hands off: this might make us energy independent, this might move us down the road to stop sending money to countries that hate us, to stop sending money to countries who are funneling money to terrorism.

This energy resource blessing that we've been given, if we used it, would create jobs; but we're not going to allow it because we want to use something they call alternative energy. The reason, as someone recently said, it is called alternative energy is because it isn't real energy. You use more energy getting the energy out than you actually get back.

That's been seen with wind energy; and we know that these massive windmills, though producing some small amount of electricity, they've chopped up a lot of birds in the process.

And yet what has been this administration's position in response to the biggest oil find in modern history in North Dakota, Slawson Exploration Co. of Wichita, Kansas, was charged under the Migratory Bird Treaty Act for killing 12 birds that—these aren't endangered species, they're migratory birds, like mallard ducks—after landing, allegedly landing in oil waste pits in western North Dakota.

So our Justice Department, which abandoned prosecution of funding of terrorism around the world against the United States and our friend Israel, it has abandoned that responsibility, they are purging their training records of any reference to radical Islam. They are refusing to go after the people that want to bring down this country. They're appointing people on the Homeland Security Advisory Council who have glowingly talked about Ayatollah Khomeini, or the Holy Land Foundation, that funneled money to terrorism, they're putting people like that on the Homeland Security Advisory Council, giving them secret clearance and letting them peruse our classified documents. That's what this administration has been doing.

But these energy resources could make us energy independent, and what are they doing? They're putting their foot on the throat of anybody that tries to produce them to the point that they will ignore the tens of thousands of birds that have been killed by windmills and go after the biggest oil find in modern history in America and charge them criminally because maybe there were 12 ducks that got into some of their oil.

It's incredible what this administration is doing—they think to help America. But, clearly, just as clearly in retrospect as President Carter hurt this country, hurt those who love liberty by recognizing the Ayatollah Khomeini as a man of peace, proudly proclaiming his coming back to Iran, and thousands and thousands and thousands of people have died because such a man was encouraged to come to power.

Just like this administration did in Egypt, like this administration has done in Libya, without really knowing who we were helping, and now the Muslim Brotherhood that is devout in pursuing an international caliphate that would put the lovers of liberty in this country under the shackles of following sharia law, it's a disgrace.

There is so much damage that this administration has been doing; the Justice Department going after people because they believe there is a God.

I will just close with what Ben Franklin said in the Constitutional Convention, 1787, toward the end of June:

How has it happened that we have not once thought of humbly applying to the Father of lights to illuminate our understanding? In the beginning of the contest with Great Britain when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered.

He ultimately said:

If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We've been assured, sir, in the sacred writings that "unless the Lord build the house, they labor in vain that build it." I firmly believe this.

He also said:

I firmly believe that without his concurring aid, we shall succeed in our political building no better than the builders of Babel.

He was right. We've had over 200 years of blessing as a result. It's time to acknowledge the result of our blessing and the source of our blessings.

With that, I yield back the balance of my time.

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

June 29, 2011:

H.R. 2279. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 3, 2011:

H.R. 1383. An Act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

August 5, 2011:

H.R. 2553. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 12, 2011:

H.R. 2715. An Act to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

September 16, 2011:

H.R. 1249. An Act to amend title 35, United States Code, to provide for patent reform.

H.R. 2887. An Act to provide an extension of surface and air transportation programs, and for other purposes.

September 30, 2011:

H.R. 2005. An Act to reauthorize the Combating Autism Act of 2006.

H.R. 2017. An Act making continuing appropriations for fiscal year 2012, and for other purposes.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An Act to extend the program of block grants to States for temporary assist-

ance for needy families and related programs through December 31, 2011.

October 5, 2011:

H.R. 2608. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 2646. An Act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

October 12, 2011:

H.R. 771. An Act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office".

H.R. 1632. An Act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

October 21, 2011:

H.R. 2832. An Act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2944. An Act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An Act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. An Act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An Act to implement the United States-Korea Free Trade Agreement. November 7, 2011:

H.R. 489. An Act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An Act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

H.R. 1843. An Act to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building".

H.R. 1975. An Act to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building".

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office".

H.R. 2149. An Act to designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building".

November 9, 2011:

H.R. 368. An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 818. An Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

November 18, 2011:

H.R. 2112. An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation,

and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

November 21, 2011:

H.R. 674. An Act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

November 23, 2011:

H.R. 398. An Act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

H.R. 2447. An Act to grant the congressional gold medal to the Montford Point Marines.

November 29, 2011:

H.R. 3321. An Act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills (of the Senate) of the following titles:

July 26, 2011

S. 1103. An Act to extend the term of the incumbent Director of the Federal Bureau of Investigation.

August 2, 2011:

S. 365. An Act to provide for budget control.

September 23, 2011:

S. 846. An Act to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

November 9, 2011:

S. 894. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

November 12, 2011:

S. 1487. An Act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

November 21, 2011:

S. 1280. An Act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

November 23, 2011:

S. 1412. An Act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

November 29, 2011:

S. 1637. An Act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. CANTOR) for today on account of attending her son's ceremony at Fort Stewart, Georgia.

Mr. SCHILLING (at the request of Mr. CANTOR) for today on account of attending the funeral of PFC Adam E. Dobereiner, who was killed in Afghanistan.

Mr. SESSIONS (at the request of Mr. CANTOR) for today on account of attending a funeral in the district.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, December 5, 2011, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2010-0866; FRL-9325-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyethylene glycol; Tolerance Exemption [EPA-HQ-OPP-2011-0606; FRL-8892-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prohexadione Calcium; Pesticide Tolerances [EPA-HQ-OPP-2010-0780; FRL-9326-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4091. A letter from the Under Secretary, Department of Defense, transmitting notice that the Department's Fiscal Year 2011 Agency Financial Report will be published electronically; to the Committee on Armed Services.

4092. A letter from the Principal Deputy, Department of Defense, transmitting a report on Redetermination Process for Permanently Incapacitated Dependents of Retired and Deceased Members of the Armed Forces; to the Committee on Armed Services.

4093. A letter from the Director, Directorate of Enforcement Programs, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 806 of the Sarbanes-Oxley Act of 2002, as Amended [Docket Number: OSHA-2011-0126] (RIN: 1218-AC53) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4094. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Volatile Organic Compound Emissions from Offset Lithographic Printing and Letterpress Printing [EPA-R03-OAR-2011-0603; FRL-9493-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA202-5203; FRL-9490-3] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Clean Data for the 2006 Fine Particulate Standard for the Charleston Area [EPA-R03-OAR-2011-0474; FRL-9494-2] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Hickory-Morganton-Lenoir 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2009-1010-201158; FRL-9493-5] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Greensboro-Winston-Salem-High Point 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2009-1011-201159; FRL-9493-6] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); General Definitions; Definition of Modification of Existing Facility [EPA-R06-OAR-2005-TX-0025; FRL-9489-8] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2011-0147; FRL-9493-9] (RIN: 2060-AQ85) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4101. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-48, pursuant to the reporting requirements of Section 36(b)(1) of

the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4102. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-40, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4103. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-41, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4104. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting proposed amendments to the International Traffic in Arms Regulations; to the Committee on Foreign Affairs.

4105. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Certification and Determination with Respect to the Child Soldiers Prevention Act of 2008; to the Committee on Foreign Affairs.

4106. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes", pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

4107. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

4108. A letter from the Executive Secretary, Agency for International Development, transmitting 4 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4109. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4110. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4111. A letter from the Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2011; to the Committee on Oversight and Government Reform.

4112. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Function and Reliability Flight Testing for Turbine-Powered Airplanes Weighing 6,000 pounds or Less [Docket No.: FAA-2010-0218; Amdt. No. 21-95] (RIN: 2120-AJ56) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Safety and Health Requirements Related to Camp Cars

[Docket No.: FRA-2009-0042, Notice No. 2] (RIN: 2130-AC13) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Conductor Certification [Docket No.: FRA-2009-0035, Notice No. 2] (RIN: 2130-AC08) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Compliance Date Amendment for Farms [EPA-HQ-OPA-2011-0838; FRL-9494-8] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Commissioner, Social Security Administration, transmitting a draft bill; to the Committee on Ways and Means.

4117. A letter from the Secretary, Department of the Interior, transmitting a draft bill; jointly to the Committees on Financial Services and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2471. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; with an amendment (Rept. 112-312). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mrs. BLACKBURN, Mr. LATTI, Mr. MURPHY of Pennsylvania, Mrs. McMORRIS RODGERS, Mr. REHBERG, Mr. BERG, Mr. HARRIS, Mr. PITTS, Mr. SULLIVAN, Mr. SHIMKUS, Mr. SCALISE, Mr. OLSON, Mr. GARDNER, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. BOUSTANY, Mr. GRIMM, Mr. BURGESS, Mr. THORNBERRY, Mr. CARTER, Mr. NEUGEBAUER, Ms. GRANGER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARLETTA, Mr. MARINO, Mr. KELLY, Mr. SCHOCK, Mr. LATOURETTE, Mr. MCCOTTER, Mr. DAVIS of Kentucky, Mr. TURNER of Ohio, Mr. PEARCE, Mr. GIBBS, Mr. MILLER of Florida, Mr. FORBES, Mr. MANZULLO, Mr. BARTON of Texas, and Mr. SHUSTER):

H.R. 3548. A bill to facilitate United States access to North American oil resources, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself and Mr. DUFFY):

H.R. 3549. A bill to amend the Ethics in Government Act of 1978 to require Members of Congress to place their stocks, bonds, commodities futures, and other forms of securities in a blind trust; to the Committee on House Administration.

By Mr. DUFFY:

H.R. 3550. A bill to amend the Ethics in Government Act of 1978 to require certain individuals subject to that Act to either place their securities in a blind trust or to report the sale, purchase, or exchange of securities; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANDRY (for himself, Mr. MCCLINTOCK, and Mr. MULVANEY):

H.R. 3551. A bill to amend the extension of the temporary employee payroll tax holiday to give individuals the choice of whether to participate; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. BURTON of Indiana, Mr. PAYNE, and Mr. ENGEL):

H.R. 3552. A bill to extend the additional duty on ethanol; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, Ms. LEE of California, Mr. MORAN, Mr. POLIS, Ms. PINGREE of Maine, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WOOLSEY, and Mr. YOUNG of Alaska):

H.R. 3553. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3554. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3555. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS (for himself, Ms. HOCHUL, Mr. OWENS, Mrs. MALONEY, Mr. HANNA, Mr. ENGEL, Mr. ACKERMAN, Mr. ISRAEL, Mr. HINCHEY, Mr. GIBSON, Mr. MEEKS, Mr. CROWLEY, Mr. RANGEL, Mr. KING of New York, Ms. HAYWORTH, Mr. REED, Mr. TONKO, Mr. BISHOP of New York, Ms. CLARKE of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. SERRANO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. GRIMM, Ms. BUEKLE, Ms. SLAUGHTER, and Mr. TURNER of New York):

H.R. 3556. A bill to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. KING of Iowa (for himself, Mr. GOHMERT, Mr. ROSS of Florida, and Mr. COBLE):

H.R. 3557. A bill to require the country of origin of certain special immigrant religious workers to extend reciprocal immigration treatment to nationals of the United States; to the Committee on the Judiciary.

By Mr. LANCE (for himself and Mr. BURTON of Indiana):

H.R. 3558. A bill to amend the Internal Revenue Code of 1986 to provide that the prohibition on suits to restrain assessment or collection of tax does not apply to the tax provisions of the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. ROHRBACHER:

H. Res. 483. A resolution calling for immediate full consular services to be provided by the United States Consulate in Erbil, the capital of the Kurdistan Region of Iraq; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

[Omitted from the Record of December 1, 2011]

By Mr. CARTER:

H.R. 3540.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. TERRY:

H.R. 3548.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. BACHUS:

H.R. 3549.

Congress has the power to enact this legislation pursuant to the following:

Article One

By Mr. DUFFY:

H.R. 3550.

Congress has the power to enact this legislation pursuant to the following:

Sections 5 and 8 of Article I of the United States Constitution.

By Mr. LANDRY:

H.R. 3551.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. RANGEL:

H.R. 3552.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8

By Mr. KUCINICH:

H.R. 3553.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. KUCINICH:

H.R. 3554.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. KUCINICH:

H.R. 3555.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. HIGGINS:

H.R. 3556.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of this legislation lies in the power of Congress to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State, as enumerated in Article IV, Section 3, Clause 2.

By Mr. KING of Iowa:

H.R. 3557.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 4 of the United State Constitution.

By Mr. LANCE:

H.R. 3558.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. LONG, Mr. SIMPSON, Mr. AKIN, and Mr. MILLER of Florida.
H.R. 104: Mr. BRADY of Pennsylvania.
H.R. 139: Mr. ACKERMAN.
H.R. 157: Mr. PLATTS and Mr. RIBBLE.
H.R. 178: Mr. AMODEI.
H.R. 187: Mr. YOUNG of Indiana.
H.R. 210: Ms. HAHN.
H.R. 374: Mrs. NOEM.
H.R. 376: Mr. FRANK of Massachusetts.
H.R. 451: Mr. FRANKS of Arizona.
H.R. 487: Mr. GRIJALVA.
H.R. 507: Mr. UPTON.
H.R. 529: Mr. PRICE of North Carolina.
H.R. 721: Mr. BASS of New Hampshire, Mr. WEST, Mr. FLEISCHMANN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. GARAMENDI, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HOLT, Mr. KISSELL, Mr. LARSON of Connecticut, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mr. PASTOR of Arizona, Mr. PERLMUTTER, Mr. PETERS, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. SHULER, Mr. SMITH of Washington, and Mr. WALZ of Minnesota.
H.R. 835: Mr. GONZALEZ.
H.R. 886: Mr. SMITH of Texas.
H.R. 890: Mr. MARKEY, Mr. MILLER of Florida, and Mr. LANCE.
H.R. 920: Mr. LONG and Mrs. ELLMERS.
H.R. 933: Mr. STARK and Mr. BLUMENAUER.
H.R. 935: Mr. WALBERG.
H.R. 997: Mr. PENCE.
H.R. 1058: Mr. CRAVAACK.
H.R. 1116: Ms. HAHN.
H.R. 1148: Mr. ROSS of Arkansas, Mr. KIND, Mr. JOHNSON of Georgia, Mr. STEARNS, Mr. LYNCH, Mr. BILIRAKIS, Mr. TIPTON, Mr. RIVERA, Mr. WALSH of Illinois, Mr. CHANDLER, Mr. LUETKEMEYER, and Mr. RYAN of Ohio.
H.R. 1186: Mr. WOMACK, Mr. BUCHSON, and Mr. BURTON of Indiana.
H.R. 1204: Mr. CAPUANO.
H.R. 1244: Mr. MILLER of Florida.
H.R. 1385: Mr. BARLETTA.
H.R. 1537: Ms. HAHN and Mr. MURPHY of Connecticut.
H.R. 1567: Mr. CLEAVER.
H.R. 1609: Mr. AUSTIN SCOTT of Georgia, Mr. PENCE, and Mr. MULVANEY.
H.R. 1646: Mr. POSEY.
H.R. 1733: Ms. ZOE LOFGREN of California.
H.R. 1744: Mr. AMASH.
H.R. 1781: Ms. WILSON of Florida.
H.R. 1834: Mrs. ADAMS and Mr. TIPTON.
H.R. 1895: Mr. GENE GREEN of Texas.
H.R. 1909: Ms. RICHARDSON, Mr. LUETKEMEYER, and Mr. CLAY.
H.R. 1981: Mr. AMODEI, Mr. REICHERT, Mr. NUGENT, Ms. HERRERA BEUTLER, Mr. MILLER of Florida, Mr. WILSON of South Carolina, and Mr. JORDAN.
H.R. 2069: Ms. HAYWORTH.
H.R. 2082: Mr. KIND.
H.R. 2088: Ms. HAHN.
H.R. 2108: Mr. RENACCI.
H.R. 2122: Mr. KLINE.
H.R. 2152: Ms. MCCOLLUM.
H.R. 2180: Ms. SCHAKOWSKY.
H.R. 2182: Mr. BROUN of Georgia.

H.R. 2198: Mr. DUFFY.
H.R. 2234: Mr. HINOJOSA.
H.R. 2238: Ms. HANABUSA.
H.R. 2264: Mr. THOMPSON of Mississippi.
H.R. 2313: Mr. MARCHANT, Mr. DAVIS of Kentucky, Ms. FOXX, Mr. GARDNER, Mr. KING of Iowa, Mr. WALSH of Illinois, Mr. CRAVAACK, Mr. BURTON of Indiana, Mr. MULVANEY, Mr. GIBSON, Mr. THOMPSON of Pennsylvania, Mr. PRICE of Georgia, Mr. AUSTIN SCOTT of Georgia, Mr. ROHRABACHER, Mr. ROYCE, and Mr. YOUNG of Alaska.
H.R. 2377: Mr. PASCRELL.
H.R. 2407: Ms. ZOE LOFGREN of California.
H.R. 2453: Mr. REED and Mr. RIVERA.
H.R. 2459: Ms. JENKINS.
H.R. 2492: Mr. GONZALEZ, Mr. CAPUANO, Mr. LYNCH, Mr. MURPHY of Connecticut, Ms. MATSUI, Mr. BURTON of Indiana, and Mr. THOMPSON of California.
H.R. 2505: Mr. PASCRELL.
H.R. 2514: Mr. TIPTON.
H.R. 2672: Mr. MARCHANT.
H.R. 2717: Mr. SCHRADER, Mr. DUNCAN of Tennessee, Mr. KILDEE, Ms. SCHWARTZ, Mr. TERRY, Mr. JONES, Ms. EDWARDS, Mr. MILLER of North Carolina, Mr. CUELLAR, Mr. HINCHEY, Mr. CHABOT, Mr. RAHALL, Mr. CROWLEY, Mr. FLEISCHMANN, and Mrs. ELLMERS.
H.R. 2770: Mr. GARDNER.
H.R. 2786: Mr. MORAN and Mr. NADLER.
H.R. 2834: Mr. BUCHANAN.
H.R. 2902: Mr. PAYNE.
H.R. 2942: Mr. AKIN and Mr. YODER.
H.R. 2945: Mr. FLAKE.
H.R. 2948: Mr. PRICE of North Carolina.
H.R. 2966: Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, Mr. TONKO, Mr. ANDREWS, and Ms. MCCOLLUM.
H.R. 2970: Mr. FARR.
H.R. 3027: Mr. TOWNS.
H.R. 3043: Mr. REED, Mr. GRIFFIN of Arkansas, Mr. DUFFY, and Mr. ROE of Tennessee.
H.R. 3044: Mr. YODER.
H.R. 3059: Mr. YOUNG of Alaska.
H.R. 3067: Mr. BARROW, Mr. OLSON, Mr. CARNEY, Mr. WALZ of Minnesota, Mr. WOLF, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. PETRI, Ms. SLAUGHTER, Mr. HOLT, Ms. WATERS, Mr. GARAMENDI, Mr. KING of New York, Mrs. SCHMIDT, and Ms. HAYWORTH.
H.R. 3125: Mr. GALLEGLY.
H.R. 3138: Mr. HOLT.
H.R. 3142: Mr. DUNCAN of Tennessee and Mr. COLE.
H.R. 3205: Mr. CULBERSON.
H.R. 3216: Mr. NUGENT and Mr. COBLE.
H.R. 3243: Mr. DUNCAN of Tennessee.
H.R. 3269: Mr. LOEBSACK, Mr. WALDEN, Ms. HAYWORTH, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, and Mr. MARCHANT.
H.R. 3271: Ms. CHU and Ms. NORTON.
H.R. 3307: Mr. RYAN of Ohio, Ms. HIRONO, Mr. MCINTYRE, Mr. HIGGINS, Mr. BERG, Mr. CRAWFORD, Mr. DOGGETT, Mr. MCDERMOTT, Mr. PERLMUTTER, and Ms. WOOLSEY.
H.R. 3313: Mr. GRIJALVA.
H.R. 3316: Mr. PRICE of North Carolina.
H.R. 3317: Mr. PRICE of North Carolina.
H.R. 3324: Mr. MCNERNEY and Ms. MCCOLLUM.
H.R. 3346: Mr. CLEAVER, Mrs. LOWEY, Mr. LYNCH, and Mr. HINCHEY.
H.R. 3378: Mrs. MILLER of Michigan and Mr. LEVIN.
H.R. 3379: Mr. HERGER.

H.R. 3393: Mr. BARLETTA.
H.R. 3398: Mr. HONDA.
H.R. 3400: Mrs. McMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CANSECO, Mr. SCHWEIKERT, Mr. BROUN of Georgia, Mr. GRAVES of Georgia, Mr. STUTZMAN, Mr. FRANKS of Arizona, and Mr. PEARCE.
H.R. 3418: Mr. GALLEGLY.
H.R. 3435: Mr. DOGGETT, Mr. STARK, Mr. MARKEY, Mr. NEAL, Mr. TONKO, Mr. OLVER, Mrs. NAPOLITANO, Mr. GARAMENDI, Mr. HINCHEY, Mr. CICILLINE, Ms. JACKSON LEE of Texas, and Ms. CASTOR of Florida.
H.R. 3441: Mr. PAUL.
H.R. 3453: Mr. RYAN of Wisconsin.
H.R. 3461: Mr. HURT, Mr. ROSS of Arkansas, Mr. DAVID SCOTT of Georgia, Mr. HUIZENGA of Michigan, Mr. TIPTON, Mr. MCHENRY, Mr. WOMACK, Mr. MANZULLO, Mr. CRITZ, Mr. CRAVAACK, Mr. PITTS, and Mr. SCHOCK.
H.R. 3462: Mr. MCKINLEY.
H.R. 3476: Ms. RICHARDSON.
H.R. 3480: Mr. MULVANEY and Mr. GOWDY.
H.R. 3485: Mr. GONZALEZ.
H.R. 3497: Mr. LATHAM and Mr. INSLEE.
H.R. 3502: Mr. WATT, Mr. PASTOR of Arizona, Mr. RUSH, Mr. CAPUANO, Mr. FILNER, and Mr. COHEN.
H.R. 3508: Mr. SCHWEIKERT.
H.R. 3521: Mr. CONNOLLY of Virginia, Mr. BUCHANAN, Mr. COSTA, Mr. MANZULLO, Mr. WELCH, and Mr. HONDA.
H.R. 3525: Mr. JACKSON of Illinois and Ms. NORTON.
H.R. 3538: Mr. MARCHANT, Mr. TERRY, Mr. HALL, Mrs. ROBY, Mr. KELLY, and Mrs. MILLER of Michigan.
H.R. 3545: Mr. CUELLAR.
H.J. Res. 90: Mr. MCDERMOTT, Mr. HASTINGS of Florida, and Mr. DEFAZIO.
H.J. Res. 91: Mr. COFFMAN of Colorado.
H. Con. Res. 85: Mr. MARKEY, Ms. HAHN, Mr. OLVER, and Mr. BLUMENAUER.
H. Con. Res. 87: Mr. YOUNG of Florida.
H. Res. 134: Ms. BUERKLE.
H. Res. 376: Mr. MCDERMOTT.
H. Res. 460: Mr. CONNOLLY of Virginia, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. DOLD, Mr. MCINTYRE, Mr. BROOKS, Mr. POLIS, Mr. ACKERMAN, and Ms. NORTON.
H. Res. 461: Mrs. BACHMANN.
H. Res. 468: Mr. HUIZENGA of Michigan, Ms. HAYWORTH, Ms. SLAUGHTER, Mr. TIPTON, and Mr. POLIS.
H. Res. 474: Mr. JOHNSON of Illinois and Mr. GARAMENDI.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SESSIONS, or a designee, to H.R. 10, the Regulations From the Executive in Need of Scrutiny Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—PAUL M. SIMEON, JR.

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

United States Marine Corps Sergeant Paul M. Simeon, Jr. is a veteran of Operation Enduring Freedom. He deployed to Afghanistan with the 1st Combat Engineer Battalion in 2002. During his years as an active duty Marine, Simeon earned a Global War on Terrorism Service Medal, Navy Meritorious Unit Commendation, Certificate of Commendation, Sea Service Deployment Ribbon, National Defense Service Medal, and Meritorious Mast and Marine Corps Good Conduct Medals.

Upon his exit from the Marine Corps, Simeon became a patrol officer for the New York City Police Department. He put his military training to good use keeping the streets of Brooklyn safe. During his tenure as an officer, Simeon was awarded the Excellent Police Duty Commendation for outstanding service.

In 2010, Simeon moved to Frisco, Texas, where he now resides. With the ultimate goal of becoming a doctor, Simeon has returned to school where he serves as president of the Collin College chapter of Student Veterans of America. He works day in and day out to ease the transition for returning warriors from military service to academic life. In the words of Sergeant Simeon, "If one of us fails, we all fail. We leave no one behind."

Always faithful, Simeon continues to exemplify the Marine Corps Motto by serving his peers.

Therefore, it is my pleasure to name Paul M. Simeon a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MS. JESSIE FRANKLIN WILLIAMS FOR HER SERVICE TO THE COMMUNITY AND HER COMMITMENT TO EDUCATION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable parent and an outstanding public servant, Ms. Jessie Franklin Williams. Ms. Williams has devoted her entire life to education and service. She was born on January 4, 1944 to Mr. and Mrs. L.A. Franklin in Greenville, Mississippi. She is the eldest of ten children and the widow of the late Mr. Albert Joe Williams. She is also the proud mother of four daughters: Sharon, Kyshea, Albetha and Jessica and grandmother of seven beautiful grandchildren.

Ms. Williams attended Coleman High School in Greenville, Mississippi; Mississippi Valley State University in Itta Bena, Mississippi and Delta State University in Cleveland, Mississippi. She is a student of history and dedicated her 38-year career to teaching the subject of Social Studies in the Shaw, Mississippi School District.

She has trained with the Office of Innovative and School Improvement and completed studies through the File Management for Educators program. Her additional instruction include: The Praxis Series Validation and Standard Setting Professional Assessments for Beginning Teachers, Strategies and Tools for Improving Student Learning and Achievement and Preps Subject Area Training.

She was appointed by former Governor of Mississippi and current Secretary of the Navy, the Honorable Ray Mabus, to serve on the State Health and Human Services Board. Ms. Williams has also served on the Washington County (MS) Election Commission and evaluated high schools for the Southern Association of Colleges and Schools (SACS). She has served as a member of the Greenville Pride Committee and served on the Board for Project Weed and Seed of Greenville, Mississippi. She also sings with the Soulful Temps Gospel Group.

Ms. Williams has lived through major periods in American History. She journeyed with America through times of both segregation and integration, becoming the first African American teacher to integrate the public schools in the Mississippi Delta. She was chosen Star Teacher and Teacher of the Year several times in her School District.

She serves as church announcer and president of the New Mt. Bethel Choir. She has served as President of the Elegant Ebonettes' Social and Civic Club, and worked with the Excellence Groups; which is a group of teachers and students dedicated to improving proficiency in the classroom.

She is passionate about education and has a consecrated love for her students. She has sponsored mock trials, mock elections, oratorical contests, and pageants all with the intent of promoting academic excellence and diversity among her students. Her motto is: "Good habits produce good conduct, long life and prosperity."

Mr. Speaker, I ask that you and my colleagues join me in recognizing Mrs. Jessie Franklin Williams for her dedication and commitment to education and empowering America's next generation.

IN HONOR OF TEAM 4MIL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Team 4Mil as they continue their mission to inspire, invigorate, and support wounded veterans through rehabilitative cycling programs and competitions.

Team 4Mil is a volunteer, non-profit 501(c)(3) public charity comprised of veterans from all branches of the United States military. This group of athletes has joined together to produce a cycling team which competes annually in Race Across America, RAAM, in order to generate support and promote the Wounded Warrior Project. This cycling competition is among the most strenuous acts of endurance. A three thousand mile course, which stretches from coast to coast, is travelled twenty four hours a day and takes about a week to complete, pushing even the most elite athletes to their limits. For Team 4Mil this act of endurance is a commemoration to those who have so bravely served our country.

By participating in this highly regarded competition, Team 4Mil hopes to raise funds and spread awareness of the Wounded Warrior Project, which aims to ensure that injured veterans returning from service are successfully and fully adjusted back to civilian life. The Wounded Warrior Project enables fellow veterans such as Team 4Mil to support and aid those who have sustained serious injury while serving their country.

Mr. Speaker and Colleagues, please join me today in honoring Team 4Mil as they continue their journey of extraordinary determination and manifest their duty to those who have bravely served our country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING THE CARSONVILLE-PORT SANILAC FOOTBALL TEAM ON WINNING THE INAUGURAL 8-PLAYER MICHIGAN STATE CHAMPIONSHIP

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege to recognize a special achievement recently accomplished by the Carsonville-Port Sanilac (C-PS) Tigers High School Football Team. C-PS capped off a remarkable and extremely memorable season by taking home to Sanilac County the first ever Michigan High School Athletic Association (MHSAA) 8-Player State Championship. After the necessary 20 high schools announced they would be fielding teams in 2011, the MHSAA was able to implement an official playoff schedule. This was more than welcomed news to CP-S since they had gone undefeated the previous year winning an "unofficial" title. But with this new opportunity on the horizon, C-PS demonstrated what real team work is to reach the pinnacle of this historic season.

With Head Coach Tim Brabant entering his second season in charge, the Tigers played strong hard-nosed football focusing on the basic fundamentals and taking each play one at a time. This meant players executing their designated assignments and beating the man in front of him. This also included playing sound defense with solid tackling and an implementing offense scheme that would make an NFL playbook look elementary. The Tigers kept constant pressure on their opponents forcing them to commit untimely errors and more importantly capitalizing on those mistakes.

After making the eight hour trek to Marquette in the Upper Peninsula to face-off against their opponent, the Rapid River Rockets, in the finals at the Superior Dome, the team brushed aside any potential distractions and solely focused on winning. Despite the best efforts of Rapid River, C-PS would not to be denied. Tigers had the proper preparation and were eager to seize the day.

Jumping out front quickly in the first quarter to a 27-6 lead, the Tigers saw that margin reduced by halftime to a 39-20 score. One important note is that unlike 11-man football, a 19 point lead is anything but safe. Similar to arena football, points can come quick and they can come often. But once again, the Tigers were up to the challenge and simply closed the door on the Rockets by shutting them out in the second half. This amazing feat is rarely accomplished in 8-player football. There is an old adage in sports which I think holds true for the Tiger's season, "Offense wins games, but defense wins championships." I am proud to say the Tigers capped off this outstanding season with a 59-20 win and an overall record of 12 wins and only one defeat.

The Tigers throughout the year exhibited the intangible ingredients which make up a winning football team: heart, discipline and a positive attitude. As legendary Hall of Fame Green Bay Packers Coach Vince Lombardi once

said, "A man can be as great as he wants to be. If you believe in yourself and have the courage, determination, the dedication and the competition drive and if you are willing to sacrifice the little things in life and pay the price for the things that are worthwhile, it can be done."

I applaud these young men for remaining both mentally and physically ready to compete. In addition, I want to commend the Tigers for staying energized and focused each time they stepped on to the gridiron. I understand this can be extremely difficult considering the numerous pressures and distractions high school student-athletes can encounter.

Mr. Speaker, it is my pleasure to honor the hard work and sportsmanship displayed by all the team members. These individuals are: Danny Rickett, Justin Mackey, Sam Washe, Hayden Adams, Ryan Davis, Garrett Salsbury, Ismael Pacheco, Chase Munro, Steven Koehler, Tom Nantz, Aaron Smith, Tim Smith, Jon Childers, Chris Drescher, Levi Hurley, Tim Sherman, Nick Swift, Devin Adams and Trevor Adams along with Head Coach Tim Brabant, Defensive Coordinator Scott Steele, and Assistant Coaches Eugene Binder and Joe Rickett.

I also wish to acknowledge the administrators, teachers, cheerleaders, parents, students and fans alike for their assistance and support in making this an unforgettable season. The Tigers proved they had the talent, fortitude and resilience to rise to the challenge and accomplish their ultimate goal—a State Championship. Teamwork, perseverance and friendship all contributed to this title. I know the community and the entire Thumb Region takes great pride in what these young men were able to achieve.

In closing Mr. Speaker, I share that same pride. I want to offer my personal congratulations and best wishes. All the accolades, awards and trophies are rightfully deserved. Way to go Tigers!

PERSONAL EXPLANATION

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. DOYLE. Mr. Speaker, I missed the following votes on December 1, 2011.

Roll 874: Jackson Lee (TX) Amendment (#2).—Exempts all rules promulgated by the Department of Homeland Security: "yes," failed 173-244.

Roll 875: Cohen (TN) Amendment.—Exempts from the bill any rule that relates to food safety, workplace safety, consumer products safety, air or water quality: "yes," failed 171-248.

Roll 876: Peters (MI) Amendment.—Exempts from the bill all rules that OMB determines would result in net job creation: "yes," failed 179-243.

Roll 877: Jackson Lee (TX) Amendment (#5).—Requires a GAO report to determine the cost of carrying out the underlying bill and the effect it will have on federal agency rule making. In addition, the report would need to contain information on the impact of repealing

the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency: "yes," failed 172-250.

Roll 878: Johnson (GA) Amendment.—Creates an exception for any rule making that seeks to carry out the FDA Food Safety Modernization Act: "yes," failed 170-250.

Roll 879: Democratic Motion to Recommit H.R. 527: "yes," failed 188-233.

Roll 880: Final Passage of H.R. 527—The Regulatory Flexibility Act (Rep. Smith (TX)—Judiciary): "no," passed 263-159.

Roll 881: H.Res. 364—Designating room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room" (Rep. Wasserman Schultz—Transportation and Infrastructure) Suspension bill: "yes," passed 419-0.

DELAURO MEMORIAL TABLE UNVEILING IN NEW HAVEN, CONNECTICUT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Ms. ESHOO. Mr. Speaker, the following remarks were delivered by our colleague, Representative ROSA L. DELAURO of Connecticut's Third Congressional District, on the occasion of the DeLauro Memorial Table Unveiling in New Haven, Connecticut, on Sunday, October 23, 2011.

Her remarks chronicle the extraordinary story of her mother and father, Luisa and Ted DeLauro, their neighborhood, their patriotism, and their service to a beloved community. It is the story of an American family, and the story of America as well. It also informs the U.S. House of Representatives why our colleague, Representative ROSA L. DELAURO, exhibits her values with such passion and excellence with her fighting spirit on behalf of her constituents, continuing the legacy of her parents' history and heritage.

Mr. Speaker, I ask the entire House of Representatives to pay tribute to our colleague, her parents, and all the members of the community who chose to honor the DeLauro family with their lasting tribute to them for all they have stood for and contributed. The name 'DeLauro' is synonymous with patriotism and service across generations and it is a privilege to place these words in the CONGRESSIONAL RECORD which describe how one family has so enriched the America they loved and served so magnificently.

REMARKS OF THE HON. ROSA L. DELAURO

DELAURO MEMORIAL TABLE UNVEILING,

SUNDAY, OCTOBER 23, 2011

(As prepared for delivery)

Well, this is very special, and I do not know how to express my appreciation. I am beyond words. What a turnout.

Above all, I am appreciative that my mother Luisa is here to witness what you have built, and to hear your thoughts about my dad Teddy and her and their work. Luisa will be 98 this Christmas Eve and, as you can see, she knows when she is the center of attention.

I want to thank Mayor John DeStefano who had the inspired idea for this tribute. He

met with Lynn Fusco, Jamie Cohen, Gerry Weiner, Barbara Segaloff, Robert Mele and others to bring his idea to fruition, consulting with community contacts in hopes of this being a surprise to Luisa and me. I only found about this effort well after it was under way.

In a cynical time, it is sometimes difficult to believe that someone's motives are just what they seem, trying to find a way to honor people's contribution. Mayor, your words today capture so much of our shared history and heritage—and I will not forget the many who were generous enough to support this work.

I should also thank Alderman Michael Smart. Independently, he had the idea of naming the corner of Academy and Chapel for Luisa. That too was a surprise, which only underscores this neighborhood's feelings for Luisa.

Jamie Cohen is the closest of friends, a neighbor and now head of the Valley Community Foundation. We started together working for Chris Dodd and the Dodd family and I love that he helped organize this effort, mobilize such talents and call on people's generosity. I will always remember his words today.

I am in awe of Senator Chris Dodd deciding to be here and offering such a special view. More than anyone, Chris combines humanity, loyalty, family and effectiveness to play such an historic role, captured at the University of Connecticut's Thomas Dodd Research Center. He did not say it, but Chris took some of the biggest risks on me—to run his first Senate campaign, to lead his office in Washington and run his re-election when I was still recovering from cancer surgery. No one has such a legacy and he continues to shape our future.

I especially want to thank Joe Carbone, who came to play the same role as me as chief-of staff to the mayor and who knew my Dad and believes his generation was touched by Teddy. I can remember my dad coming home from the supply house and saying, "Lou, the Carbones just had twin boys, Billy and Joey." And to this day, Joe will visit Luisa every weekend, where my mother gets so much joy in recounting the old political stories—Dick Lee, Arthur T. John Golden—and the exploits of so many neighborhood kids that she will tick off name by name, tale by tale.

I have to thank the Italian Societies who organized the reception for today's unveiling and who played such a critical role in this neighborhood and the Italian American community.

St. Andrews. Ladies and Men. Theresa Argento and Frank Gargano—and Theresa, that is a family that should be honored.

Santa Maria Maddelena—Ladies and Men—Andy Consiglio, who is always there for me; Rheta Debenedet

St. Catello. Irene Flynn

St. Trofemina—Julia Niceforo

Santa Maria Delle Virgine—Ruby Proto

We have all been shaped by what our families brought with them from Amalfi, Scafati, Minori, and Maori. They forged a life in America centered in this neighborhood and now shape our future through at least three generations. My family's story is just a thread in that fabric of history. And this memorial is just a moment in that living history.

So many hands took such care and contributed so much to create this memorial. Darren Antolini at Fusco Corp and everyone who was part of the construction and installation; Barry Svigals at Svigals Partners;

Anthony Capasso of Capasso & Sons; John DiTullio at Sign Lite; Start Community Bank; Bruce Alexander and Yale Press. I can see the love of their work in this table.

And so many people in the city government worked for this: Robert Levine, Parks Director, Christy Hass, Rosemarie Lemley, a force of nature, and Michael Abeshouse—who worked so closely with my mother for years providing support on the Board of Aldermen.

From the neighborhood: Harvey Koizim, Andy Ross, Beverly Carbonella, and so many others.

A committee of devoted friends of this community worked to produce this precious program booklet, above all Anthony Riccio, who has written so eloquently of the Italian-American contribution to this city and country and today devoted his words to capturing the lives of Teddy and Luisa and this family.

I want to thank in particular Barry Svigals, the sculptor who embraced this mission and captured my family's kitchen table on Green, Chapel and Olive Streets, where so many people sought help maneuvering through the maze of institutions not so welcoming to Italian Americans. But even more, they talked, planned and conspired on how to get the city to pay attention to this neighborhood and its needs. This table and chairs for me is timeless. It captures the humanity of an emerging community, now shared with others in this park. I thank you for that and I think so will this neighborhood.

Teddy and Luisa were devoted to me and made sure I got every possible lesson—dance, piano, French, horseback riding—How many Italian horseback riders do you know? And the very best Catholic education. I had the chance to go to St. Louis School, Lauralton Hall, Marymount College, the London School of Economics and Columbia University. And above all, that I not work in the shirt shops, the mills or factories or the primer shop at Winchester—where my mother worked as a young woman during the war. Imagine what they would have done with the education they gave me.

They gave me my values too. We are today right across from St. Michael's Church reminding us that my father was a devout Catholic and daily communicant. There and at this table, life was a living lesson about hard work and decency, thinking of others, community and the honor of working to help others.

Luisa and Ted are special because so much of what they did together and shared around this table, just as Stan and I get to share in each other's work. Stan is here—just back flying overnight from Italy and Venezuela where he is working to elect new leaders. I regret that Stan never knew my father because they shared such a passion for politics and campaigns, from the local to the presidential.

My father was born in Scafati and came to the United States in 1913 and walked away from school in the 7th grade when they made fun of his halting English. Where do those values and will come from? He was totally self-educated, became the city court interpreter, helped translate letters for neighbors, and assisted on Yale research projects. He was a self-taught musician who became the first clarinetist in the U.S. Army band, and surrounded us with every Italian opera that he knew by heart. My folks took me at age 9 to see Aida at the Met. He had me listen to Beethoven's Symphonies, and asked me to identify the instruments, which I could not—but he could. He took me with my cousins to see the Yankees play. Only Joe DiMaggio

was a bigger passion. When Stan worked for President Clinton, and we met Joe DeMaggio in the suite, I told him on Wooster Street people asked not how the Yankees did, but how Joe did. I wanted to find a way to call my Dad.

And he was so intense and animated about what was happening to people in this neighborhood. That was true whether he was going around door-to-door collecting insurance premiums during the Depression—and paying them himself when people were broke—or when he saw what the city and state contemplated for this neighborhood. That was true when he took the position as neighborhood liaison and director of this area's redevelopment. He went door-to-door showing his faith in this community, coaxing people to invest in their properties. With a band of architects, he convinced the owners to transform Court Street from a den of drunkenness, disease and odors to become the gateway to Wooster Square.

Teddy's passion sometimes became a temper. Ask Bill Donahue, who is here today. When he disagreed with the agency at a hearing, he would give up the gavel, go sit with the residents, and back them against the city. In fact, he and Luisa stood in front of the bulldozers to prevent them from razing more houses and from putting a highway through this neighborhood. So, I urge those who enjoy the quality of life in this neighborhood to remember the immigrant activists who made this possible.

My Mom and Dad wrote to me while I was at college in London October 23, 1962 during the Cuban Missile crisis, proud that President Kennedy was calling "Khrushchev's hand," but virtually in the same paragraph he wrote he was heading a "committee to finance the bust of Dr. Harry Conte, also to have a Community Christmas tree in our park. . . . Next week we will move from this office to the corner of Olive and Court, and the present site will be demolished to make room for the new Greene St. housing. I'm sure that by July 1963 when you get back you will see many projects completed. . . . There is no need to tell you how much we miss you, and we are counting the days until your return."

My Dad was known as the 'Mayor of Wooster Square' and he and Luisa founded and headed the Wooster Square Neighborhood Association, worked to have this neighborhood declared the first historic district in the city and Luisa started the Cherry Blossom Festival.

It was Teddy who decided politics was the right way to make a difference. He became head of the 10th ward Democratic committee when Franklin Roosevelt and Harry Truman defined what it meant to be a Democrat and a proud American. He ran once for the board of aldermen, giving it up to make enough money to pay for my college education. Luisa lost her first efforts to win the 8th ward, before winning and serving amazingly for 35 years—the longest serving member of the Board in this city. Our home was surrounded by books of minutes, agendas, budgets, as she took her role very seriously on the Board of Finance—holding six mayors and innumerable department heads accountable.

As was expected at the time, my grandmother had my mother leave school when she was 13—starting to work at Strauss Adler when she was legally able at age 14. Think of that. She would educate herself at night but she worked in the factories through the war. She was still working on the sewing machine for piecework wages when I was a young girl in the 1950s.

Yet in 1933 at age 20—three-quarters of a century ago—she wrote in the tenth ward's Democratic newsletter—"my motive . . . is to encourage the female members of this organization to take a more active part in its affairs. We are not living in the middle ages when a woman's part in life was merely to serve her master in her home" and should enter the "here-to-fore stronghold of the male sex: politics." "Come on girls, let's make ourselves heard."—those words now immortalized in this sculpture.

Where did that come from?

She was so dogged and fearless and nothing brought out her qualities like a good fight. She worked for affordable housing, from Columbus Mall to Winslow Celantano to Farnam Courts. She was unrivaled in trying find people a job. Above all, she went to the senior centers and worked for the residents of Winslow Celantano like they were her own parents. When they lost their heat, she went around to every store on Wooster Street every day to make sure the residents had food. Long before America got it, she fought for everyone regardless of color or gender.

She was above all and continuously a woman of her times that had no end point. When this country faced the tumultuous cultural changes of the 1960s and the Vietnam war, my father was not at all comfortable with what he saw. We had some serious moments. In one of my parents' letters during the Cuban Missile Crisis, he wrote, "Now, I'm going to preach again. This concerns the situation between us, and Cuba. In your conversations with the English, you may note they are not in favor of the blockade. Please do not get into any controversial arguments. Do not join any demonstrations in London either for or against anything. Occupy yourself with your studies, and whenever you have free time enjoy yourself."

A decade later, Luisa DeLauro in her sixties backed Joe Duffy, the anti-war Democrat against the wishes of the machine, not to mention Joe Lieberman against Ed Marcus. She supported the primary challenge of Frank Logue against the machine candidate and faced political wrath of Arthur Barbieri, including a primary challenge for her own seat.

My own story is not so interesting once you think about the two great influences in my own life. It was written. And I will not dwell on my work, though so much of this began at this kitchen table. My father wanted me to be a pianist and if not that, to make \$10,000 a year. He asked me what I wanted to be when I grew up. I said a dancer—he said get a more stable profession! He did not think I would make it politics because I had too much book learning in my head and not enough experience working and living with people—understanding their lives.

But politics was in my blood and for many years I worked for a succession of civic and elected leaders—from the Community Action Institute to the city of New Haven, from Frank Logue to Chris Dodd.

When I was discovered to have ovarian cancer and beat that back with wondrous nurses and doctors at Yale New Haven Hospital, I made a decision that I too had to run for office and play a role in this tradition. Nothing was a bigger honor than to be elected to the Third Congressional seat in the tradition of Albert Cretella, Bob Giaimo, Larry DeNardis, and Bruce Morrison. Eleven times the people of this district have sent me to Washington to battle for them—as my father and mother would have done in their day. I now believe it is no accident that today my

bill to bar discrimination against the unemployed is part of President Obama's Jobs Bill, because my dad asked in his time why the workers at Candee Rubber Company who helped make it profitable in good times lost their jobs in bad times. And I believe it is no accident that I stood right behind the president when he signed his first law, The Fair Pay Act, because my mother asked the same challenging questions when she was but 20.

What motivates what I do springs from growing up in an Italian-Catholic household, with Teddy and Luisa DeLauro. This sculpture brings it full circle, with all our words captured here.

Mayor, thank you for getting this started, thank you all for joining my family today, and enjoy this neighborhood where my mother still lives and where it all began.

All the best.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—JIM REED

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

During World War II, Mr. Jim Reed of Plano, Texas was a rifleman with E Company, 2nd Battalion, 23rd Regiment, 4th Marine Division. Based out of Camp Lejeune, the division deployed to the Pacific Theater of War in 1944 and engaged in the Battle of the Marshall Islands, the Battle of Saipan, and the Battle of Tinian. On August 9, 1944, while compassionately trying to convince Japanese citizens in Saipan not to jump off a suicide cliff, Reed was shot in the back of the head by a sniper. Evacuated to Guadalcanal and then Pearl Harbor with a Purple Heart pinned to his robe, Reed would not stay down for long.

In February 1945, with Tinian as a launching point, Reed and his fellow Marines stormed Iwo Jima. The mission of the 23rd Marines was to capture Motoyama Airfield No. 1 within 24 hours of landing. However, after three days they had not reached their objective and lost a third of their men. Fortunately, the 3rd Division came ashore as support and together they pushed through to the airfield.

The next objective was even tougher. In their trek toward Motoyama Airfield No. 2, the Marines fought uphill through ravines and over cliffs while the Japanese fired at them from tunnels and fortresses built into the land. After 10 days of fighting, only 15 remained of Reed's company of about 250 men. Reed had again been wounded, earning him his second Purple Heart. This ended Jim Reed's war.

A favorite speaker at Veterans Day events, Mr. Reed selflessly shares his story with all

generations of Americans and serves veterans-support organizations around North Texas, including the Daughters of WWII.

It is an honor and privilege to name Jim Reed a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MS. ETHEL LEE HOWARD FOR HER COMMITMENT COUNTERING CIVIL INJUSTICES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a longtime resident and devoted civil servant of Port Gibson, Mississippi, Ms. Ethel Lee Howard.

Ms. Howard has been an advocate of civil rights for more than 50 years. She joined the fight for civil rights in the early 1960s when the movement first came to Claiborne County, Mississippi. She began her efforts by frequenting meetings held at St. Peter's African Methodist Episcopal Church hosted by the National Association for the Advancement of Colored People—an organization she soon after became a member.

During the civil rights era, Ms. Howard fought vigorously for equal rights; she was among the first to send her daughter, Jessie, to a predominantly white school in Mississippi during the 1960s and when First Baptist Church of Port Gibson was fired upon with gunshots by police and other law enforcement officials, Ms. Howard's voice reigned high among all those who stood firmly to echo the sounds against injustice.

To this day, Ms. Howard still serves as a faithful member of the National Association for the Advancement of Colored People and actively attends many of its community functions and meetings. In 2007, she was honored as Mother of the Year for the NAACP during a ceremony at the First Baptist Church in Port Gibson, Mississippi.

Mr. Speaker, I ask that you and my colleagues join me in celebrating Ms. Ethel Lee Howard for her unwavering commitment to civil justice and equality.

PERSONAL EXPLANATION

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Ms. SUTTON. Mr. Speaker, on rollcall No. 880, a vote on H.R. 527, I inadvertently and mistakenly voted "aye" on passage of the bill, when I intended to vote "nay." I have always stood by our working families to defend critical regulations that protect our environment and public safety, and believe that a "no" vote on final passage properly reflects my record and the priorities of my district.

A TRIBUTE TO THE HONORABLE
LYDIA Y. KIRKLAND

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Honorable Lydia Y. Kirkland. For 25 years, Judge Kirkland has served on the Philadelphia Municipal Court, and on November 4, 2011 she celebrated her retirement after decades of service to her community.

Judge Kirkland's roots run deep in Philadelphia. During the difficult days of American segregation, her grandparents and great grandparents were among the most accomplished business persons and clergy in Philadelphia. Indeed, her grandfather, Reverend Doctor James E. Kirkland pastured the Union Baptist Church, the congregation which gave the magnificent Marian Anderson to the world. Judge Kirkland's father, Rev. Joseph Kirkland was a renowned cleric and civil rights leader in his own right, having graduated Crozer Theological Seminary in my district. His classmate and friend at Crozer was The Reverend Doctor Martin Luther King, Jr.

Judge Kirkland received both her Bachelor of Science and Juris Doctorate Degrees from Howard University in Washington, DC in 1974 and 1977 respectively. In 1978 she was admitted into the Pennsylvania Bar. Judge Kirkland was an associate in the Law Office of retired City Councilwoman Augusta A. Clark from 1979–1980. She was a sole practitioner, serving the people of my district, from 1980–1985.

Judge Kirkland was elected to the Philadelphia Municipal Court in 1985. During her tenure she was elected Secretary of the Board of Judges. She distinguished herself on the bench, receiving the 2009 Judge A. Leon Higginbotham Award, presented by the Bar-rister's Association of Philadelphia, and the Judge Doris M. Harris Image Award, presented by the National Bar Association Women Lawyer's Division—Philadelphia Chapter and other awards. Judge Kirkland is the proud mother of two sons Joseph C. Cornell and Joel Kirkland Cornell.

Judge Kirkland's long and impressive career showcases her commitment and service to her community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Judge Kirkland for her work and congratulate her on the occasion of her retirement.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. HEINRICH. Mr. Speaker, I unfortunately missed a vote yesterday afternoon, specifically rollcall vote 879.

If I had been present, I would have voted in support of rollcall vote 879, the Democratic Motion to Recommit H.R. 527.

RECOGNITION OF THE ST. LOUIS
BALLET IN ST. LOUIS, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. AKIN. Mr. Speaker, I rise today to recognize the St. Louis Ballet located in St. Louis, Missouri.

For over ten years, Gen Horiuchi has served as the artistic director of the St. Louis Ballet. His international reputation with major choreographers throughout the world has enabled the St. Louis Ballet to bring original productions to the St. Louis region.

The St. Louis Ballet has played a vital role in community development by facilitating culture and arts in the St. Louis area. The ballet has been involved in community outreach to foster children in offering free private lessons and to Senior Assisted Living facilities in making the art of ballet and ballet performances more accessible.

Ballet truly is an artistic skill that embodies the American spirit as much as it emboldens young people to push limits and succeed in whatever they chose to do. The St. Louis Ballet School does just that as it produces many fine dancers that demonstrate high degrees of teamwork, care for others, respect, and discipline. Mr. Horiuchi's ballet is constantly transitioning and evolving, allowing for greater expression and freedom to explore and to advance. It is traits like these that Americans are hungry for in this current time in our history.

I congratulate the St. Louis Ballet's exemplary example of the leadership St. Louis and in Missouri as a whole. I am pleased to honor them in their continued endeavor to bring art and culture to the St. Louis region.

HONORING PFC. THEODORE B.
RUSHING

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. WEBSTER. Mr. Speaker, on behalf of the people of Florida, I rise today to honor the life, service, and sacrifice of Pfc. Theodore B. Rushing. Pfc. Rushing was killed in action in Afghanistan on Veterans' Day, November 11, 2011.

Growing up in Central Florida, Rushing graduated from Altamonte Christian School. After earning his associates degree from Seminole State College, Rushing chose to enlist in the U.S. Army, with plans to follow his father's footsteps and join the Orlando Police Department. Known to his friends as Teddy, Pfc. Rushing had an adventuresome spirit and loved being outdoors. He was known for being gregarious and outgoing.

After graduating boot camp in June 2011, Rushing continued his training at the Calvary Scout School at Fort Knox in Kentucky and was assigned to the 10th Mountain Division, 71st Cavalry and stationed in Ft. Drum, NY. Rushing was deployed to Afghanistan in August and served in Kandahar province. On No-

vember 11, Rushing's unit was attacked and Rushing was killed in combat.

Rushing's medals and awards include the Purple Heart, Bronze Star, and the Afghanistan Campaign Medal. Pfc. Rushing is survived by his father, Rick; his mother, Ann; and his sister, Stacy. His life, service, and sacrifice are remembered by all.

ANNOUNCING RECIPIENTS OF THE
INAUGURAL CONGRESSIONAL
VETERAN COMMENDATION FOR
THE THIRD DISTRICT OF
TEXAS—ELIZABETH MCCORMICK

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Chief Warrant Officer Elizabeth McCormick served our country in the U.S. Army from 1994 to 2001. After Basic Training at Fort Jackson, South Carolina, McCormick decided to forego Officer Candidate School, instead heading to the Warrant Officer Flight Training Program to increase her chances of fulfilling her dream—serving as a Blackhawk helicopter pilot.

She graduated first in her class and was soon assigned to Fort Drum, New York flying Command & Control and VIP Missions. Upon promotion to Chief Warrant Officer 2, McCormick was transferred to Katterbach Army Airfield in Germany where she served as Rear Detachment C Company Commander during peacekeeping operations in Kosovo.

For her excellent service, McCormick was awarded the Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, Humanitarian Service Medal, Army Service Ribbon, and Army Aviator Badge.

Though an injury incurred in Germany forced McCormick into medical retirement, she maintained her spirits and searched for new goals. She moved to Dallas, Texas where she built a business as a Longaberger Consultant. McCormick is now active in the local community, participating in several Chambers of Commerce and serving as President of the Firewheel Chapter of Women of Visionary Influence. Each year she also participates in an Armed Forces Day Barbeque where she collects boxes of dry foods and goods for overseas troops.

It is my pleasure to name Elizabeth McCormick a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MR. CARL WATLEY
FOR HIS SERVICE AND COMMIT-
MENT TO THE COMMUNITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize a remarkable man and steward of the Cary, Mississippi community, Mr. Carl Watley. Mr. Watley is a lifelong resident of Cary, Mississippi, where he has devoted much of his time to serving as a positive male influence for the children of Cary. For years he has devoted himself to serving not only as guardian but as a role model for his niece and nephew, who were left without a parent after the untimely death of his sister. Mr. Watley is also admired and adored by the children of Sharkey and Issaquena Counties, many of which see him as a father figure and role model as well.

Mr. Watley has served his region for several years by providing community activities to the children of the area with his own personal resources. During the summer months, Mr. Watley sponsors activities for more than 140 children. He is currently working to secure funds to build a community house that will provide recreational alternatives for the children of Cary, Mississippi. He has organized a number of events for the children of Cary, including community clean-ups, field days and bible study for the young men of the community. Mr. Watley is also working with community leaders of Cary to establish a park in the Maiden Addition community.

Mr. Watley is an active member of the Parents for Public School Leadership and is certified under the National Certification in Fatherhood Leadership. He is a member of Mount Zion Missionary Baptist Church where he serves as the Youth Leader, a musician and a deacon.

Mr. Speaker, I ask that you and my colleagues join me in expressing my sincere gratitude to Mr. Carl Watley of Cary, Mississippi for being a champion of children and a pillar of the community.

THE EMPTY CHAIR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. POE of Texas. Mr. Speaker, on Thanksgiving, millions of Americans will sit down to a decorated table filled with turkey and all the trimmings such as mashed potatoes and pumpkin pie to celebrate the Thanksgiving holiday. They will tell stories, laugh and enjoy conversation with their loved ones. But there are other homes around the nation where the dining room table will be accompanied by an empty chair. In that chair once sat a husband, father, brother, sister, son or daughter. It sat a graduate, a friend and a United States warrior. It is now an empty reminder of a courageous American hero who gave his or her life for this country. Today we say a prayer for

those families with the empty seat at the table, and we thank them for their sacrifice to this country. At Thanksgiving, Americans must be thankful for the heroes—and the families that they leave behind—that volunteer to fight 365 days of the year all across the world so that the rest of us can be free.

Thanksgiving is about more than a turkey and sitting around a dinner table. It is about giving thanks to God for all of the blessings we enjoy, including our troops and our freedom.

Where did Thanksgiving come from? In 1620, the Pilgrims landed at Plymouth Rock in Plymouth, Massachusetts. Fleeing religious persecution, they vowed to make a better life for all in North America. The Pilgrims, unaccustomed to the Massachusetts winter, would not have survived their first winter without the help of the Indians, who brought them food, saving them from starvation. During the following year, the Pilgrims' conditions improved in Massachusetts, leading to a productive harvest season. To celebrate and give thanks to God for the harvest, the Pilgrims invited the Indians who had helped them the previous winter, and held a three-day feast. This feast was the birth of what is today known as Thanksgiving.

A common misconception about Thanksgiving is that it was annually celebrated following 1621. Actually, for the next 150 years, the American colonists would only celebrate Thanksgiving when there was cause to do so. In 1789, President George Washington declared a National Day of Thanksgiving for the American colonists. In his Presidential Proclamation, Washington stated: "It is the duty of all nations to acknowledge the Providence of Almighty God . . . to be grateful for His benefits, and to (request) his protection and favor. I, President Washington, recommend to the people of the United States, a day of public thanksgiving and prayer . . . to show the many favors of the Almighty and especially the opportunity for this form of government."

President Washington's belief in a National Day of Thanksgiving was not widely agreed upon or accepted throughout the colonies. For the next 70 years, a day of Thanksgiving was not routinely held. During the early 1800s, however, a female magazine editor named Sarah Josepha Hale began a 40-year campaign to institute a National Day of Thanksgiving. In November 1863, President Abraham Lincoln, agreeing with Sarah Hale, proclaimed a National Day of Thanksgiving for the last Thursday in November. Thus began the tradition of Thanksgiving Day. But, it was not until 1941, under President Franklin Delano Roosevelt, that Thanksgiving was declared an official national holiday by Congress.

No matter what Thanksgiving traditions have been enacted since Thanksgiving Day was first declared in 1863, and officially recognized a national holiday in 1941, Thanksgiving has always been about giving thanks to God for what we have and thinking of others who may not have what we do. This Thanksgiving Day, I invite this great nation to not lose sight of the true meaning of Thanksgiving and to do as the Pilgrims did before us: Offer a prayer of thanks to God for all of the gifts that he has bestowed.

And that's just the way it is.

PERSONAL EXPLANATION

HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mrs. HARTZLER. Mr. Speaker, on Thursday, December 1, I was unable to vote due to a conflicting obligation in my district. Had I been present, I would have voted as follows:

On rollcall No. 872, "nay";
On rollcall No. 873, "aye";
On rollcall No. 874, "no";
On rollcall No. 875, "no";
On rollcall No. 876, "no";
On rollcall No. 877, "no";
On rollcall No. 878, "no";
On rollcall No. 879, "no";
On rollcall No. 880, "aye"; and
On rollcall No. 881, "yea."

OPPOSITION TO H.R. 3010 AND H.R.
527

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to oppose H.R. 3010 and H.R. 527, bills that would create unnecessary requirements and hurdles to federal rulemaking. These bills seriously hinder the ability of federal agencies to protect our public health, including the safety of our food, our drinking water, the toys our children play with, and the quality of the air we breathe. These bills would create excessive delays for important rules that help provide workplace safety, consumer protection, support for small businesses, and veterans' assistance. Both these bills would add a cost to the taxpayers—H.R. 3010 would impose enormous costs by requiring a cost-benefit analysis of even the most minor of rules and CB0 estimates H.R. 527 would cost \$80 million just in the next few years. By expanding judicial review H.R. 3010 will favor well funded special interests, a blatant attempt to impede an agency's factfinding process. Such processes will create greater and extended amounts of uncertainty, making it harder for businesses small and large to plan for the future. I urge my colleagues to vote No on these overreaching and onerous bills.

HONORING TONY STEWART

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. PENCE. Mr. Speaker, I rise to congratulate one of Columbus, Indiana's most famous sons, the 2011 NASCAR Sprint Cup Champion, Tony Stewart. Indiana has long been known as the world's capital of auto racing and Hoosiers are proud of our home-grown NASCAR champ.

In a season finale that went down to the last lap, Tony drove what he called the greatest

race of his life. His victory at Homestead-Miami Speedway clinched the season championship and cemented his status as one of stock car racing's all-time greats.

Tony's racing career began like many other aspiring young racers—behind the wheel of a go-kart. In 1983, at the age of twelve, Tony won his first championship. By 1989, he had moved from go-karts to open-wheel machines and captured the National Midget championship in 1994. The next year, he won the United States Auto Club's Triple Crown. In 1996, Tony demonstrated his prowess for racing at the Brickyard by capturing Rookie of the Year honors at the Indianapolis 500 and followed up with an IndyCar championship a year later.

After becoming a full-time NASCAR driver in 1999, Tony won three races en route to becoming NASCAR's Rookie of the Year. Three seasons later, he won his first NASCAR championship. In 2005, Tony won the Brickyard 400 before a hometown crowd and went on later in the season to take his second title.

The 2011 season will long be remembered for Tony's historic run in the Chase for the Sprint Cup. As a testament to the tenacity and poise of the entire Stewart-Hass Racing team, Tony brought the number fourteen to victory lane in five of the ten races that make up the Chase.

Mr. Speaker, Hoosier race fans like myself have come to know Tony Stewart as a tremendous competitor. Whether he is racing the short tracks and dirt ovals all across Indiana, or at our famous Brickyard, Tony Stewart is a true champion.

**ANNOUNCING RECIPIENTS OF THE
INAUGURAL CONGRESSIONAL
VETERAN COMMENDATION FOR
THE THIRD DISTRICT OF
TEXAS—PETER W. MALIK**

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Colonel Peter W. Malik of McKinney, Texas serves in the United States Army Reserve as Commander of the 90th Sustainment Brigade in Little Rock, Arkansas. Malik has deployed in support of both Operation Iraqi Freedom and Operation Enduring Freedom. He also provided critical logistical support for a rescue mission of American hostages in Colombia while assigned to U.S. Army South.

During his 2005 tour of duty in Afghanistan, a volunteer assignment, Malik ran several medical capability exercises which supported the local population by providing medical care. He also volunteered to assist as a Security

Force "Officer in Charge" in the clearing of several Improvised Explosive Devices. His actions enabled the 504th Parachute Infantry Regiment, 82nd Airborne Division to execute their missions.

As ever, Malik put his fellow soldiers' safety first during an enemy attack on base. After a rocket hit the camp, Malik immediately began evacuating other Coalition Force members into a hardened shelter to protect them from additional strikes. Disregarding his own safety, Malik continued evacuation procedures as a second rocket landed nearby. Malik's efforts undoubtedly saved lives.

When stateside, Malik serves as an officer with the Dallas Police Department. He joined the force in 1989 and in the words of his superiors, "He has continually demonstrated the same professionalism and dedication to duty that exemplify his military career." Colonel Malik has also been an invaluable volunteer for numerous local organizations. These include Dallas Military Ball, Assist the Officer Foundation, Texas Special Olympics, and Fisher House.

Therefore, it is my pleasure to name Peter W. Malik a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

**RECOGNIZING MS. DOROTHY MAE
JORDAN FOR HER SERVICE TO
THE COMMUNITY**

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Dorothy Mae Jordan. Ms. Jordan is the loving mother of five children. She has devoted much of her life to improving the lives of others and is a true friend to her community.

Ms. Jordan is the epitome of selflessness. At the age of 50, she commits herself to the needs of others with little to no accolades. She silently sacrifices her time and resources to being a reliable, caring, and passionate friend for those in need. Ms. Jordan is a beacon of hope and inspiration to those she encounters.

Mr. Speaker, I ask that you and my colleagues join me in recognizing Ms. Dorothy Jordan for her steadfast devotion in serving and giving back to her community.

**AMERICANS NEED A HEALTHCARE
RULING ACT—INTRODUCTORY
STATEMENT**

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. LANCE. Mr. Speaker, the United States Supreme Court's recent decision to hear arguments on the fate of President Obama's Affordable Care Act sets the stage for an important ruling next summer that I believe will bring much-needed regulatory certainty to our economy.

However an obscure tax provision enacted into law by Congress in 1867 could delay a final ruling on the constitutionality of health care reform until 2015.

The court agreed to consider four key questions concerning the constitutionality of the health care law including whether Congress had the authority to require individuals to buy health insurance by 2014 or pay a tax penalty.

Legal scholars differ over whether the health care law adds a "tax" for those who lack insurance or instead imposes a "penalty" that must be paid to the Internal Revenue Service.

Yet under a law known as the Anti-Injunction Act of 1867, judges are barred from deciding on tax cases until the tax has been paid. Therefore if the justices find themselves closely divided on the issue the court could invoke the Anti-Injunction Act and put off a decision until 2015, when the first taxpayer pays a penalty for not having insurance.

Waiting for a decision on the constitutionality of the health care law until 2015 could be disastrous for U.S. businesses and our economy by continuing to deny regulatory certainty in this area.

That is why today I am introducing the Americans Need a Healthcare Ruling Act. This legislation would waive the Anti-Injunction Act as it applies to the Affordable Care Act. Passage of this bill will help ensure a decision on the issue next year.

**HONORING THE CONTRIBUTIONS
OF LOCAL LAW ENFORCEMENT**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. WOLF. Mr. Speaker, I rise today to recognize the following law enforcement officers who have been honored by the Horse Shoe Curve Benevolent Association for their service to their communities and continued willingness to put their lives on the line to protect public safety.

Virginia State Police Trooper Pamela M. Neff serves the citizens of Clarke, Frederick, and Warren counties. Trooper Neff has done an outstanding job of removing intoxicated drivers from the road during her tenure with the force and has received much notoriety for her efforts. Trooper Neff has also provided invaluable guidance and instruction to newer troopers and has consistently made sound decisions with regard to violations enforcement. Furthermore, her excellent investigative skills and her knowledge of the laws of Virginia enhance her ability to effectively communicate with the community.

Virginia State Police Trooper Daniel J. Scott serves the citizens of Frederick County. Trooper Scott has served the Virginia Department of State Police as a trooper, breach alcohol operator and field training officer. Trooper Scott provides critical guidance to less seasoned troopers. In addition, his investigative skills have also been recognized by his fellow officers. Trooper Scott's service to the community is a true testament to his dedication to this important work.

Correctional Officer Franklin D. Garriss Jr. serves as a housing unit security officer with

the Northwestern Regional Adult Detention Center. Officer Garris is responsible for more than 50 inmates on a regular basis. Over the past several years, Officer Garris has demonstrated himself to be among the most disciplined and conscientious officers on the staff and has been serving as a field training officer. Officer Garris has performed superbly and is recognized by his peers as an exceptional officer whose dedication is unmatched.

Officer Stephen Hossack serves the Mount Weather Police Department. Officer Hossack is a knowledgeable and professional police officer, displaying a strong dedication to the mission. Officer Hossack's contributions to the department's explosive K-9 program have enabled its teams to improve critical training. Officer Hossack is well informed and has the knowledge and skill to handle this complex work.

Edgar Allen Sibert serves as a lieutenant in the Frederick County Sheriff's Office. Lt. Sibert also serves as the north end team leader of the Northeast Regional Drug and Gang Task Force, where he supervises undercover investigators assigned from Winchester, Frederick, and Clarke counties. A majority of Lt. "Big Al" Sibert's career has involved working with drug investigations. Lt. Sibert has shown outstanding dedication to the citizens he serves. These qualities make him an outstanding officer.

Detective Lisa Hyde serves the Winchester Police Department. Detective Hyde has been instrumental in the development, implementation and successful completion of the Winchester Police Department's Timbrook Youth Reporting Center. Detective Hyde has designed and implemented the standard operating procedures for the programs. Detective Hyde has an undeniable love for the community's youth and this is reflected in her ability to carry out such a long and painstaking process as the development of the Timbrook Youth Reporting Center. In addition to maintaining this program, Detective Hyde also manages a criminal case load as a Winchester Police Department Detective and serves as a team leader on the Winchester Police Department's Crisis Intervention Team.

Deputy Allen Mason serves the Clarke County Sheriff's Office. Deputy Mason began working for the sheriff's office in communications and has advanced to the rank of deputy. Deputy Mason has also worked as a school resource officer. Recently, Deputy Mason responded to a call regarding an elderly lady wandering around a rural area of the county. He was able to find and return the lady to the safety of her family who expressed deep appreciation for Deputy Mason's kindness and professionalism.

Corporal Tim Bristol serves the Berryville Police Department. Corporal Bristol has taken an active leadership role within the department and constantly looks for ways to improve and motivate members of the department. Corporal Bristol has been involved in the reorganization of the department's field training program and worked tirelessly to make sure those coming into the department are professionally mentored and equipped with the tools and resources necessary.

Deputy Steve Alger serves the Winchester Sheriff's Office. In August 2010 Deputy Alger

was assisting mall security apprehend several subjects who had repeatedly stolen comforters and home furnishings when a fight began. The subject was able to climb into a vehicle and when Deputy Alger continued his pursuit, he was struck by the van driven by the suspects. Although his injuries were minor, this incident demonstrated that Deputy Alger was determined to prevent the escape of these criminals, who were apprehended the next day. Deputy Alger goes above and beyond what is required of his job duties.

Mr. Speaker, it is my honor and privilege to recognize these officers for their courage, strength and service to their local communities.

HONORING THOMAS MAHONEY

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. MEEHAN. Mr. Speaker, I rise today to honor Springfield Township's 1st Ward Commissioner Thomas Mahoney who will be retiring at the conclusion of this year. His political career began on October 10, 1989, when he was appointed to that very position. For almost 25 years Thomas has been an outstanding leader in the community, as well as an advocate for the improvement of Springfield Township for the benefit of all. First elected Vice-President of the Board of Commissioners in 1994, Thomas has honorably served as President for 11 of the past 15 years. From raising a family to being involved with the Youth Club and the Athletic Association his commitment to Springfield Township has never wavered. Thank you for all of your hard work and best of luck in the future.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—ALLEN GOEHRING, JR.

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

United States Army Staff Sergeant Allen Goehring, Jr. has honorably served our country since 1986. During his distinguished military career, Goehring spent time with a number of Army units including the 302nd Military Police Company and Detachment 1 of the United States Pacific Command.

Most recently, Goehring deployed to Iraq as a Criminal Investigations Division Special

Agent with the 1149th Military Police Detachment of the Texas Army National Guard. Back in 2002, he also deployed to Afghanistan with the 345th Psychological Operations Company in support of Operation Enduring Freedom.

When home, Goehring works for the Richardson Police Department. He started in 1997 as a patrol officer, Field Training Officer, and member of the Special Weapons and Tactics (SWAT) Team. During that time he obtained the highest certification available to an officer—Master Peace Officer. He now serves in the Investigations Division as a Crimes Against Persons and Sector Crimes Detective. During his time with the Police Department he has received forty-two citizen and Departmental commendations. He also has been selected for assignment to the Joint Terrorism Taskforce in the Dallas area.

For his heroic military efforts, Goehring was awarded the Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, and National Defense Service Medal, to name a few.

It is my pleasure to name Allen Goehring a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MS. SHARON UP- SHAW FOR HER COMMITMENT TO THE COMMUNITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Sharon Upshaw. Ms. Upshaw is the parent of four and grandparent of two. She has worked as a Vista volunteer, foster grandparent coordinator, and Vice President of the Parent-Teacher Organization in the Quitman County School District.

Ms. Upshaw has devoted much of her life to community service and youth engagement. She is currently working with the Carl Brown Learning Center of the Quitman County Development Organization as the Parent Advocacy Coordinator which ensures that parents and students, alike receive the necessary support and resources for education.

She has been instrumental in obtaining after-school assistance for students suffering from learning and behavioral concerns and has worked to form coalitions between parents and school personnel to increase parental involvement in student academic welfare. She has also worked to improve the communication hurdles between both the school officials and parents.

Mr. Speaker, Ms. Upshaw is not only a parent and grandparent but she represents a tower of strength and is advocate of education in her community. So Mr. Speaker, I rise today to ask that you and my colleagues join me in recognizing Ms. Sharon Upshaw of Quitman County, Mississippi for her unwavering commitment to academia and her dedication to improving the lives of children in the Mississippi Delta.

IN RECOGNITION OF RICK CASE
AND THE 50TH ANNIVERSARY OF
THE RICK CASE AUTOMOTIVE
GROUP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Rick Case and in acknowledgment of his 50th anniversary as the owner and founder of the Rick Case Automotive Group, located in Northern Ohio, South Florida and Atlanta, Georgia.

Mr. Case began his work with automobiles while in high school by selling cars from his parents' yard. The business has grown from a local Ohio dealership to 16 dealerships in three different states. Rick Case founded the Rick Case Automotive Group in 1962 in Northeast Ohio and expanded to South Florida and Atlanta in 1986. Today, the Rick Case Automotive Group employs more than 900 people.

Rick Case Automotive Group has been honored with many awards over the years. It was presented with the Honda President's Award in 2009 and in 2011, the Rick Case Automotive Group was the recipient of the Ernst & Young Entrepreneur of the Year Award. Mr. and Mrs. Case have also received the title of "Business Leaders of the Year" from the Florida Sun Sentinel and "Humanitarians of the Year" by Nova Southeast University.

Beyond running a successful business, Mr. and Mrs. Case founded the Rick Case Bikes for Kids program to provide bicycles for the less fortunate children in their community.

Mr. Speaker and colleagues, please join me in honoring Rick Case and the Rick Case Automotive Group's 50th anniversary.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SCHILLING. Mr. Speaker, on Friday, December 2, 2011, I attended the funeral of Pfc Adam E. Dobereiner in Rock Island, Illinois. Pfc Dobereiner died on November 18, 2011 in the Kandahar Province of Afghanistan while serving his country. Our nation owes Pfc Dobereiner and his family a debt of gratitude for their sacrifice. We must always remember the service of heroes both past and present.

Had I been present in Washington, DC on December 2, 2011, my votes would have been as follows:

For roll No. 882, which would clarify that an agency shall take into account whether a problem disproportionately impacts certain vulnerable subpopulations, and whether such an impact would be mitigated by new agency action—H.R. 3010 stresses smart, efficient and economical rule making. We should always be looking to maintain levels of service at the lowest cost possible. Under this bill, federal agencies already take public health or general welfare considerations into account. Therefore, I would have voted "no".

For roll No. 883, which would clarify that the agency would retain the discretion to determine whether to provide advanced notice, not later than 90 days, of a proposed rule prior to being published in the Federal Register. For the sake of transparency, the underlying bill makes advance notice of these rules mandatory; therefore, I would have voted "No".

For roll No. 884, which would clarify that regulations to protect public health and safety would not be blocked or repealed by H.R. 3010—Again; the underlying bill provides for the consideration of public health and general welfare. Therefore, I would have voted "No".

For roll No. 885, which would exempt from the Act actions by the Nuclear Regulatory Commission under the Atomic Energy Act—All federal regulations must be examined for their effect on health, public welfare, the economy and jobs. The NRC should not be carved out of this review. Therefore, I would have voted "No".

For roll No. 886, which would exempt all rules promulgated by the Department of Homeland Security—All federal regulations must be examined for their effect on health, public welfare, the economy and jobs. The DHS should not be carved out of this review. Therefore, I would have voted "No".

For roll No. 887, which Would have recommended the bill so that it would "not apply to new regulations or the revision of existing regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices"—Because the whole point and intent of the underlying bill is to lower costs, including the costs of prescription drugs, I would have voted "No." When it comes to vital health services for our seniors, it is vital that we keep the promise of both Medicare and Social Security. I have voted to do exactly that since coming to Congress eleven months ago. We also must continue to work to preserve these programs for our children and their children.

For roll No. 888, the Regulatory Accountability Act of 2011, which would reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, I would have voted "Yes".

We must ensure that the regulations put forth by the federal government—more specifically the 4,000 final rules that federal agencies issue each year—are truly needed and necessary for the public welfare. This includes public health and our economy. I truly believe that our economic recovery is being held back because of overregulation and uncertainty coming from the government. My number one priority as a representative is fostering job creation to strengthen our economy so that American families can pursue their version of the American Dream. H.R. 3010 promotes increased public participation when it comes to considering regulations, stresses that lower cost regulations should be pursued, and provides more certainty to our businesses which represent the key to growing jobs in America.

It is an honor to serve the people of the 17th Congressional District of Illinois.

IN HONOR OF JUDGE JOHN HENRY
LAND

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I come to the House Floor today to pay tribute to one of Columbus, Georgia's most renowned and respected public figures, the late Judge John Henry Land. Judge Land, who served on the Superior Court bench in the six-county Chattahoochee Judicial Circuit for nearly 25 years, died on Wednesday, November 30, 2011 at the age of 93 years old. His funeral will be on Monday, December 5, 2011 at the Striffer-Hamby Mortuary's Macon Road Chapel, followed by a committal service in Park-Hill Cemetery.

His many years of dedicated public service and steadfast commitment to mentoring young lawyers, District Attorneys, and Judges are just two of the many reasons as to why Judge Land was such an influential and respected pillar in Georgia legal circles.

A Columbus native, Judge Land was born on June 1, 1918, the son of Aaron Brewster and Mattie Miller Land. He is a graduate of Columbus High School and the University of Georgia. As a student at the University of Georgia, he epitomized the true meaning of a young and inspiring legal scholar by finishing a five-year law degree program in four years.

Following his exemplary collegiate career, Judge Land was engaged in the private practice of law before being drafted into the Army in 1941, eventually rising to the rank of Major before being honorably discharged after World War II.

After the war, Judge Land resumed his legal career and was subsequently elected to public office. He served in the Georgia State Senate from 1949 to 1950 and in 1955 he was appointed by Governor Marvin Griffin to serve as District Attorney.

Following his service as State Senator and District Attorney, Judge Land was elected in 1964 to the Muscogee County Superior Court, a position in which he served until his retirement in 1988. As a Superior Court judge, he was lauded and respected for his high legal acumen, disciplined adherence to the rule of law and his stern, no-nonsense judicial temperament.

Mr. Speaker, Judge Land possessed the intellect, courage, and fortitude necessary to grow as a lawyer and jurist and become one of our state's most renowned judges and pre-eminent judicial scholars. And, I will always respect him for his many outstanding professional achievements, substantive contributions to our community and his sage advice and counsel to me as I entered the Georgia political arena. But what I will remember most about Judge Land is his strength of character, his integrity, and his fidelity.

My wife Vivian and I would like to extend our prayers and condolences to Judge Land's wife, Mary, and his four surviving children, John H. Land III, Martha Christensen, Jeffrey Land, and Jere Land.

Though he will be greatly missed by his loving family and his many diverse friends of long

standing, we can all be grateful that we had the opportunity to know, love, and have our lives touched by this exceptional human being!

Mr. Speaker, I ask my colleagues to join me today in celebrating the life of a great American and Georgia public figure of giant proportions—the late Judge John Henry Land of Muscogee County, Georgia.

HONORING JOHN J. DINTINO

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. MEEHAN. Mr. Speaker, I rise today to honor Collingdale Borough Councilman John J. Dintino. After 37 years of honorable service, he will retire on December 5, 2011. Having served continuously since joining the Borough Council on January 5, 1975, John's service has left immeasurable contributions on the community. For many years he was the Chairman of the Public Safety Committee and is the current Chairman of the Highway and Sanitation Committee. Through hard work and tremendous commitment, John has helped make the Borough of Collingdale a great place to work, live, and raise a family.

ANNOUNCING RECIPIENTS OF THE
INAUGURAL CONGRESSIONAL
VETERAN COMMENDATION FOR
THE THIRD DISTRICT OF
TEXAS—SCOTT BRADLEY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

United States Army Sergeant First Class (ret.) Scott Bradley served our country from 1984–2007. During his distinguished military career, Bradley spent one year in Seoul, Korea as part of the Customs Inspection Team and participated in multiple deployments to Central America to assist with aid efforts after devastating natural disasters swept the region.

In June of 2004, Bradley was transferred to the 228th Combat Support Hospital (CSH) in San Antonio. When his unit deployed to Iraq in support of Operation Iraqi Freedom, Bradley's task was to secure and detain all insurgents coming through the hospital. He also ran general security for the facility.

For these and other heroic efforts, Bradley has been awarded the Meritorious Service Medal, three Army Commendation Medals, and two Army Achievement Medals. He also

received the Army Good Conduct Medal, National Defense Service Medal, two Overseas Service Ribbons, the Armed Forces Reserve Medal with "M" Device, the Global War on Terrorism Service Medal, and the Iraq Campaign Medal.

After leaving the Army Reserve in 2007, Bradley was elected to the City Council in Murphy, Texas. In his role on the Council, Bradley is an active community leader and public servant.

It is my pleasure to name Scott Bradley a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MR. JOHN JACKSON
FOR HIS COMMITMENT TO THE
COMMUNITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor entrepreneur and faithful exponent of his community, Mr. John Jackson. Mr. Jackson has owned and operated his own farm in Leake County, Mississippi for the past twenty years.

Mr. Jackson comes from a long line of entrepreneurs and community servicemen. He is the son of a blacksmith and grandson and son-in-law of farmers. Even after years of witnessing his family undergo oppression, Mr. Jackson still rose to become one of Leake County's leading servicemen.

He served as president of the Thomastown Attendance Center Booster Club for four years; trustee on the Leake Memorial Hospital Board for two years; and is an active member of the Leake County Voters League. Mr. Speaker, I ask that you and my colleagues join me in recognizing Mr. John Jackson for his dedication to serving the Leake County community.

HONORING DR. EDWARD WAITE
MILLER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Ms. WOOLSEY. Mr. Speaker, I rise in sadness today to honor my friend, Dr. Edward Waite Miller, who passed away October 27, 2012, at the age of 92. He was a prominent surgeon and writer in Marin County, California, as well as a loving family man.

Born in Oyster Bay, New York, in 1919, Dr. Miller studied at Union College in Schenectady and at Cornell Medical School with an internship at Boston City Hospital. He then served at the US Naval Hospital in Corpus Christi and in the South Pacific during WWII. He was awarded the American Theatre, Asiatic-Pacific, and Victory Medals. Reactivated in 1953, his service varied from making training films in the California desert to witnessing nuclear testing at the Bikini Atoll. He then received the Ko-

rean Service, United Nations, and National Defense Medals.

Dr. Miller also had a distinguished medical career. While working as a research fellow at the Cleveland Clinic with Dr. Willem Kolff in the 1950s, he published some seminal studies on the angiography of the heart that led to research in the new practice of coronary bypass surgery. He later worked as a surgeon in Marin General Hospital in Greenbrae, CA, and Children's Hospital in San Francisco, CA, and as a physician at Novato Community Hospital in Novato, CA.

In retirement Dr. Miller became well known in the community and around the world for his writing in the Coastal Post newspaper, a Marin County publication that gave him free rein to speak out on issues he was passionate about. From advocacy for peace and human rights to his sometimes controversial pro-Palestinian stance, he penned opinion pieces that reflected his deeply held beliefs and his great knowledge of world events.

I had many conversations with Ed Miller about these issues, and, although I sometimes didn't agree with him, I always enjoyed our time together and appreciated his commitment and his compassion. He loved discussing everything from politics to poetry (which he quoted from memory) with friends and family.

A long-time resident of the Lucas Valley area, Dr. Miller enjoyed landscaping his yard, and he was a board member and President of the Lucas Valley Homeowners' Association.

Dr. Miller is survived by his wife Fusae Ito Miller; his children and stepchildren, Trudy Vriethoff, Susan Ray, Lori Callahan, Jeffrey Miller, Grace Bransford, and Robert Fleming and their spouses; and 5 grandchildren.

Mr. Speaker, I always looked forward to seeing Ed Miller and will miss our lively discussions. Please join me in offering condolences to his family and friends.

HONORING MARY LEE SPENCER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, reaching the age of 93 years is a remarkable milestone; and

Whereas, Mrs. Mary Lee Spencer was born on August 28, 1918 and is celebrating that milestone; and

Whereas, Mrs. Spencer has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Spencer is celebrating her 93rd Birthday with her family members, church members and friends here in DeKalb County, Georgia on August 28, 2011; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; and

Whereas, we are honored that she is celebrating the milestone of her 93rd birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Mary Lee

Spencer for an exemplary life which is an inspiration to all,

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim August 28, 2011 as Mrs. Mary Lee Spencer in the 4th Congressional District of Georgia.

Proclaimed, this 28th day of August, 2011.

THE DAVIS FAMILY GOES THE
EXTRA MILE IN HONORING OUR
NATION'S WOUNDED HEROES

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize Mr. and Mrs. Dano Davis, the rest of the Davis Family, and the staff and volunteers of the D-Dot Ranch in Jacksonville, Florida. For the past five years, the D-Dot Ranch has semi-annually hosted four wounded military returnees from Iraq, Afghanistan and other conflicts, for a three-day respite at the D-Dot Ranch.

This respite has included food and lodging in their spectacular bunk house lodge and a one of a kind special Florida outdoor experience. Participants have included heroes who have lost eyes, arms and legs, as well as other physical and mental impairments.

These respite visits have helped many highly-deserving individuals to realize they can still enjoy the great outdoors in spite of their impairment challenges. Personnel at Walter Reed, Bethesda and other military healthcare facilities have reported significant therapeutic benefit for these participants.

Mr. Speaker, it is my hope that my colleagues join me in saying thank you to the Davis Family and the staff at the D-Dot Ranch for a job well done. America owes our wounded heroes a debt of gratitude that we can repay and this is one way that we can show our appreciation and admiration for their service.

ANNOUNCING RECIPIENTS OF THE
INAUGURAL CONGRESSIONAL
VETERAN COMMENDATION FOR
THE THIRD DISTRICT OF
TEXAS—ROBERT "BOB" KINNE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Robert "Bob" Kinne retired as a United States Air Force Lieutenant Colonel in 1973 after 21 years of honorable service. A distin-

guished fighter pilot of exceptional skill, Kinne flew numerous combat missions over Vietnam.

During one run in 1966, he was involved in a midair collision over Hanoi. When several surface to air missiles were launched at Kinne and his wingman, the wingman lost sight of Kinne's F-4 and collided with him at 8,000 feet. The plane was heavily damaged, but Kinne was able to recover after falling to about 2,000 feet. Against all odds, he made it back to Da Nang Air Base safely. For these and other missions Kinne has received three Distinguished Flying Crosses, eight Air Medals, a Bronze Star, and two Meritorious Service Medals.

Upon his retirement in 1973, Kinne joined the business jet community working his way up to head of aviation for the Associates First Capital Corporation. He flew around the world many times, and enjoyed transporting dignitaries including President George H.W. Bush.

Kinne now resides in McKinney, Texas. A member of the Red River Valley Fighter Association, National Air and Space Society, and Aircraft Owners and Pilots Association, Kinne contributes to our community by sharing his love of aircraft and flying with the next generation. He also assists numerous Boy Scouts with their badges, Eagle Scout projects, and those with plans for future military service.

It is my pleasure to name Bob Kinne a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

HONORING THE LIFE OF MR.
EDDIE CHARLES BROWN, JR.
HUMAN RIGHTS ACTIVIST AND
WORLD CITIZEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mr. Eddie Charles Brown Jr., a consummate organizer, community activist and civil rights advocate. Mr. Eddie Brown Jr. began working in the areas of human and civil rights in the 1960s. Often working on behalf of others, Mr. Brown devoted his life to making a difference in society.

A native of Louisiana, Eddie Brown Jr. was born on August 19, 1941, in New Orleans and raised in Baton Rouge, Louisiana, to Thelma Warren and Eddie Charles Brown, Sr. He is survived by his wife, Valinda, and three sons.

Mr. Brown's historical efforts to fight segregation and all forms of oppression as well as to empower Black people started in 1960 as a student at Louisiana's Southern University. He and 16 other classmates confronted the University and staged a sit-in to protest the prevalent racial segregation that existed in Louisiana. After he and the others were arrested, expelled and banned from enrolling in any university in Louisiana, Eddie Brown's life would be defined by his fight for justice, equality and human dignity on behalf of politically and socio-economically oppressed communities.

The expulsion from Southern University led Mr. Brown to Howard University in Washington, D.C. in 1961, where he landed on the

front line of the Civil Rights Movement. At Howard University, Mr. Brown became a leader and organizer for the Student Nonviolent Coordinating Committee (SNCC). He fought to win constitutional rights for Blacks and all disenfranchised people.

Mr. Brown never held a job that was not directly concerned with human advancement. Highly regarded in white political and philanthropic circles for a selfless incorruptibility, he helped bridge the gap between both communities and was able to direct very significant financial resources into poor black communities.

As a staffer at the Citizen's Crusade Against Poverty in Washington, D.C., in 1965, Mr. Brown developed information networks among community-based organizations to support anti-poverty legislation. In 1967, he organized efforts to improve the political and economic conditions of Blacks in the Mississippi Delta as the Executive Director and founder of the Mississippi Action for Community Education (MACE) and The Delta Foundation in Greenville, Mississippi. At MACE, he developed community-based enterprises producing Fine Vines blue jeans and establishing catfish farms in the Delta. In 1974, Mr. Brown raised funds and helped organize the Sixth Pan African Congress held at the University of Tanzania with delegates representing 52 independent states and/or liberation movements in Africa, the Caribbean, and other people of African descent.

As Executive Director of the New Orleans Area Development Project in 1976, he organized advocacy groups to work for reform by organizing communities to fight police brutality and creating parent-teacher committees for education reform. Mr. Brown went on to serve as President and CEO of the Southern Agriculture Corporation in the 1980s where he worked to organize and gain capital funding for small Black southern farmers. In the 1990s as Executive Director of the Voter Education Project in Atlanta, he continued his tireless efforts to register Blacks and poor people to vote and to fight legislation restricting poor and disenfranchised people of all color from voting.

From the 1990s through 2006, Mr. Brown shifted his focus to nations outside the United States. As a senior consultant to the National Democratic Institute, Mr. Brown designed and implemented civic and voter education programs to prepare for national elections in Ethiopia, Namibia, Zambia, Nigeria, and Zimbabwe. As an international election observer for The Jimmy Carter Center, Eddie worked in Ghana, Zambia and The Dominican Republic. As a human rights activist in corporate board rooms, Eddie served on the World Council of Churches and Emergency Fund for Southern Africa raising funds for humanitarian relief; at the Center for National Security Studies monitoring American defense policies and budgets; and with the American Friends Service Committee, United States Department of Agriculture Citizens Advisory Committee Equal Opportunity and Atlanta Council for International Cooperation.

Mr. Speaker, I ask that my colleagues join me in honoring the life and legacy of Mr. Eddie Charles Brown Jr., a global citizen and activist who found his lifework in the work that he loved.

STATEMENT IN OPPOSITION TO H.R. 3463, THE TERMINATE ELECTION ASSISTANCE COMMISSION AND PRESIDENTIAL ELECTION CAMPAIGN FUND ACT, H.R. 3010, THE REGULATORY ACCOUNTABILITY ACT AND H.R. 527, THE REGULATORY FLEXIBILITY IMPROVEMENTS ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. VAN HOLLEN. Mr. Speaker, the current House rule provides for consideration of three separate pieces of legislation: H.R. 3463, the Terminate Election Assistance Commission and Presidential Election Campaign Fund Act, H.R. 3010, the Regulatory Accountability Act and H.R. 527, the Regulatory Flexibility Improvements Act. I oppose all three ill-conceived bills, because they weaken our democracy by giving powerful special interest influence at the expense of the public. We should be focusing on legislation to create jobs today and these bills do nothing to create jobs or improve the sluggish economy.

The first bill, H.R. 3463, eliminates the Presidential Election Campaign Fund, which was established as part of landmark political reforms following the Watergate scandal. The fund is critical in ensuring that wealthy donors and corporations are not able to monopolize the political process. Critics of the Presidential Election Campaign Fund contend that it is outdated and fails to provide enough money for candidates to run modern campaigns. I recognize that the fund needs to be modernized, but strongly oppose its elimination. Instead, I introduced H.R. 414, the Presidential Funding Act, with Rep. DAVID PRICE to reform the presidential public financing system and again make it an attractive and viable option for candidates. Our bill would bring available funds into line with the high cost of campaigns, enhance the role of small donors, adjust the program to today's front-loaded primary calendar, and end the public financing of party conventions. Presidential campaigns should not be limited to candidates who can raise the most money from corporations and the super wealthy.

H.R. 3463 also eliminates the important Election Assistance Commission, which was created in the wake of the 2000 presidential election to help states update their voting systems. The commission provides voting system testing and certification programs to ensure that every qualified citizen's vote is counted. Since the commission was created, it has greatly improved the accessibility and reliability of voting machines. The commission works to provide states with financial and informational resources to upgrade their voting and registration systems, train their poll workers, and improve access to voting machines for more than 37 million voters with disabilities. The Republican bill to turn back the clock on fair elections is opposed by a wide-range of public interest groups dedicated to protecting voting rights—including the League of Women Voters, Democracy 21, Common Cause, Americans for Campaign Reform,

Brennan Center for Justice, Campaign Legal Center, People for the American Way, Public Campaign, Citizens for Responsibility and Ethics in Washington (CREW), Public Citizen, and U.S. PIRG. Congress should assist the commission with additional resources; it should not eliminate it.

The Republican leadership combined H.R. 3463 in a rule to pay for two other flawed bills, the misnamed Regulatory Accountability Act and the Regulatory Flexibility Improvements Act. In contrast to their nice-sounding titles, these bills create unnecessary delays and additional red tape in federal rulemaking. These delays could be detrimental to public health and safety.

It is important to recognize that President Obama has implemented reforms to the rule-making process. In January 2010, the President signed an Executive Order that required agencies to determine if the benefits of proposed rules are justified considering their cost to society. He also directed agencies to consider input from affected public and private stakeholders and experts when developing rules and regulations. President Obama required an interagency review of repetitive rules and regulation between agencies that may prevent innovation in the private sector. In response to concerns from small business owners, President Obama requested departments and agencies to decrease unjustified economic burdens on small businesses through increased flexibility. This increased flexibility can include postponing compliance deadlines for small businesses, establishing different requirements for small firms and large firms, and providing partial or total exemptions for small businesses. I believe that the steps taken by the Obama Administration address many of the problems these bills seek to fix without creating additional layers of unnecessary bureaucracy and legal uncertainty.

In 1980, Congress passed the Regulatory Flexibility Act to require that federal agencies consider the potential economic impact of federal regulations on small businesses. The current law has worked well, but the Regulatory Flexibility Improvements Act creates excessive requirements in federal rulemaking by subjecting 50 additional federal agencies to conduct small business peer review panels and additional costly analyses. The bill would create major delays in important rules. These delays could adversely impact rules that would protect families from fraudulent practices in the mortgage industry or safeguard children from toxic toys among other things.

The so-called Regulatory Accountability Act adds more than 60 new requirements in the federal rulemaking process. These new requirements would prevent government agencies from addressing public health, consumer protections, environmental standards, workplace safety and financial malfeasance and many other important actions. The new requirements contained in these bills could prevent federal agencies from fulfilling their core missions under the law. If federal requirements are overly burdensome, Congress already has the oversight responsibility to address the problem. I stand ready to work with all my colleagues to eliminate any outdated unnecessary regulations that are not cost-effective.

CELEBRATING THE 20TH ANNIVERSARY OF THE HARLEM DOUBLE DUTCH CLASSIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the 20th Anniversary of the Harlem Double Dutch Classic, which competition takes place every year at the world famous Apollo Theater. I also would like to recognize the National Double Dutch League and my good friend Mr. David A. Walker who passed away in 2008, and the rise of director Ms. Lauren Walker, Mr. Walker's daughter.

David A. Walker, the founder of the National Double Dutch League made Double Dutch into the game it is today. Together with Ulysses Williams, whom he met while working for the New York City Police Community Affairs division, were able to make the game into a competitive team sport that quickly gained momentum as a World Class Sport. By 1974 Double Dutch had gained enough popularity to have the first tournament of fifth through eighth graders, in which almost 600 students participated.

Double Dutch has since become a citywide, national and international sport. Community centers and school throughout the national have thousands of students compete to be champions of this wonderful sport. For 18 years, Walker served the American Double Dutch League as president, and later went on to form the International Double Dutch Federation, the National Double Dutch League, which we are honoring today, and the Dynamic Diplomats of Double Dutch team. Walker managed to create an approach to the sport that has spread throughout the world as the default method to compete. Double Dutch has risen and fallen in popularity over the years, but Walker was able to help the game stand the test of time and rise once again in its full glory.

Mr. Speaker, I urge my colleagues to educate themselves on this important sport that has changed the lives of young girls and boys throughout the nation and the world. We must honor the man that has helped put our children's energies into safe pass times such as this, and David A. Walker was that man. I know that his daughter will carry on his legacy and keep this incredible sport alive and thriving.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—RICHARD D. OLIVER

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home.

For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Specialist Richard D. Oliver served our country in the United States Army from 1980 to 1983. During his distinguished military career, Oliver trained to perform decontamination of field units in the event of a combat nuclear exchange. He served with the 2nd Armored Division, 1st and 2nd Infantry. Later, he was stationed in Korea as a Demilitarized Zone Guard.

Having served with great distinction, Oliver was awarded the Army Service Ribbon, Overseas Ribbon, Army Achievement Medal, Good Conduct Medal, and Drivers Badge.

After leaving the Army, Oliver served as a volunteer firefighter for the City of Sachse, Texas for 10 years. He now serves Sachse as a Police Officer. The recipient of four Life Saving Awards, Oliver most recently put his skill and strength to work when he rescued a woman who was trapped in her burning vehicle.

He is the current Vice President and State Trustee of the Fraternal Order of Police, also representing that organization at the local Chamber of Commerce. With the support of his fellow officers, he is the driving force behind the annual Christmas food and toy drive for needy families. Oliver also assists families who need assistance with home repairs and maintenance through the Sachse Shares project. Last year, Oliver was honored by his hometown as outstanding citizen of the year when he was presented with the Spirit of Sachse Award.

It is my pleasure to name Richard D. Oliver a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,088,441,787,407.62. We've added \$10,287,036,612,113.34 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNITION OF MAJOR ALISON HAMILTON

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Ms. TSONGAS. Mr. Speaker, I rise today to recognize and pay tribute to Major Alison

Hamilton, United States Army, on the occasion of her departure from the Army House Liaison Office to deploy to Afghanistan in support of Operation Enduring Freedom.

I, and many other members of this chamber, have had the pleasure of working with her as she has served as a part of the U.S. Army Office of Legislative Affairs, and prior to that, when she served as a Congressional Fellow in my office.

In 1999, while still a West Point cadet, Major Hamilton was awarded the Soldier's Medal—the Army's highest peacetime award for bravery—"for heroism above and beyond the call of duty" following the terrorist bombing of the U.S. Embassy in Nairobi, Kenya, on August 7, 1998 when she risked her life to rescue others.

Following her graduation from West Point, Major Hamilton was commissioned a second lieutenant in the United States Army. During her 13-year career, she has served as platoon leader for companies of Military Police in Germany and Kosovo and as the Battalion S-1 for the 709th Military Police Battalion. For 19 months, she commanded the 212th Military Police Detachment stationed in Fort Belvoir, VA before deploying to Arifjan, Kuwait to serve as the theatre operations officer in the only strategically deployable Field Army headquarters in the U.S. Army. Upon redeployment, Major Hamilton went on to share her field experience with cadets at the Valley Forge Military College where she served as the Battalion S-3 and Assistant Professor of Military Science.

In 2010, she joined my personal office as a Congressional Fellow tasked with assisting me in my work on the House Armed Services Committee and quickly became an integral and important part of our team, demonstrating the same level of leadership, maturity, dedication, insight and intelligence that have been the hallmarks of her career. Alie took initiative to help me pursue several legislative initiatives and served as a valuable resource to me and my staff. Her warm personality and even temperament mixed with her thorough attention to details and intelligence made her a reliable and trusted member of our team. Even after her yearlong commitment was completed, she remains a regular visitor to my office but we miss her daily presence.

Following her fellowship, Major Hamilton was assigned to the Army House Liaison Office as a Legislative Liaison where she continued her dedicated service to the Congress and to the Army. Throughout her assignment to the House of Representatives, Major Hamilton has been a superb representative of Army values.

It is my great honor to congratulate Major Alison Hamilton on her service to the Army and our Nation and I ask my colleagues to join me in recognizing the remarkable accomplishments of this soldier, citizen, and friend. We wish her a safe and successful deployment and a speedy return home.

HONORING OLD MISSION SANTA BARBARA ON ITS 225TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mrs. CAPPS. Mr. Speaker, I rise today to commemorate the 225th anniversary of the Old Mission Santa Barbara in Santa Barbara, California. This is a momentous occasion. Founded by Father Fermon Lasuon on the Feast of St. Barbara on Dec. 4, 1786, the Old Mission Santa Barbara has been administered by the Franciscan Order since its founding, making it the oldest continually operating church in California.

The Old Mission is an exceptional example of both neo-classical architectural design with Mexican, Spanish and native Indian influence, and a rare, lasting example of Chumash sculpture and craftsmanship. Throughout the Santa Barbara Mission's 225 year history, it has served as the signature building of the Santa Barbara community.

In past years, the Old Mission has alternatively served as a mission, a boarding school, a bishopric, a theological seminary, a museum, a private residence, a retreat center, and a parish church. After the devastating earthquake of 1925, which destroyed much of the towers of the mission, the community rallied in support of the Old Mission by collecting pennies and holding benefit concerts all to fund the Mission's restoration.

Old Mission Santa Barbara, a National Historic Landmark, and known as the "Queen of the Missions," continues to serve our community by hosting the Old Mission Arts and Crafts shows, I Madonnari Festival, the world famous Old Spanish Days Fiesta, the blessings of the animals, and the Christmas nativity creche, as well as other historic celebrations and community gatherings.

Mr. Speaker, I urge my colleagues to join me in commemorating the 225th anniversary of the Old Mission Santa Barbara and the central role it continues to play as a cultural and historic landmark in the city of Santa Barbara.

COMMEMORATING WORLD STROKE DAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to commemorate World Stroke Day, which was observed on October 29th. Although I was unable to commemorate this day when it occurred, it's never too late to raise awareness about this devastating disease.

On average, a stroke occurs every 40 seconds in America, and it's the fourth leading cause of death in our country. A stroke is essentially a "brain attack" that occurs when blood flow is interrupted to the brain, either by a blood clot or the breaking of a blood vessel.

I urge my colleagues and constituents to learn about the risks and warning signs associated with stroke, and to join me in honoring

the seven million stroke survivors, their caregivers and families in recognition of this World Stroke Day.

HONORING RYAN HOSFORD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ryan Hosford. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ryan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ryan Hosford for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—GEORGE “ROBBIE” ROBINSON

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Captain George “Robbie” Robinson spent a 20-year career serving our nation in the U.S. Navy. After graduating from the NROTC program at Princeton University, Robinson received a four-year Marshall Scholarship from the United Kingdom where he obtained a Ph.D. in civil engineering. He put the degree to good use with the Navy Civil Engineer Corps from 1961–1981.

During these years, Robinson was responsible for the planning, construction, and maintenance of 51 U.S. Naval bases in the Pacific and Indian Oceans. He also received the Navy Commendation Medal with Combat V for his leadership of a Seabee Company in Vietnam which supported the U.S. Marines. Robinson later assumed command of a Seabee Battalion of over 1,200 men, the only such bat-

talion to be commended by the U.S. Congress.

In 1974, Robinson became the third Naval Officer ever to be named a White House Fellow. Upon his retirement, he was honored with the Legion of Merit.

Robinson went on to have a distinguished career as a corporate executive, manager, planner and engineer. He has maintained an active presence in the community by participating in a wide range of civic, professional and religious organizations. Among his many achievements in the community are leadership positions within the American Cancer Society, Plano Economic Development Foundation, Plano Junior League, Plano Symphony Orchestra, and University of Texas at Dallas. For his extraordinary leadership, Robinson's hometown of Plano, Texas has honored him as Citizen of the Year.

It is my pleasure to name Robbie Robinson a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

IN HONOR OF MR. JOHN A. PESTOVIC, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. John A. Pestovic, Sr., who is being honored by the Polish Legion of American Veterans at the 52nd Annual Veteran and Women of the Year Recognition Banquet.

Mr. Pestovic was born on November 28, 1940 in Cleveland, Ohio. He attended Lawn Elementary and Tremont Elementary Schools. After graduating from Lincoln High School in 1958, Mr. Pestovic joined the Army. Mr. Pestovic joined the 86th Engineer Battalion at Fort Dix New Jersey once he was a properly trained electrician. In 1959, he was deployed to Seoul, Korea with the Area Engineers of Headquarters Detachment Seoul. Mr. Pestovic spent a year abroad and then returned to Missouri to lead a group of electricians handling fire ranges. February 12, 1962 marked the end of Mr. Pestovic's service; he left service with the rank of Specialist E-5.

From the early sixties until his retirement in May of 2000, Mr. Pestovic worked with AT&T and Ohio Bell. Since 1982, Mr. Pestovic has been an active member of Post # 30 of the Polish Legion of American Veterans.

Since 1963, Mr. Pestovic has been married to Marene Skufca. They are the proud parents of two sons, Edward and John Jr. John Jr. served America, like his father, in the U.S. Navy and now works at the Pentagon. Edward is an architect in Texas.

Mr. Speaker and colleagues, please join me in congratulating Mr. John A. Pestovic as he is being honored at the Polish Legion of American Veterans' 52nd Annual Veteran and Women of the Year Recognition Banquet.

IN RECOGNITION OF JIM FOWLER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to one of our nation's best known naturalists, accomplished conservationists, and recognizable television personalities, Jim Fowler. This weekend, the city of Albany, Georgia is proclaiming Saturday, December 3, 2011 as “Jim Fowler Day” and presenting him with a key to the city. The ceremony honoring Mr. Fowler will take place during Albany, Georgia's Celebration of Lights Christmas Parade. I am pleased to say that Mr. Fowler, a native of Albany, will be serving as the Grand Marshall of this year's Celebration of Lights Christmas Parade.

Jim Fowler's five decade long career as one of America's leading wildlife experts began at Earlham College in Indiana, Pennsylvania where he graduated with degrees in zoology and geology. Following his studies at Earlham College, Mr. Fowler conducted the first studies of the world's largest eagle, the Harpy, in the Amazon Rainforest and later tracked the movement of the Andean Condor bird in Peru.

Following his academic pursuits, Mr. Fowler served with Marlin Perkins as co-host and later became host of Mutual of Omaha's Wild Kingdom television show and also hosted Mutual of Omaha's Spirit of Adventure. These acclaimed educational television programs received many awards including four Emmys and an endorsement by the National Parent Teacher Association (PTA) for family viewing. He has been a frequent guest on many network news and talk shows and served as the wildlife correspondent for NBC's Today Show. Mr. Fowler was also prominently featured in a news piece that the Animal Planet network did on the Mutual of Omaha's Wild Kingdom in 2007.

Jim Fowler serves as president of the Fowler Center for Wildlife Education in New York and serves as the honorary president of the Explorers Club. In 1994, he received the prestigious Explorers Club Medal, the club's highest honor. He was awarded the degree of Doctor of Laws, honoris causa from Earlham College and in 2003 he was awarded the Lindbergh Award which recognizes individuals for significant contributions toward the balance of technology and nature.

As a world renowned zoologist and leading wildlife expert, Mr. Fowler has dedicated his professional career to educating audiences on the importance of preserving and protecting some of earth's most precious habitats. He has inspired generations of Americans to pursue the altruistic goals of improving our global ecosystem and maintaining the existence of the world's wildlife communities.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. Jim Fowler for his many career achievements, outstanding service, and public distinction and most importantly for his unwavering support for the preservation of our world's natural habitats.

HONORING LUCAS YOUTSEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Lucas Youtsey. Lucas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Lucas has been very active with his troop, participating in many scout activities. Over the many years Lucas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Lucas has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Lucas Youtsey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ANNOUNCING RECIPIENTS OF THE
INAUGURAL CONGRESSIONAL
VETERAN COMMENDATION FOR
THE THIRD DISTRICT OF
TEXAS—LENI MARK WILLIAMS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Sergeant Leni Mark Williams served our country from 1942 to 1972 as part of three foreign wars: World War II, the Korean War, and the Vietnam War. At the early age of sixteen, Williams enlisted in the Merchant Marines where he served until 1945. He then joined the U.S. Army as an Interpreter. In the aftermath of World War II, Williams contributed to

the Joint Intelligence Objectives Agency's Operation Paperclip which recruited scientists from Europe.

After thirteen years of active service, Williams temporarily left the military to return to school. He soon reentered the Army as a Medic. During the Korean War, he trained as a Parachutist with a Ranger Company and took part in the Battle of Chosin Reservoir. In 1968, Williams was wounded in Vietnam. After 33 months of hospitalization, he was medically discharged.

For his exceptionally heroic efforts, Williams has received the Silver Star, Bronze Star with Valor Device and two Oak Leaf Clusters, Army Commendation Medal, Purple Heart with Oak Leaf Cluster, Good Conduct Medal, and Parachute Badge.

Mr. Williams continues to serve his community as an active member of the Veterans of Foreign Wars Lone Star Post 2150 in McKinney, Texas. He plays an active role in area Memorial Day services and other patriotic events, always downplaying his own accomplishments in order to salute his fellow veterans.

It is my pleasure to name Leni Mark Williams a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

HOUSE OF REPRESENTATIVES—Monday, December 5, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 5, 2011.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

UNITED STATES POSTAL SERVICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Later today, something stunning is going to happen that will catch many Americans by surprise. The so-called Postmaster General is going to announce details that will lead to the end of the United States Postal Service and universal postal delivery in this country.

This is an incredible blow to our economy. You're talking about closing processing centers. Let me just be specific. In my area, they're talking about closing the Eugene/Springfield processing center. It means if I mail a letter from Springfield to Eugene, 6, 7 miles away, it will be carried by truck to Portland, Oregon, and then sorted there and then trucked back down sometime that week.

They're saying they will no longer guarantee 1-day or 2-day delivery on first-class mail. They're going to move to a guarantee of sometime. If you mail it on Wednesday it will be a minimum of three days till—oops, wait—we don't have Saturday delivery anymore under this plan. So, actually, you

mail a letter on Wednesday or a bill on Wednesday, it won't get there until the next Monday.

They will drive more people to use the services that have cut into their revenues. But some people don't have that option, and some things are essential to commerce in this country. There are many, many businesses that will be affected by these delays, and in addition to the delays of prescription drugs or Netflix, mailing DVDs, or, you know, people buying things on eBay, Amazon.com—these things will flood over to UPS and to FedEx and further undermine their revenues.

This guy, this so-called Postmaster General, should be fired because of a lack of any imagination or initiative in proposing the death knell for the great United States Postal Service. With 100,000 people laid off, oh, that's just what we need in America today. Let's lay off 100,000 people. Great idea.

And then he's going to close local post offices. Let's talk about little Tiller, Oregon, in my district, 16 miles on a winding road subject to heavy rain, subject to black ice and snow in the wintertime to the next town, a generally elderly population and generally not very affluent.

These sorts of closures, which will save minuscule amounts of money for the post office, are going to be death knell blows to small rural communities across America.

Now, weekly periodicals: Get today's news next week, sometime. Yep, that's right, 7 to 9 days for your weekly periodicals. That's going to do a great thing for the remaining periodical industry. That's really, really special and, again, driving people to look for alternatives that will further undermine their revenues.

I don't think there could be a more shortsighted proposal. Now, there's plenty of blame to go around because this Congress has failed to act. The Postal Service overpaid \$7 billion into a Federal retirement account, but the Republicans are refusing to give the money back to the post office.

They'd rather lay off 100,000 people. They think somehow the private sector will take this over. Tell me, who in the private sector is going to deliver a letter for 45 cents to a small rural community 40 miles from the nearest or 100 miles from the nearest sorting facility? That's not going to happen. These people will be deprived of any meaningful service.

There are other critical reforms that could be undertaken short of dismantling, killing the United States Postal Service. If these proposals go forward and if this Congress continues to fail to act, and this guy gets to continue to put in place his dyspeptic vision of a future for the Postal Service—and the White House continues to be totally silent, absent from this debate, as they are so many—we will no longer have a United States Postal Service in this country.

That would be an incredible blow to our economy, to our future, and to the prestige of the United States of America. I guess we'll become the first developed nation on Earth without a postal service, just like we're the only developed industrial nation on Earth without universal health care.

We're the best.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day. At the beginning of a new day and another week, help us to discover the power of resting in You and receiving assurance and encouragement in Your amazing grace.

Send Your Spirit down upon the Members of the people's House who have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government.

May they be reminded always of whom they are. May they be open to Your inspiration, that they might overcome the temptation to work through the issues of this day on their own strength and cleverness. Grant them wisdom, insight, and vision, that the work they do will be for the betterment of our Nation during a time of struggle for so many millions of Americans.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

May they earn the trust and respect of those they represent, whether or not they had earned their vote, and make history that expands the great legacy of so many who have served in this Chamber before now, a legacy of noble service, sometimes political risk, but always great leadership.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE SENATE MUST TAKE ACTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday the U.S. Bureau of Labor Statistics released its November jobs report citing the gruesome unemployment rate of 8.6 percent. This revelation marks the 34th straight month where the Nation's unemployment rate has remained at or above 8 percent. This is a tragedy for American families who do not have jobs or have given up looking for jobs.

House Republicans continue to remain focused on job creation, making the issue our number one priority. Since January, the House has submitted numerous bills, many with bipartisan support, to the Senate in hopes of passage, which will help put American families back to work. Just last week, the House passed three more commonsense bills, bringing the total number of job-creating bills awaiting action by the liberal Senate to 25.

I urge the Senate majority leader to bring any of the House jobs bills up for a vote and begin focusing on ways to promote job growth.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 31 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1540) "An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (NE), Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN (MA), Mr. PORTMAN, Mr. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CALIFORNIA COASTAL NATIONAL MONUMENT CONSOLIDATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 944) to eliminate

an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESERVATION OF ROCKS AND SMALL ISLANDS ALONG THE COAST OF ORANGE COUNTY, CALIFORNIA.

(a) CALIFORNIA COASTAL NATIONAL MONUMENT.—The Act of February 18, 1931, entitled "An Act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, California" is amended by striking "temporarily reserved" and all that follows through "United States" and inserting "part of the California Coastal National Monument and shall be administered as such".

(b) REPEAL OF RESERVATION.—Section 31 of the Act of May 28, 1935, entitled "An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes" is hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 944, introduced by our colleague from California (Mr. CAMPBELL) will remove an unused lighthouse reservation currently in place for certain rocks and small islands along the coast of Orange County, California. The bill would add them to the California Coastal National Monument.

The lighthouse reservation has been in place since 1935 to provide locations for searchlights and other coastal defense equipment of that time. The bill will provide for the consistent management of geological features along the coast of Orange County.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 944 would correct a situation in which two acts from the 1930s are inadvertently preventing certain rocks, pinnacles, reefs, small islands, and

lighthouses off the coast of Orange County from being included in the California Coastal National Monument.

In 2000 President Clinton created the California Coastal National Monument, which spans the entire 1,100 miles of the California coast and encompasses more than 20,000 small islands, rocks, exposed reefs, and pinnacles. However, the act designating the monument included only unreserved and unappropriated rocks and islands, and under the 1930s acts, these natural and cultural sites were reserved.

H.R. 944 would strike the reservation language in one act and repeal another act to provide that these areas finally be permanently protected as part of the California Coastal National Monument. Therefore, we support the passage of H.R. 944.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman from Washington for yielding.

Mr. Speaker, the facts of the bill have been presented by both of the gentlemen speaking before me.

This bill actually passed the floor of this House by a vote of 397-4 in the last Congress. They simply ran out of time in the Senate; otherwise, I think it would be law today. So I appreciate everyone's indulgence with passing this bill off this floor again today, I hope.

It has been mentioned that this was from 1935. Of these rocks and small islands, they originally thought, oh, we might put lighthouses there. Then they thought they might use them to help defend the California coast against Japanese submarines during World War II. Neither of those purposes is of much value anymore. So that's why, if we put this in the California Coastal National Monument, we will be able to preserve these rocks and islands and the sea life around them, and they will become a part of our environmental heritage going forward.

With that, I thank everyone for their assistance.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge the adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 944.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Pulaski National Monument Lease Authorization Act".

SEC. 2. LEASE AUTHORIZATION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the "Monument") at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91-383 (16 U.S.C. 1a-2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary's discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 535 would allow the Savannah Bar Pilots Association to continue leasing a facility at Fort Pulaski National Monument as they have done since the 1940s.

Congressman JACK KINGSTON of Georgia is the author of the House version of this bill, H.R. 2687, that the Committee on Natural Resources heard in September. The National Park Service testified in support, and we are pleased that this is one piece of legislation that will not cost the taxpayers a dime.

So I urge my colleagues to support the legislation, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Fort Pulaski was completed in 1812. The Savannah Bar Pilots were founded in 1864, and they have had a lease to use part of the fort since 1940. It would appear that Congress is a little late in getting around to formalizing this arrangement.

The Bar Pilots provide an invaluable service by protecting the people and the cargo entering the Port of Savannah. This has been a good use of part of the fort and should continue, so we support the passage of S. 535.

I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I rise to support passage of S. 535, the Fort Pulaski National Monument Lease Authorization Act, which would allow the Savannah Bar Pilots 10-year leases for their operating base on Cockspur Island which they have used continuously in cooperation with the National Park Service since 1940. I also would like to thank Chairman HASTINGS and Chairman BISHOP for holding hearings and bringing this bill to the Floor today.

The Savannah Bar Pilots were founded in 1864, making them one of the nation's oldest pilots associations. Since then, they have helped Savannah grow into the nation's fourth largest seaport and fastest growing port on the East Coast. Bar Pilots assist cargo ships navigating the Savannah River and guide them 20 miles upriver to either the Georgia Port Authority's Garden City Terminal or Ocean Terminal, both of which make up the Savannah Port.

The Bar Pilots' expertise is essential in helping ships reach the terminals. Every cargo ship above 200 gross tons—which is nearly every ship that calls on the Port of Savannah—must have a bar pilot on board. After an incoming ship contacts the pilots and a meeting is established, the pilots depart from their operating base on Cockspur Island and are ferried on one of several pilot boats up to 12

miles offshore to the "pilotage grounds." There they board the cargo ship and safely guide them through the channel. Cockspur Island is the ideal location for the operating base, situated just inside the mouth of the Savannah River separating the north and south channel. Other than this location, there is no other available land near the Savannah River entrance from which the pilot boats can quickly and efficiently reach the pilotage grounds in the Atlantic. If the pilots are forced to move, they would have to move inland, leading to longer transit times and ship delays, increased safety risks in stormy weather, and increased fuel usage. The Bar Pilots' use of the Park Service land is a unique situation in which the pilots provide a crucial public service and also act as good neighbors to one of Coastal Georgia's most treasured historic sites.

S. 535 will allow the Bar Pilots to have 10-year leases with the National Park Service. Bar Pilots have been using this land since 1940 under a Special Lease Permit agreement, sometimes having to renew the permit on a year-to-year basis. The National Park Service, the Bar Pilots, and local authorities have worked together to draft this language which will save all parties involved time and paperwork. Additionally, the language protects the integrity of the park and Fort Pulaski National Monument. The language explicitly states that the rental fee paid by the Bar Pilots will be based on a fair market value and be subject to change by the Secretary of the Interior if property preservation, maintenance, or repair require increased outlays. This bill is identical to H.R. 4773, also titled the For Pulaski National Monument Lease Authorization Act, which passed the House during the 111th Congress.

I thank Chairman HASTINGS and Ranking Member LUJÁN for their support of S. 535, and I urge my colleagues to pass the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I urge the adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 535.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR OUR WORKFORCE AND ENERGY RESOURCES ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2360) to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and

jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing for Our Workforce and Energy Resources Act" or the "POWER Act".

SEC. 2. EXTENSION OF CONSTITUTION, LAWS, AND JURISDICTION OF THE UNITED STATES TO ENERGY FACILITIES AND DEVICES ON THE OUTER CONTINENTAL SHELF.

Section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) is amended by—

(1) inserting "or producing or supporting production of energy from sources other than oil and gas" after "therefrom";

(2) inserting "or transmitting such energy" after "transporting such resources"; and

(3) inserting "and other energy" after "That mineral".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1540

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the opportunity to bring to the floor the Providing for Our Workforce and Energy Resources or POWER Act, introduced by our colleague from Louisiana (Mr. LANDRY).

The House Natural Resources Committee is dedicated to creating domestic American jobs and protecting the safety of our workers. When we pass legislation that encourages safe and efficient energy development on Federal lands, not only are we decreasing domestic energy production, but we are also generating the millions of jobs that support those industries; and when I say that, I mean all energy jobs.

Republicans in Congress are committed to an all-of-the-above energy strategy. We are committed to promoting jobs in wind, solar, oil, gas, hydro, and geothermal energy. Devel-

oping all of these resources to ensure reliable and affordable energy for the American people will benefit families and businesses across our country in the form of lower energy costs and greater job growth.

To help foster this private sector job growth, eliminating regulatory uncertainty can really clear the way to spur investment, protect American workers, and spur job creation. The bill under consideration does just that.

The POWER Act clarifies the Outer Continental Shelf Lands Act to ensure the full and fair application of our Nation's laws to all offshore energy development, including renewable energy, rather than waiting for various rulings and interpretations by Federal agencies. This simple, commonsense bill will provide greater certainty to those looking to invest and develop renewable energy projects and the infrastructure to support those projects off our shores.

I want everyone to be clear that this is not a major change in law. It is merely a technical clarification to ensure that Federal agencies have the important guidance they need to ensure that our Nation's laws are applied in the manner in which they were intended.

Although not a major change, it is an important one, and Mr. LANDRY should get the credit for putting this bill forward.

American companies are on the verge of investing hundreds of millions of dollars in developing renewable energy on our Outer Continental Shelf, and they need the certainty that our laws will be applied fairly to their activities.

Developing our Nation's energy resources benefits our economy, our people, and our national security. I believe this bill helps provide the certainty needed to help move America down the path. I applaud Mr. LANDRY for his work, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2360 would clarify that U.S.-flagged vessels must be used for the transportation of merchandise, supplies, construction materials, and maintenance materials between the U.S. mainland and offshore wind farms.

The American Wind Energy Association has indicated that their member companies already operate in conformance with Jones Act requirements for offshore wind farms. The Offshore Wind Development Coalition testified on H.R. 2360 that wind developers already accept the applicability of the Jones Act for offshore wind farms.

The Department of the Interior has testified that the relevant statutes already apply to offshore renewable energy installations. In addition, the Interior Department has also testified

that H.R. 2360 would not expand current law, but that it would simply clarify that section 4(a) of Outer Continental Shelf Lands Act applies to renewable energy production offshore to the extent that there is any uncertainty.

Comments on this bill from Customs and Border Protection echo the Interior Department's interpretation that H.R. 2360 would simply clarify that the Jones Act applies to offshore wind farms. The Customs and Border Protection comments also reaffirm the interpretation that H.R. 2360 would not expand current law to cover vessels responsible for laying transmission lines or other vessels assisting in the construction process beyond what the current law already provides.

We share these interpretations of H.R. 2360 and of the underlying statutes. However, to the extent that there may be any uncertainty that would be aided by clarification, we have no problem with the legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the author of this legislation, the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Mr. Speaker, when I talk to business owners around the country, there are two things that I hear prevent them from putting Americans back to work, and that is regulatory uncertainty and inequity in government regulations.

Both the industry and the administration have confirmed the existence of ambiguity in the current law governing energy development on the Outer Continental Shelf. This is creating uncertainty and inequity, affecting job creation.

This bill corrects the problem and strengthens our renewable energy industry by giving our stakeholders the information needed to make the right business decisions and investments. It levels the playing field for all industries operating on the Outer Continental Shelf.

We agree that to effectively rid ourselves of foreign oil we need an all-of-the-above approach to energy development, and our laws should follow suit as this industry develops.

Both sides of the aisle don't often agree on ways to strengthen our energy independence and on ways to create jobs; however, this bill affords us the opportunity to do just that.

I'm proud to have bipartisan support for this bill and want to thank both the distinguished chairman from the State of Washington (Mr. HASTINGS) and the distinguished gentleman from New Jersey (Mr. HOLT), who helped us on this bill.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back my time and urge adoption of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2360.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX FISH STOCKING ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2351) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Cascades National Park Service Complex Fish Stocking Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.—The term "North Cascades National Park Service Complex" means collectively the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

(2) PLAN.—The term "plan" means the document entitled "North Cascades National Park Service Complex Mountain Lakes Fishery Management Plan and Environmental Impact Statement" and dated June 2008.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. STOCKING OF CERTAIN LAKES IN THE NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall authorize the stocking of fish in lakes in the North Cascades National Park Service Complex.

(b) CONDITIONS.—

(1) IN GENERAL.—The Secretary is authorized to allow stocking of fish in not more than 42 of the 91 lakes in the North Cascades National Park Service Complex that have historically been stocked with fish.

(2) NATIVE NONREPRODUCING FISH.—The Secretary shall only stock fish that are—

(A) native to the slope of the Cascade Range on which the lake to be stocked is located; and

(B) nonreproducing, as identified in management alternative B of the plan.

(3) CONSIDERATIONS.—In making fish stocking decisions under this Act, the Secretary

shall consider relevant scientific information, including the plan and information gathered under subsection (c).

(4) REQUIRED COORDINATION.—The Secretary shall coordinate the stocking of fish under this Act with the State of Washington.

(c) RESEARCH AND MONITORING.—The Secretary shall—

(1) continue a program of research and monitoring of the impacts of fish stocking on the resources of the applicable unit of the North Cascades National Park Service Complex; and

(2) beginning on the date that is 5 years after the date of enactment of this Act and every 5 years thereafter, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the research and monitoring under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I am the author of H.R. 2351, the North Cascades National Park Service Complex Fish Stocking Act.

This bill has enjoyed broad bipartisan support for some time. It passed the House under suspension of the rules in the last Congress and was favorably reported from the Senate Energy and Natural Resources Committee by voice vote.

H.R. 2351 is necessary to ensure the National Park Service, in coordination with the State of Washington, has the authority to continue stocking fish in certain alpine lakes in the North Cascades National Park Complex. This complex includes the North Cascades National Park, Ross Lake National Recreation Area, and the Lake Chelan National Recreation Area.

In 2008, the park service prepared an environmental impact statement regarding the management of the fisheries in these mountain lakes. The preferred alternative was to allow continued fish stocking in 42 of those lakes. The park service also requested explicit authority to allow fish stocking to continue within the park complex. And this is exactly what H.R. 2351 does.

Many tourists visit the park for its scenic beauty as well as fishing opportunities, making fish stocking an important component of the central Washington economy.

I urge support of this legislation.
I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to recognize the chairman as well and his work on this legislation and the importance of it. And as a general matter, the introduction of nonnative species into wilderness designated within a national park should be prohibited.

But in this instance, however, the National Park Service has found that fish stocking can continue within the Mather Wilderness without harm to other national park resources. Importantly, the legislation contains significant protections for those resources.

We worked closely with Chairman HASTINGS last Congress to secure House passage of this legislation and are pleased to do so again today. The chairman is to be commended for his efforts on behalf of the North Cascades National Park Complex.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. I, again, urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2351.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1550

ALLOWING YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE MEMBERSHIP REQUIREMENTS

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLOOD QUANTUM REQUIREMENT DETERMINED BY TRIBE.

Section 108(a)(2) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian

Tribes of Texas Restoration Act (25 U.S.C. 1300g-7(a)(2)) is amended to read as follows:

“(2) any person of Tigua Ysleta del Sur Pueblo Indian blood enrolled by the tribe.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The Ysleta del Sur Pueblo was originally based in New Mexico and then relocated after the 1860 Pueblo Revolt to its present location in El Paso County, Texas.

In 1967, Congress enacted Public Law 90-287, terminating the Federal trust relationship with the tribe and placing the tribe under the jurisdiction of the State of Texas. In 1987, the Federal trust relationship was restored by Public Law 100-89.

The Restoration Act limited the tribe's membership to individuals listed on a certain tribal membership roll and to descendants of such individuals as long as they have a minimum of one-eighth degree of Ysleta del Sur Indian blood.

In recent years, the tribe has passed resolutions in favor of legislation to eliminate this limitation which is consistent with the modern congressional policy of allowing recognized tribes to set their own membership when they enroll Indian people.

H.R. 1560 permits the tribe to enroll Indian members with a minimum blood requirement. Similar versions of this bill have been passed by the House in the last two Congresses.

The Committee on Natural Resources has not heard any objection to passing this bill again. I think it's a good idea to treat the tribe consistently with how Congress treats other federally recognized tribes.

With that, I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1560, a bill that removes the blood quantum threshold requirement for membership in the Ysleta del Sur Pueblo tribe.

No other tribe in the State of Texas has had a similar limitation to tribal membership conditioned on its recognition by the United States. H.R. 1560 corrects this inequity.

By modifying the tribal enrollment requirements, the tribe will be able to preserve the unique character and traditions of their tribe based on shared history, customs, and language, in addition to tribal blood. This bill will ensure their survival as the oldest community in Texas and the only pueblo still in existence in the State.

H.R. 1560 passed the House under both Republican and Democratic leadership in the 106th Congress and in the previous two Congresses. I ask my colleagues to again support the passage of this very important legislation at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES).

Mr. REYES. I want to thank my good friend from New Mexico for yielding me time, as well as thanking Chairman HASTINGS from Washington and Ranking Member RAHALL for their help in getting this legislation to the floor. I want to thank the gentleman from New Mexico (Mr. LUJÁN) for handling the bill on the Democratic side.

I rise today in support of H.R. 1560, the Ysleta del Sur Pueblo blood quantum bill. This bill is crucial to the members of the Ysleta del Sur Pueblo tribe, which is located in El Paso, my district, the 16th District of Texas. This will grant them the right to determine their own membership. It seeks to correct unjust legislation approved by Congress in 1987, which imposed a one-eighth blood quantum Federal requirement for tribe membership. This law singles out the Tigua; and if not amended, the tribe will lose their federally recognized status and the right to self-govern their community.

The Tigua tribal community was established, as was stated by both the chairman and Mr. LUJÁN, in 1862 after the Pueblo Revolt against the Spanish colonization of the Americas, nearly a century before the Declaration of Independence, and more than 160 years before the annexation of Texas to the United States. This community represents a central part of our district's rich culture and our heritage.

The Ysleta del Sur Pueblo has been an important part of the community's cultural heritage for nearly 330 years. The tribe is an inseparable part of our history, and it should be allowed to preserve its status as a sovereign nation for future generations. So I strongly urge all Members to support this bill.

Mr. HASTINGS of Washington. I have no further requests for time, and I am prepared to yield back if the gentleman from New Mexico is.

Mr. LUJÁN. Mr. Speaker, again, we appreciate the work of the majority and the work of Chairman REYES on this important issue as well.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1560.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

BOX ELDER UTAH LAND CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Box Elder Utah Land Conveyance Act".

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map entitled "Box Elder Utah Land Conveyance Act" and dated June 23, 2011.

(2) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) TOWN.—The term "Town" means the town of Mantua, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National

Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 683 would convey approximately 31.5 acres of the Wasatch-Cache National Forest to the town of Mantua, Utah. The lands in question are primarily open grasslands surrounded by agricultural lands. The town is seeking these lands for expansion of the cemetery and construction of a town hall and fire station.

National Parks, Forests and Public Lands Subcommittee Chair ROB BISHOP is the author of the House version of this bill, and I commend him and Senator MIKE LEE of Utah for their efforts in seeing this small, but important, conveyance enacted into law.

I urge adoption of the measure, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a land conveyance to a small town in Utah which requires that the land be used for public purposes. Assuming this measure is approved today, this will be the third Congress in which the House has approved this legislation. We have been pleased to work with Mr. BISHOP in the last two Congresses to secure passage of this measure and support passage again today.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of the House version of this legislation, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, 70 years ago the Forest Service paid the huge sum of \$1 for two parcels of land, a total of 30 acres, surrounded on three sides by private property. In that intervening time period, per the Forest Service's own plans, not only have they not needed them, they have not used

them and, until 5 years ago, forgot they had them.

The city of Mantua now desperately needs this for its cemetery expansion as well as for a town hall and a fire station to protect people who actually go on the real forest lands.

Three times this House has passed this piece of legislation, and the Senate has found it too complex to consider. This time, the Senate has passed a very similar bill over to us, not as good as the one we had, but when one considers we have sent over to them a budget bill, multiple appropriation bills, repeal of ObamaCare, 16 job bills, and numerous regulatory reform bills, the fact that the Senate did anything should be a cause of our celebration today.

And, therefore, I urge, even though this is not a perfect bill, it's a pretty good one, so I urge its adoption so that we can send it to the President's desk and let the Senate know we do appreciate them when they finally, finally do their work.

Mr. LUJÁN. Mr. Speaker, although I really enjoy the opportunity to have a conversation about all of the work that's happening over at the Senate, I have no further speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge my colleagues to support the Senate bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 683.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1600

CORRECTING ENROLLMENT OF H.R. 470, HOOVER POWER ALLO- CATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike “General” and insert “Conformed General”.

(2) In section 2(e), strike “as redesignated as” and insert “as redesignated by”.

(3) In section 2(f), strike “as redesignated as” and insert “as redesignated by”.

(4) In section 2(g), strike “as redesignated as” and insert “as redesignated by”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 32 is an enrolling correction for H.R. 470, bipartisan legislation introduced by our Nevada colleague, Dr. JOE HECK.

Dr. HECK's bill, which allocates hydropower generated at Hoover Dam to a number of utilities in California, Arizona, and Nevada, has been passed by both the House and the Senate. However, some in the Senate insisted that a number of technical changes needed to be made to the bill even though the affected agency indicated that it could implement H.R. 470 as passed by both Chambers.

Nevertheless, we'll not object to this enrolling resolution making such technical changes because the base legislation is important for that area. So I urge adoption of this measure.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

On October 18, the Senate approved H.R. 470, the Hoover Allocation Power Act of 2011, by unanimous consent. The Senate also approved Concurrent Resolution 32, which authorizes the Clerk of the House of Representatives to make small technical changes to the enrolled version of H.R. 470.

We fully support the proposed changes to H.R. 470 and urge adoption of Senate Concurrent Resolution 32.

I yield back the balance of my time.

Mr. HASTINGS. Mr. Speaker, again, I urge adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 32.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 6, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions for Primary Lead Processing [EPA-HQ-OAR-2004-0305; FRL-9491-2] (RIN: 2060-AQ43) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2009-0839; FRL-9489-6] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey [Docket No.: EPA-R02-OAR-2011-0499; FRL-9486-1] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Charlotte-Gastonia-Rock Hill, North Carolina and South Carolina; Determination of Attainment of the 1997 8-Hour Ozone Standard [EPA-R04-OAR-2011-0029-201103; FRL-9490-5] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4122. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Permit Renewals [EPA-R06-OAR-2010-0978; FRL-9489-9] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4123. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2011-0537; FRL-9489-2] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4124. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions for Shipbuilding and Ship Repair (Surface Coating); National Emission Standards for Wood Furniture Manufacturing Operations [EPA-HQ-OAR-2010-0786; FRL-9491-4] (RIN: 2060-AQ42) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4125. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0701; FRL-9490-1] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4126. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2011-0845; FRL-9492-2] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4127. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards [EPA-HQ-OAR-2009-0443; FRL-9492-3] (RIN: 2060-AR17) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4128. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Sudan (RIN: 1400-AC93) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4129. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the

Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4130. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes; Equipped with Certain Cockpit Door Installations [Docket No.: FAA-2011-0479; Directorate Identifier 2010-NM-154-AD; Amendment 39-16827; AD 2011-21-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called Model A300-600 Series Airplanes); Model A310 Series Airplanes; Model A318 Series Airplanes, Model A319 Series Airplanes; Model A320-211, -212, -214, -231, -232, and -233 Airplanes; Model A321 Series Airplanes; Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No.: FAA-2011-0388; Directorate Identifier 2010-NM-004-AD; Amendment 39-16761; AD 2011-16-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400 and -400F Series Airplanes [Docket No.: FAA-2011-0041; Directorate Identifier 2010-NM-227-AD; Amendment 39-16764; AD 2011-16-06] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP Airplanes [Docket No.: FAA-2011-0832; Directorate Identifier 2011-CE-025-AD; Amendment 39-16771; AD 2011-17-07] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes [Docket No.: FAA-2011-0224; Directorate Identifier 2010-NM-210-AD; Amendment 39-16772; AD 2011-17-08] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4136. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328-100 and -300 Airplanes [Docket No.: FAA-2010-1163; Directorate Identifier 2009-NM-233-AD;

Amendment 39-16795; AD 2011-18-13] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4137. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300 B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0389; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4138. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BaE 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2011-0569; Directorate Identifier 2010-NM-240-AD; Amendment 39-16811; AD 2011-20-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4139. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2009-0218; Directorate Identifier 2009-CE-006-AD; Amendment 39-16820; AD 2009-13-06 R1] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4140. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2010-1199; Directorate Identifier 2010-NM-225-AD; Amendment 39-16818; AD 2011-20-07] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4141. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4142. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CT7-8, CT7-8A, CT7-8A1, CT7-8E, and CT7-8F5 Turbohaft Engines [Docket No.: FAA-2011-0392; Directorate Identifier 2011-NE-12-AD; Amendment 39-16808; AD 2011-19-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4143. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, -900ER Series Airplanes [Docket No.: FAA-2008-1118; Directorate Identifier 2007-NM-318-AD; Amendment 39-16792; AD 2011-18-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4144. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27

Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes; and Model F.28 Airplanes [Docket No.: FAA-2011-0568; Directorate Identifier 2011-NM-010-AD; Amendment 39-16824; AD 2011-21-01] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4145. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2010-1312; Directorate Identifier 2010-NM-220-AD; Amendment 39-16826; AD 2011-21-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2369. A bill to amend title 36, United States Code to provide for an additional power for the American Legion under its Federal charter (Rept. 112-313). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2815. A bill to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership (Rept. 112-314). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STIVERS:

H.R. 3559. A bill to prohibit the Federal Insurance Office of the Department of the Treasury and other financial regulators from collecting data directly from an insurance company; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 3560. A bill to provide for the conveyance of certain Federal lands in Yuma County, Arizona; to the Committee on Natural Resources.

By Mr. KIND (for himself, Mr. GERLACH, and Mr. NEAL):

H.R. 3561. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to reduce administrative burdens and encourage retirement plan formation and retention; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Mr. BISHOP of New York):

H.R. 3562. A bill to amend the Federal Water Pollution Control Act with respect to

the use of dispersants, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

170. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 520 urging the Congress to ensure adequate funding for the United States Postal Service and to take all appropriate steps to keep the United States Postal Service open for all Americans to Use; to the Committee on Oversight and Government Reform.

171. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 136 urging the President and the Congress to support the continued and increased importation of oil derived from Canadian Oil Sands; jointly to the Committees on Foreign Affairs, Energy and Commerce, and Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. STIVERS:

H.R. 3559.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States).

By Mr. GRIJALVA:

H.R. 3560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. KIND:

H.R. 3561.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. NADLER:

H.R. 3562.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 1, 3, and 18.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. SULLIVAN.

H.R. 139: Ms. SCHWARTZ and Ms. SCHKOWSKY.

H.R. 234: Mr. MCCLINTOCK.

H.R. 487: Ms. SCHAKOWSKY and Mr. CONYERS.

H.R. 733: Mr. HIMES.

H.R. 835: Mr. THOMPSON of California, Mr. ANDREWS, Mr. RUSH, and Mr. JOHNSON of Georgia.

H.R. 942: Mr. GALLEGLY.

H.R. 1063: Mr. GRIFFITH of Virginia, Mr. PAYNE, Mr. YARMUTH, and Mr. GALLEGLY.

H.R. 1175: Mr. LATOURETTE.

H.R. 1221: Mr. KISSELL.

H.R. 1259: Mr. GERLACH.

H.R. 1546: Mr. TONKO, Mr. COHEN, Mrs. MCCARTHY of New York, Mr. TURNER of Ohio, Mr. BROWN of Georgia, and Mr. MCCOTTER.

H.R. 1755: Mr. YOUNG of Alaska and Mr. AMODEI.

H.R. 1834: Mr. AMODEI, Mr. AUSTIN SCOTT of Georgia, Mr. POSEY, and Mr. PALAZZO.

H.R. 1842: Mr. TOWNS, Ms. HAHN, and Mr. WELCH.

H.R. 1897: Mr. DIAZ-BALART.

H.R. 1964: Mrs. BLACK, Mr. SOUTHERLAND, Ms. NORTON, and Mr. RUNYAN.

H.R. 2077: Ms. JENKINS.

H.R. 2139: Mr. HOLDEN, Mr. RIBBLE, Ms. MATSUI, and Mr. ALTMIRE.

H.R. 2288: Mr. ACKERMAN.

H.R. 2751: Mr. PRICE of North Carolina.

H.R. 2815: Mr. RIVERA, Ms. WILSON of Florida, Mr. DOLD, Mrs. BLACK, Mr. LUETKEMEYER, Mr. MCKINLEY, and Mr. SCHILLING.

H.R. 2874: Mrs. BLACK.

H.R. 2918: Mr. MCCAUL.

H.R. 3000: Mr. LAMBORN.

H.R. 3068: Mrs. HARTZLER.

H.R. 3091: Mr. BOREN.

H.R. 3126: Mrs. NAPOLITANO.

H.R. 3213: Mr. JOHNSON of Illinois.

H.R. 3233: Mr. BRADY of Pennsylvania.

H.R. 3235: Mr. JOHNSON of Illinois.

H.R. 3271: Ms. BUERKLE and Ms. SCHKOWSKY.

H.R. 3315: Mr. INSLEE and Mr. GINGREY of Georgia.

H.R. 3370: Mr. MICHAUD.

H.R. 3422: Mr. JONES.

H.R. 3425: Mrs. NAPOLITANO, Ms. NORTON, Mr. CONYERS, Mr. TOWNS, Mr. DAVIS of Illinois, and Mrs. CHRISTENSEN.

H.R. 3485: Ms. MATSUI.

H.R. 3510: Mrs. ADAMS, Mr. MEEHAN, and Mr. WALZ of Minnesota.

H.R. 3548: Mrs. ELLMERS, Mr. GUTHRIE, Mr. HUIZENGA of Michigan, Mr. MCKINLEY, and Mr. COFFMAN of Colorado.

H.J. Res. 86: Mr. DEFAZIO.

H.J. Res. 91: Mr. SESSIONS.

H. Con. Res. 85: Ms. WATERS, Ms. LORETTA SANCHEZ of California, Mr. FILNER, and Mr. JOHNSON of Georgia.

H. Con. Res. 87: Mr. RIVERA.

H. Res. 25: Mr. AMODEI.

H. Res. 137: Mr. DAVID SCOTT of Georgia.

H. Res. 475: Mrs. ADAMS, Mr. PAUL, Mr. KELLY, and Mr. LAMBORN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. HASTINGS OF WASHINGTON

S. 683 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clauses 9(e), 9(f) and 9(g) of rule XXI of the Rules of the House of Representatives.

SENATE—Monday, December 5, 2011

The Senate met at 2 p.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, take our Senators this day and make them what they cannot be without Your power. Enlighten their minds so they will know what is best for the good of our land. Break for them the habits they cannot break, calm for them the worries they cannot still, soothe for them the sorrows no human comfort can ease. May they always remember that nothing can separate them from Your great love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today following leader remarks, the Senate will be in morning business until 4:30 p.m. Following morning business, the Senate will be in executive session to consider four U.S. District judges. At 5:30 p.m., there will be a rollcall vote on confirmation of the Ramos nomination. We hope the rest of the nominations can be confirmed by voice vote.

PAYROLL TAX CUT

Mr. REID. Mr. President, last week, my friend the Republican leader tried to convince us that Republicans realize it would be disastrous to raise taxes on the middle class. Here on the Senate floor, he quoted half a dozen news reports as evidence that the Senate Republicans support an extension of payroll cuts for 160 million American workers. I said at that time I was skeptical the Republicans support this tax cut. It turns out I was right. Last Thursday the Republicans shot down the Democrats' proposal to cut taxes for middle-class Americans, supposedly on the grounds it raised taxes on the richest of the rich. But a few minutes later the Republicans also shot down their own proposal—one they had placed on the Senate floor—to expand the payroll tax cuts even though it was paid for with their own hand-picked reductions in government spending. Well, they shot that down. They only got 19 votes plus the vote of the cosponsor.

Whatever my friend Senator MCCONNELL may say, it is obvious that the Republicans are not interested in preventing a \$1,000 tax increase on nearly every family in the Nation from taking effect on January 1. Democrats will not relent on keeping taxes low for the middle class.

Today Senator CASEY will unveil a modified version of the proposed payroll tax cut that he introduced last week. Like our previous proposal, it will cut back taxes for 160 million American workers. That is 160 million workers, including 1.2 million Nevadans. This proposal will allow the average family to keep \$1,500 to spend on necessities next year. Like our previous proposal, it will be fully paid for with a mixture of spending cuts that Republicans have already agreed to and

a tiny surtax on the top .2 percent of Americans. Every spending reduction was agreed to by a bicameral group of Republicans in the supercommittee, so we know they support these cuts—or they should support these cuts. In an effort to make our proposal more palatable to Republicans, we conceded significantly to cut the tax on income above \$1 million and make it temporary.

Democrats know how important extending and expanding the payroll tax cut is to working families. It is also important to our economy. Economists of every political persuasion agree that if Republicans block this proposal—raising taxes on American families by \$1,000 next month—it will have an immediate negative impact on our economy. It will halt our still fragile recovery in its tracks and drag us back into a recession.

We all know Congress cannot afford to play chicken with the economy. That is why Democrats are committed to passing the tax cut. Republicans need to be prepared to meet us part way. We are offering a serious proposal with meaningful concessions, including spending cuts to which Republicans have already agreed.

The scaled-back, temporary tax on the very richest Americans—a group with an average income of \$3 million a year—is also an attempt to get Republicans onboard to pass what they say they want to do. We know a few of them said publicly that they are open to asking millionaires and billionaires to contribute to our economic recovery. I was happy to see those press reports. I hope we have the courage to vote accordingly, as one Republican did last Thursday. One Republican voted the right way.

I repeat, this is a serious proposal and the Republicans should take it seriously. Here is why: Americans, regardless of political affiliation, say they wholeheartedly support the Democrats' plan to cut taxes for middle-class families. Fifty-eight percent of Republicans agree we should extend payroll tax cuts for 160 million American workers. Further, Americans overwhelmingly support our proposal to have millionaires and billionaires pay their fair share to help this country. Americans from every corner of the country agree. Democrats, Republicans, and Independents agree. When asked if they support a plan that would require people making more than \$1 million to contribute a little more to ensure this country's economic success, the results were decisive: 75 percent, or three-quarters of Americans,

said yes. Wealthy Americans agree. Two-thirds of people making more than \$1 million said they would gladly contribute more. A supermajority of Republicans agrees, with two-thirds supporting the idea. Even a majority of 52 percent of members of the tea party agree. It seems the only place in the country they cannot find a majority of Republicans willing to speak up for sacrifice are Republicans in the U.S. Senate. Republicans across the country support our plan and the way to pay for it. Republicans in Congress dismiss it at their peril. I repeat, Republicans dismiss this at their peril. The American people are watching what my Republican colleagues will do.

Mr. President, will the Acting President pro tempore be so kind as to introduce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

JOINT STRIKE FIGHTER

Mr. MCCAIN. Last week, AOL Defense published an interview with VADM David J. Venlet, who heads up the Lightning II Joint Strike Fighter Program for the Department of Defense. In this interview, Admiral Venlet candidly offered his concerns about where the Joint Strike Fighter Program stands today. His professional judgment, while welcome in its forthrightness, is deeply troubling. His concerns, which I share, are what bring me to the floor this afternoon.

I ask unanimous consent to have printed in the RECORD a copy of Admiral Venlet's remarks as contained in the AOL Defense article entitled "JSF's Build and Test Was 'Miscalculation,' Adm. Venlet Says; Production Must Slow."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From AOL Defense, Dec. 1, 2011]

JSF'S BUILD AND TEST WAS 'MISCALCULATION,' ADM. VENLET SAYS; PRODUCTION MUST SLOW

(By Richard Whittle)

WASHINGTON.—Fatigue testing and analysis are turning up so many potential cracks and "hot spots" in the Joint Strike Fighter's airframe that the production rate of the F-35 should be slowed further over the next few years, the program's head declared in an interview.

"The analyzed hot spots that have arisen in the last 12 months or so in the program have surprised us at the amount of change and at the cost," Vice Adm. David Venlet said in an interview at his office near the Pentagon. "Most of them are little ones, but when you bundle them all up and package them and look at where they are in the airplane and how hard they are to get at after you buy the jet, the cost burden of that is what sucks the wind out of your lungs. I believe it's wise to sort of temper production for a while here until we get some of these heavy years of learning under our belt and get that managed right. And then when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production."

Venlet also took aim at a fundamental assumption of the JSF business model: concurrency. The JSF program was originally structured with a high rate of concurrency—building production model aircraft while finishing ground and flight testing—that assumed less change than is proving necessary.

"Fundamentally, that was a miscalculation," Venlet said. "You'd like to take the keys to your shiny new jet and give it to the fleet with all the capability and all the service life they want. What we're doing is, we're taking the keys to the shiny new jet, giving it to the fleet and saying, 'Give me that jet back in the first year. I've got to go take it up to this depot for a couple of months and tear into it and put in some structural mods, because if I don't, we're not going to be able to fly it more than a couple, three, four, five years.' That's what concurrency is doing to us." But he added: "I have the duty to navigate this program through concurrency. I don't have the luxury to stand on the pulpit and criticize and say how much I dislike it and wish we didn't have it. My duty is to help us navigate through it."

Lockheed Martin, prime contractor on the Pentagon's biggest program, has been pushing hard to increase the production rate, arguing its production line is ready and it has reduced problems on the line to speed things up. Speeding up production, of course, would boost economies of scale and help lower the politically sensitive price per plane.

But slowing production would help reduce the cost of replacing parts in jets that are being built before testing is complete, Venlet said. Although fatigue testing has barely begun—along with "refined analysis"—it's already turned up enough parts that need to be redesigned and replaced in jets already built that the changes may add \$3 million to \$5 million to each plane's cost.

The price of the F-35, being built by Lockheed Martin Corp. in three variants, has averaged roughly \$111 million under the most recent Low Rate Initial Production (LRIP) Lot 4 contract.

The required changes to the aircraft aren't a matter of safety or of the F-35's ability to perform its missions, Venlet said. They're necessary, though, to make sure the plane's structural parts last the 8,000 hours of serv-

ice life required. Nor are the weaknesses surprising in the world of fighter jets, he added. The discoveries are "not a quote 'problem with the airplane,'" Venlet said. "It's a fighter made out of metal and composites. You always find some hot spots and cracks and you have to go make fixes. That's normal. This airplane was maybe thought to be a little bit better, wouldn't have so much discovery. Well, no. It's more like standard fighters."

Venlet declined to say how much he thinks production should be slowed. Earlier plans called for the Pentagon to order 42 F-35s in fiscal 2011, but that was cut to 35 and more recently it was dropped to 30. Previous plans, which Venlet's comments and the unprecedented pressure to cut the defense budget make clear will change, had been to ramp up orders to 32 in fiscal 2012, 42 in fiscal 2013, 62 in fiscal 2014, 81 in fiscal 2015 and 108 in fiscal 2016 before jumping to more than 200 a year after fundamental fatigue and flight testing is done.

Officially the "Lightning II," the F-35 is a stealthy attack jet Lockheed is building with major subcontractors Northrop Grumman Corp. and BAE Systems for the Air Force, Navy, Marine Corps and 11 allied nations. There is a conventional take off and landing (CTOL) version, an aircraft carrier-suitable (CV) model and a short takeoff/vertical landing (STOVL) jump jet that hovers and lands much like a helicopter. The U.S. services alone are scheduled to buy 2,443 to replace a variety of older fighters, making the \$379 billion program the Pentagon's largest.

Venlet's comments address a key issue in negotiations between the government and Lockheed for the next contract, LRIP 5. The government paid for design changes and retrofits through the first four lots, but Pentagon acquisition chief Frank Kendall issued a memo in August requiring Lockheed to bear a "reasonable" share of such costs in LRIP 5. Lockheed complained last month that the government was refusing to reimburse it for parts the company was buying in advance for LRIP 5 aircraft as the price and terms of that next production contract are negotiated.

"We negotiated the LRIP 4 contract with a certain amount of resources considered to pay for concurrent changes," Venlet said. "We were probably off on the low side by a factor of four. Maybe five. And we've discovered that in this calendar year, '11, and it's basically sucked the wind out of our lungs with the burden, the financial burden." On top of that, he added, the cost of concurrency changes figures to grow as more testing is done—one reason it's important to slow production rather than testing.

"Slowing down the test program would be probably the most damaging thing anybody could do to the program," Venlet said. "The test program must proceed as fast as possible."

Flight testing of the F-35, though going extremely well lately, is only 18 percent complete, Venlet said. As of Nov. 29, 1,364 test flights had been flown—896 of them in the past 10 months, despite two stoppages of a couple of weeks each to fix problems found by flying. Under a new program baseline created after the JSF project breached cost limits under the Nunn-McCurdy law, about 7,700 hours of flight tests are planned. "That's a lot," Venlet said, adding that number will grow if more problems are found.

Fatigue testing has barely begun, Venlet said. The CTOL variant's fatigue testing is about 20 percent complete; the CV variant

has not started yet. For the STOVV variant, fatigue testing was halted at 6 percent last year and has not resumed after a crack in a large bulkhead in the wing was found, requiring a major redesign of that part.

That bulkhead crack was one of five discoveries in the F-35B that required engineering changes, one reason former Defense Secretary Robert Gates placed it on "probation" last January and said the Marine's plane should be canceled if the problems weren't solved within two years. Venlet repeated earlier statements that he was sure the changes needed to take care of the problems are now in place, though he wants to await final testing of them this winter before saying it's time for the jump jet to come off of probation.

After discovering the bulkhead crack in the B variant last year, Venlet explained, "We said, 'Well, where else do we need to look?' The fallout of that additional analysis has revealed additional spots that (may fail in) less than 8,000 hours of service life. We call them 'analyzed low-life hot spots.'" In other words, he said, engineering analysis indicates those spots "are going to crack" well before the parts in question have flown 8,000 hours.

"The question for me is not: 'F-35 or not?'" Venlet said. "The question is, how many and how fast? I'm not questioning the ultimate inventory numbers, I'm questioning the pace that we ramp up production for us and the partners, and can we afford it?"

Mr. MCCAIN. Mr. President, I will briefly summarize the history of the Joint Strike Fighter Program that has taken us where we are today.

In a nutshell, the Joint Strike Fighter Program has been both a scandal and a tragedy. The JSF Program has been in the development phase for 10 years. Over that time, it has been the beneficiary of an estimated \$56 billion of taxpayer investment. Yet after so much time and so great an investment by the taxpayers, we still don't have an aircraft that provides the Air Force, Navy, and Marine Corps with the combat capability they need. In fact, flight testing sufficient to demonstrate the full mission systems and weapons delivery capability of F-35 aircraft has not even started. At this point, this most advanced phase of flight testing won't begin any sooner than 2015.

Developing and buying these aircraft and building the facilities to support them was originally supposed to cost \$233 billion. However, according to the April 2011 Government Accountability Office report on the Joint Strike Fighter, these costs are now estimated to be closer to \$383 billion. Let me repeat that. The original cost was estimated to be \$233 billion. Now it is estimated to be \$383 billion. That is an increase of some \$150 billion of the taxpayers' money. This increase in total development and acquisition costs will only get worse when the Department announces a new baseline cost estimate, which resulted from a second restructuring of the program over the last 2 years.

Overall, the schedule for the end of the development phase and start of full-rate production has slipped 5 years

since the current baseline was set in 2007, and it is now planned for 2018. I want to point out that during this period of time, the manufacturer, Lockheed Martin, has continued to make record profits. In fact, they just announced their third-quarter profits to be \$700 million. Here is the manufacturer that was supposed to build an aircraft that was going to cost \$233 billion, and now it is estimated at close to \$383 billion—a \$150 billion increase—and it is well known now that there will be significant cost increases to follow in light of the production manager, Admiral Venlet's remarks.

In 2001, 10 years ago, the Department of Defense told Congress that the Joint Strike Fighter would cost about \$69 million per aircraft. But according to the GAO's report from April, the cost of each F-35 aircraft has now risen to about \$133 million per plane. Including the cost of research, development, and testing across the entire program, the unit cost of each individual aircraft goes up to \$156 million. In inflation-adjusted dollars, that is about double the original 2001 estimate. Unfortunately, we know that the estimate will go up substantially when the Pentagon releases its latest projections, with the costs of restructuring the program factored in and a new cost baseline is established for the program.

As if these costs of developing and buying the aircraft were not high enough, the Pentagon now estimates that operating and sustaining these new aircraft may cost as much as \$1 trillion over their planned service life. Thankfully, I think we have reason to believe this jaw-dropping number may be artificially high and can be reduced. But keep in mind that the rule of thumb is that the cost of developing and buying a major weapons system tends to be about one-third of its total cost; the other two-thirds is in operating and sustaining it. So with the development and procurement costs of the F-35 already approaching \$400 billion, it would not be unreasonable to expect sustainment costs of about \$800 billion over the F-35's lifespan. That amounts to about a \$1.2 trillion investment of taxpayer resources, which makes the F-35 the most expensive weapons program in history.

Over the nearly 10-year life, so far, of the F-35 program, Congress has authorized and appropriated funds for 113 of these weapons systems, but as of today the program has delivered just 18 aircraft, most of which are being used for flight testing. The first production aircraft intended for training just started to be delivered this summer—3 years late.

In July, the numbers came in on how much these early production model jets will cost compared to original estimates. That was a shocking \$1 billion over the original estimate of about \$7 billion. Under the cost-plus contracts

for these early production aircraft, taxpayers will be on the hook for \$771 million to cover their share of this cost overrun for these first 28 aircraft. Let me repeat that taxpayers of America are now on the hook for \$771 million in cost overruns to cover their share for the first 28 aircraft, and Lockheed Martin will absorb the cost of \$283 million. Maybe that helps you understand why Lockheed Martin, in the third quarter of this year, has been able to announce a profit of some \$700 million. The cost of the first 28 is a 15-percent cost overrun when you total everybody's share. So for about \$8.1 billion, we get 28 aircraft at a cost per aircraft of about \$289 million.

Just last week, we learned that the costs associated with the fourth lot of these early production aircraft may be as high as 10 percent over that contract's \$3.46 billion target cost. That is a \$350 million overrun, with only about 40 percent of the work completed to date. That tells us that the costs of the program have still not been contained despite 2 years of very concentrated effort by the Pentagon to bring costs under control, knowing the future of the program hangs in the balance.

This brings us to where we are today and the context of Admiral Venlet's remarks. The Pentagon has recently completed its analysis of how much the next lot—the fifth lot—of early production aircraft "should cost" and is negotiating with Lockheed Martin on who will bear the cost of changes to the design and manufacturing of the aircraft that could result from thousands of hours of flight testing that lie ahead.

It is at this exact moment that the excessive overlap between the development and production that was originally structured into the JSF Program—called concurrency—is now coming home to roost. It means that you deliver aircraft to the owners—in this case, the Air Force—and at the same time continue testing. That is something we warned against over and over as not having worked, but it was done in order to make an effort to have some semblance of their schedule being adhered to of delivery of aircraft. Lockheed Martin doesn't want to bear the risk of new discoveries that may require retrofit or redesign of the aircraft.

Based on the in-depth studies the Department has conducted to date, Admiral Venlet told the publication AOL Defense last week that the Joint Strike Fighter Program needs to slow down production and deliveries of the aircraft. He explained that this was necessary to open the aircraft and install fixes to numerous structural cracks and "hot spots" the program has discovered in the plane in the last year or so. He estimated that the work needed to remedy these cracks could add an additional \$3 million to \$5 million per aircraft.

Bear in mind that this revelation comes on top of the fact that the Department has just reduced the latest F-35 purchase—what will be lot five—by five jets. Admiral Venlet concluded that even as the Pentagon negotiates with Lockheed Martin on lot five of the aircraft under the terms of a fixed-price contract, there is much “heavy learning” that remains in the program. Here is what Admiral Venlet said:

The analyzed hot spots that have arisen in the last 12 months or so in the program have surprised us at the amount of change and at the cost. Most of them are little ones, but when you bundle them all up and package them and look at where they are in the airplane and how hard they are to get at after you buy the jet, the cost burden of that is what sucks the wind out of your lungs. I believe it's wise to sort of temper production for a while here until we get some of these heavy years of learning under our belt and get that managed right. And when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production.

Mr. President, 2001 was the year we decided to build this aircraft. So here we are 11 years later, and the manager of the program says, “And when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production.” I am not making this up. Admiral Venlet, who oversees the JSF Program for the Pentagon, is basically saying that even after the program was restructured 2 years ago by Secretary Gates to add \$7.3 billion and 33 more months to development, there is still too much concurrency baked into this program. In other words, the overlap between development and production is still too great to assure taxpayers that they will not have to continue paying for costly redesigns or retrofits due to discoveries made late in production. In that context, ramping up production—even under the program's revised schedule—would not be a move in the right direction. I absolutely agree.

When the head of the most expensive, highest profile weapons system program in U.S. history effectively says: Hold it, we need to slow down how much we are buying, we should all pay close attention.

What does this mean in terms of the pending negotiations for the next production lot? As I said a few days ago during my opening remarks on Senate consideration of the fiscal year 2012 National Defense Authorization Act, I strongly support the Department's position. I think Admiral Venlet's concerns are completely consistent with the view reflected in the Senate Armed Services Committee's markup of the Defense authorization bill.

As we negotiate to buy more early production jets at a time when most of the developmental testing of the aircraft is yet to be done, Lockheed Martin must be held increasingly account-

able for cost overruns that come as a result of wringing out necessary changes in the design and manufacturing process for this incredibly expensive weapons system. For this reason, the Department must negotiate a fixed-price contract for this next lot of aircraft that requires Lockheed Martin to assume fully any cost overruns. I expect that this contract negotiation will reflect unit costs that are lower than for the last lot purchased and that the contract will ensure shared responsibility for reasonable concurrency cost increases.

Put simply, the deal we negotiate on this next production lot must be at least as good, if not better, than the deal we negotiated under the previous one; otherwise, I can only conclude that we are moving in the wrong direction, and it will only be a matter of time before the American people and the Congress and our allies lose faith with the F-35 program, which is already the most expensive weapons program in history.

One thing is clear: The culprit is, among other things, excessive concurrency, which is overlap of trying to develop an advance aircraft at the same time as we buy production model aircraft intended for training and operations. The danger of excessive concurrency is the grand, enormously expensive lesson of the Joint Strike Fighter Program, a lesson we continue to overlook at our peril: Trying to execute a strategy for the acquisition of a major weapons system that has too much concurrency baked into it under a cost-type contract is absolutely a recipe for disaster.

In so many different aspects, the F-35 program truly represents a tragedy. The Air Force, Navy, and Marine Corps desperately need a new aircraft to take the place of the current strike and fighter jets that have been at war for most of the last 10 years. These well-worn legacy aircraft are coming to the end of their service lives, but we are saddled with a program that has little to show for itself after 10 years and \$56 billion in taxpayer investment that has produced less than 20 test and operational aircraft, a bill for \$¾ billion, and the promise of considerable “heavy learning” yet to go.

Admiral Venlet's message last week clearly conveyed the path we are on is neither affordable nor sustainable. On that fact he and I are in total agreement. But that agreement provides very little solace. If things don't improve quickly, taxpayers and the warfighters will insist all options will be on the table, and they should be.

Mr. President, I came to the Senate floor today to talk specifically about the F-35 aircraft. I will be coming to the floor again on the whole issue of what is, unfortunately, a culture of corruption in the Pentagon as far as weapon systems acquisition is con-

cerned. Time after time, with regard to the future combat system, the F-35, the shipbuilding, the littoral combat ship, there is story after story after story of cost overruns, of cancellation, of delays, of incredible cost to the taxpayer. We never should have gotten into it. We simply cannot afford to do it now. We have to reform the culture of corruption that pervades the Pentagon, and we must reform the way we acquire the weapons and the systems necessary to defend this Nation.

I am not saying there aren't success stories. Certainly, there are. MRAP is an example of a success story. But when we look at the tens of billions and billions of dollars that have been wasted on research and development on weapons systems that never got off the ground, when we look at what happened to the future combat systems, the littoral combat ship, now the F-35, there must be reform or the taxpayers and citizens of America will lose faith in our ability to defend this Nation at a cost that is reasonable in these extremely difficult economic times for all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX HOLIDAY

Mr. KYL. Mr. President, the reason I wish to speak is because there is a lot of confusion around something called the payroll tax holiday. It is legislation that is likely to be acted upon by the Congress and perhaps a bill will be sent to the President before the end of this year. It is something the President is pushing very strongly to try to achieve. There are a lot of different versions of it and a lot of confusing ideas about what people support and what they do not. I wish to talk a little bit about that.

First of all, what is it? The payroll tax is the tax that funds Social Security. It is a tax that is paid on the employee's wages. Half of that is paid by the employee, half of it is paid by the employer. From the employee's standpoint, the more they pay in, the more they get out when they retire; the less they pay in, the less they get out. That is what funds Social Security.

There is a question: Why would someone not support a reduction in the payroll tax—or as it is called right now a

temporary payroll tax holiday because what is being proposed is that a portion of that tax would not be paid. It represents one-third the amount of the tax an employee would ordinarily be paying that is not being paid today. The President would actually like to cut that to the point that an employee would only pay half the payroll tax liability. I understand he is going to revise his proposal and not ask there be any relief on the employer's side. What the President, therefore, is asking is that half of what an employee pays—or 3.1 percent of payroll—not be paid for 1 more year.

The first reason one should think carefully about extending this holiday is that, as I said, this is what funds Social Security. For an employee, the less they pay in, the less they are going to get out. If you are OK with that, then think about the program writ large. Social Security is in big financial trouble. We all know that. As a result, the less we put into it, then the less money there is to pay benefits for people who are on retirement.

What is happening with this particular shortfall is that we are paying for it out of general revenues. What is happening is, since we borrow 40 cents out of every \$1 we spend in this country, we are going to go someplace, such as to the Chinese, for example, and we are going to borrow the money. Out of \$1 that we want to spend, we are going to borrow 40 cents of that, and then we are going to put that money into the Social Security trust fund that is immediately going to be paid to somebody who is on Social Security.

What is the problem with that? Severe! First of all, as we said, the amount of money we put through the payroll tax into Social Security is what we are going to get back. If we put less in, we are going to get less back.

Second, because Social Security is already broke, that means the United States has to borrow the money to put back into Social Security in order to keep it going. When we do that, then there is less money in general revenues to pay for other things. So, yes, our general tax revenues and borrowing can make up for that difference in the payroll tax that is not being paid in now, but that means there is that amount of money less available for education benefits or agriculture or the Defense Department or whatever else we might be wanting to spend the money on. The fact is, if we are going to spend the same amount of money as the Federal Government and now we are increasing the amount we have to spend on Social Security, there is less to spend elsewhere.

I find it ironic that our Democratic friends in particular would think this is a good idea. I ran across something from the AARP, back in 2010. I wish to quote from it. This is a press release

dated just about exactly 1 year ago, December 7, 2010, by Thomas Bethell. The subject is "What the Payroll Tax Cut Means for Social Security." He quotes Nancy Altman, who is co-director for Social Security Works, which, as he said, describes "a worst-case scenario."

She thinks the cut could well become permanent.

If that happens, Social Security's long-term shortfall could double over 75 years, she says, and political pressure to downsize the program could mount. That could lead to converting Social Security from a universal insurance program to a welfare program, with the numerous drawbacks of programs for the poor, including low public support.

If this scenario unfolds, says Altman, "it's good-bye, Social Security."

His conclusion is "there is little doubt that reducing the payroll tax carries a risk."

That is the first reason I think one should be very careful about deciding that since tax cuts are usually appreciated by people, therefore, this is one we should extend, even though it is just temporary.

That brings up the second point. It can be argued this is very bad economic policy. There is no evidence this temporary tax cut has actually produced any new jobs, which is the whole idea. In fact, our economy has decelerated. In 2010, we had a 2.8-percent GDP growth. We are now down to just over 1 percent. Unemployment remains stubbornly high. In fact, I thought I would quote from a commentary of Ed Gillespie on "FOX News Sunday." Yesterday, he was asked a question by Chris Wallace about the payroll tax.

First of all, 50,000 of those jobs—

Meaning the jobs that have been created now in the economy over the last month—

50,000 of those jobs are retail jobs that likely could be temporary for the holiday season. On top of that, for every two people who found a new job, five people left the workforce entirely, which is part of a continuing pattern.

In fact, if the labor force today were the same size it was when President Obama took office, the unemployment rate would be 11 percent. So, shrinking the labor force is not the right way to bring down the unemployment rate. . . .

The point is, a lot of people have stopped looking for jobs. That is one reason why the unemployment rate actually went down. There are plenty of economists who will tell us reducing the payroll tax is not a good way to create jobs. I am going to quote from three or four.

As taxes go, the payroll tax is a big revenue raiser and one of the least damaging to work incentives. So cutting it is a poor choice if jobs are the objective.

Arthur Laffer, economist, in the *National Review*, the last day of October this year.

Troy Davig, an economist with Barclays Capital, Reuters:

Hiring is a long-term contract and this is a short-term stimulus.

Meaning the temporary payroll tax holiday.

Neil Dutta, an economist with Bank of America Merrill Lynch, says:

Nothing that's likely to get done—with regard to the payroll tax—is going to have a meaningful impact in terms of lowering the unemployment rate and creating jobs.

Bruce Bartlett, in the *New York Times*, is quoted in August of this year:

There is no evidence that the lower payroll tax has done much of anything to stimulate either spending or hiring.

In the *New York Post*, by Andrew Biggs, some time ago now:

The payroll-tax holiday is a dubious idea. . . .

Finally, Charles Blahous, who is a real expert on Social Security and an economic research fellow at Stanford's Hoover Institution, says:

Taking real tax revenue away from Social Security and issuing debt in its place—the policy now in effect—is the worst of all worlds, both for the program and for the budget.

It does not stimulate the economy, doesn't produce jobs, and it creates a budgetary problem for Social Security itself.

I also believe, the third point is, it can be bad tax policy. I note from a *Wall Street Journal* editorial, dated December 2—here is the beginning of it:

So here's the latest Democratic job growth plan: Pay for a temporary tax cut that has already proven not to create jobs with a permanent tax increase that almost certainly will cost jobs.

That's the essence of Senate Majority Leader Harry Reid's plan to finance a one-year payroll tax cut with a 3.25 percent tax surcharge on upper-income Americans that would last for at least 10 years. I understand now they are thinking about revising that for this exact reason, but that is the point. The surtax is, in reality, a new tax that primarily hits small business owners. They are the ones who create the jobs. Almost all of the new net jobs created since the 1980s are in small businesses. They create about 70 percent of the new jobs, most of them coming out of the recessionary time we are in.

And what does Treasury say about the people who would be hit by this surtax? Treasury estimates 392,000 returns have an income over \$1 million, and of that 311,000 are classified as business owners. So about 80 percent of the people who would get hit by this surtax are the very job creators we are hoping will invest their money into their businesses to help the economy and to create new jobs. How do you create new jobs by taking more earnings away from the very employers who are creating the jobs? So, third, it is bad tax policy.

Fourth, Democrats argue: Well, the wealthy are not paying their fair share, and this too is something that doesn't stand up to scrutiny. These are from the Internal Revenue Service. These are their tables. The top earners pay the bulk of the taxes in this country. In fact, we have the most progressive

income tax system of all of the industrialized countries—all of the countries in the OECD. The top 1 percent in our country earns 20 percent of all the income—that is pretty good—but they pay 38 percent of all of the income taxes. The top 2 percent earns about 28 percent of the total income. They pay over 48 percent—almost 50 percent. They pay almost half of all of the income taxes that are paid by the top 2 percent.

Some people say: Well, what about the payroll tax? That is exactly what we are cutting here. Remember? That is what they are getting a tax holiday from paying. So you have the top 2 percent of the people paying 50 percent of the taxes.

What do the bottom half pay? It turns out the Joint Committee on Taxation estimates that 51 percent of all households had either zero or negative income liability for the tax year 2009. So you have 2 percent of the people paying 50 percent and the bottom 50 percent paying none. In fact, the top 5 percent pays a whole lot more than the bottom 95 percent combined. Think of that. In our country the top 5 percent of the earners pay a lot more than the bottom 95 percent combined.

Then the question is: Is it fair to say about the United States progressive income tax code that the wealthy don't pay their "fair share" when the top 1 percent pays 38 percent, the top 2 percent pays almost half of all the taxes? I think that is a canard. I am not trying to defend rich people here, but what I am saying is it is unfair to say they are not paying their fair share.

Finally, my colleague DICK DURBIN—who I believe is going to be here shortly, and I hope will respond to what I am saying here—was interviewed on MSNBC on November 30. He said something that in retrospect I suspect he would say is inaccurate and would take back, but I want to quote him. He is talking about the payroll tax holiday and he said:

Jon Kyl rejected it. He said, no. There's no way we're going to impose any taxes on the wealthy people in this country.

Well, of course, Senator DURBIN knows that we impose a lot of taxes on the wealthy people in this country. He simply misspoke. I understand he simply misspoke, but it is a manifestation of the political dialogue here of one side accusing the other of favoring the rich over the poor. Can't we ask them to contribute a little bit more? Well, if it is the IRS, we are not asking them, we are forcing them. When the top 2 percent of all of our citizens pays half of all of the taxes and the bottom half pays none, when the top 5 percent pays 95 percent of all of the taxes and 95 percent pays the rest, it is hard to say the rich are not paying taxes.

In any event, my colleague Senator DURBIN, I am sure, would acknowledge that I have not said nor has anyone

said, "There is no way we are going to impose any taxes on the wealthy people in this country." They are paying a lot of taxes.

Finally, we extended this tax cut holiday for 1 year a year ago in December. We did that as part of an overall budget deal. The Vice President of the United States, the leaders of the House and Senate negotiated this and the President went along with it. It was part of an overall agreement in which we said we will extend all of the existing tax rates, the so-called Bush tax cuts, that is, the rates that have been in effect since 2001 and 2003. We said we would extend this temporary tax holiday from the payroll tax cut. We would extend all of those. I supported that.

Frankly, that was the right thing to do, to extend all of these existing rates. The country at that point could not have stood an increase in taxes of over \$4 trillion, which is what it would have been not to extend the so-called Bush tax cuts. If we can do that again, I am all for it. I will support the extension of the payroll tax holiday. I will support the extension of the payroll tax holiday with other things being done as well. The point is there are times when it absolutely does not make any sense and there are times when it could make sense.

But because of the four other reasons I pointed out, this is what pays for Social Security benefits, it is bad economic policy, it is bad tax policy, and certainly the surtax that would fund this is something that would very much hurt small businesses and job creation. Those are reasons to be very skeptical about continuing this supposedly temporary tax holiday, and we should therefore only do it under circumstances that, in effect, override these objections, one of which would be to extend all of the taxes that expire at the end of next year—at the end of 2012, and to include this in them. That would be a good idea. It is also a good idea to "pay for" it; that is, to find an offset for the revenue loss here because we cannot leave Social Security holding the bag. When we borrow 40 cents of every dollar in general revenue to pay for this lost revenue, obviously, that is not a good idea. So if we can find offsets for it, that is another factor in deciding whether to do it. I believe Republicans will work to find offsets if we, in fact, are going to extend this payroll tax holiday.

Clearly, you don't necessarily need to find offsets to pay for any tax or every tax reduction. We are keeping current rates where they are, for example, when they otherwise would expire at the end of next year. Some people say: Well, that is the Bush tax cuts. That is right. Did revenues to the Treasury go down when the Bush tax rates were reduced in 2001 and 2003? No. Tax revenues—the amount of money coming into the Treasury of the United

States—actually increased after the so-called Bush tax cuts. So sometimes, for economic growth reasons, keeping taxes where they are or even reducing them in some cases makes a lot of sense. In this case, however, because you are having to take it out of the Social Security trust fund, you need to replenish that money, you need to pay for it, and that is why we need to have the offsets I spoke of.

The bottom line is the payroll tax cut holiday can be a little confusing. There are some very important reasons not to do this again. It doesn't produce a good result and it can produce some bad results. If there are offsetting policies that more than overcome these bad features, then it is something I think a lot of Republicans will look to. As I said a year ago, I was willing to support the extension of it because we extended the other tax rates as well. If we do that again, obviously, it is something I would be supportive of.

I hope this helps to clarify the debate when we deal with this subject later on this week and perhaps even in the final week—that we at least hope is the final week we are here—before Christmas.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF EDGARDO RAMOS
TO BE UNITED STATES DISTRICT
JUDGE FOR THE SOUTHERN DIS-
TRICT OF NEW YORKNOMINATION OF ANDREW L. CAR-
TER, JR., TO BE UNITED STATES
DISTRICT JUDGE FOR THE
SOUTHERN DISTRICT OF NEW
YORKNOMINATION OF JAMES RODNEY
GILSTRAP TO BE UNITED
STATES DISTRICT JUDGE FOR
THE EASTERN DISTRICT OF
TEXASNOMINATION OF DANA L.
CHRISTENSEN TO BE UNITED
STATES DISTRICT JUDGE FOR
THE DISTRICT OF MONTANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York; Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York; James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas; and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Today the Senate will finally consider nominations to fill four vacancies on Federal district courts, all of which were reported by the Judiciary Committee unanimously in September and early October. All four nominees Edgardo Ramos and Andrew Carter, nominated to the Southern District of New York, James Rodney Gilstrap, nominated to fill a judicial emergency vacancy in the Eastern District of Texas, and Dana Christensen, nominated to the District of Montana are superbly qualified nominees with the strong support of their home state Senators. It should not have taken three months or more for the Senate to vote on their nominations.

I thank the Majority Leader for securing a vote on these nominations, but I am disappointed that the Senate Republican leadership would not agree to a vote on the nomination of Jesse Furman to fill a third vacancy on the

Southern District of New York. Like Edgardo Ramos, Andrew Carter and James Gilstrap, his nomination was reported by the Judiciary Committee on September 15 without opposition from a single member of the Committee, Democratic or Republican. Mr. Furman, an experienced Federal prosecutor who served as Counselor to Attorney General Michael Mukasey for two years during the Bush Administration, is a nominee with an impressive background and bipartisan support. There is no reason or explanation for why the Senate could not also consider his nomination today.

There is also no reason or explanation why Republican leadership will not consent to consider the other 20 judicial nominations waiting for final Senate action, all but four of which were reported by the Committee without any opposition, all but two of them with significant bipartisan support. Senator GRASSLEY and I have worked together to ensure that each of the 25 nominations now on the Senate Calendar was fully considered by the Judiciary Committee after a thorough, fair process, including completing our extensive questionnaire and questioning at a hearing. Before each of these nominees was selected by the President, the White House worked with the nominees' home state Senators who support them, the FBI completed an extensive background review, and each nominee was peer reviewed by the American Bar Association's Standing Committee on the Federal Judiciary. When the nominations have been favorably reported by the Judiciary Committee after this extensive and thorough process, there is no reason for months and months of further delay before they can start serving the American people.

It is now December 5, with only weeks left in the Senate's 2011 session. I am concerned that we are not able to move more quickly at a time when we continue to hear from chief judges around the country about the overburdened courts in their districts and circuits. We need to consider at least eight judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership.

We should not repeat the mistakes of last year, when the Senate Republican leadership refused to consent to consider 19 judicial nominations reported by the Judiciary Committee, an exercise in unnecessary delay I believe to be without precedent with respect to such consensus nominees. It took us until June of this year, halfway into 2011, to consider and confirm 17 of these nominations that could and should have been considered before the end of 2010. Before we adjourn this year, there is certainly no reason the

Senate cannot at least consider the 17 judicial nominations reported unanimously by the Committee this session, who are by any measure consensus nominees.

I hope that we do not see a repeat of the damaging decision by Senate Republican leadership at the end of last year to refuse to agree to votes on those nominations. That decision stood in stark contrast to the practice followed by the Democratic majority in the Senate during President Bush's first two years. Last year, Senate Republicans refused to use the same standards for considering President Obama's judicial nominees as we did when the Senate gave up or down votes to all 100 of President Bush's judicial nominations reported by the Committee in his first two years. All 100 were confirmed before the end of the 107th Congress, including two controversial circuit court nominations reported and then confirmed during the lame duck session in 2002. The Senate last year should not have been forced to adjourn with 19 judicial nominations still on the Senate calendar.

With vacancies continuing at harmfully high levels, we cannot afford to repeat these unnecessary and damaging delays. There is no reason we cannot make significant progress this month and consider all of the consensus nominations now pending on the Senate calendar. That is what we did at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar. That is also what we did at the end of President George W. Bush's third year, when seven of the nine judicial nominations left on the calendar by the Senate's Republican majority were among President Bush's most extreme ideological picks and had previously been debated extensively by the Senate. The standard has been that noncontroversial judicial nominees reported by the Judiciary Committee get Senate action before the end of the year. That is the standard we should follow this year.

We remain well behind the pace set by the Senate during President Bush's first term. By the end of his first term, the Senate had confirmed 205 district and circuit nominees, and had already confirmed 167 by this point in his third year. So far, the Senate has confirmed only 119 of President Obama's district and circuit nominees. Senate action before adjournment on all 25 judicial nominations that are before the Senate today would go a long way to help resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

The 100 circuit and district court nominations we confirmed in President Bush's first two years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 the Senate was allowed to confirm in President Obama's first two years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real progress, in 2003 we proceeded to confirm more judicial nominations than there were vacancies at the start of that year, and reduced vacancies even further, down to 5 percent, half of where they stand today.

Chief Justice Roberts, the Attorney General and the White House counsel have all spoken about the serious problems created by persistent judicial vacancies. More than half of all Americans over 167 million live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 23 states are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies before we adjourn for the year and not unnecessarily delay their consideration until next spring.

The four nominees we consider today will all be confirmed, I expect, with significant bipartisan support. Edgardo Ramos is nominated to fill a vacancy on the District Court for the Southern District of New York. Since 2002, Mr. Ramos has been in private practice after serving for ten years as an Assistant U.S. Attorney in the Eastern District of New York, where he was promoted to Deputy Chief of the Narcotics Section. The ABA's Standing Committee on the Federal Judiciary unanimously rated him "well qualified" to serve, its highest possible rating. The nomination of Mr. Ramos has the strong support of both his home state Senators, Senator SCHUMER and Senator GILLIBRAND, and was reported by the Judiciary Committee by voice vote with no dissent on September 15.

The nomination of Judge Andrew Carter to fill a vacancy on the District Court for the Southern District of New York also has the strong support of the New York Senators and was also reported unanimously by voice vote on September 15. Since 2009, Judge Carter has been a Magistrate Judge for the Eastern District of New York. Prior to joining the bench, Judge Carter served for 13 years as a public defender in New York state and Federal and spent two years at the Ford Foundation as a Program Assistant in its Rights and Social Justice Program.

James Rodney Gilstrap is nominated to fill a vacancy on the District Court

for the Eastern District of Texas determined by the Administrative Office of the U.S. Courts to be a judicial emergency vacancy. His nomination has the support of both his Republican home state Senators, Senator CORNYN and Senator HUTCHISON. For 27 years Mr. Gilstrap has been a partner at the law firm of Smith & Gilstrap in Marshall, Texas. He has also served as a part-time County Judge for Harrison County, Texas. His nomination was reported unanimously by the Judiciary Committee by voice vote on September 15.

Dana Christensen is nominated to fill a vacancy on the District Court for the District of Montana. Mr. Christensen has spent his 34-year legal career in private practice and is currently the president of the law firm of Christensen, Moore, Cockrell, Cummings & Axelberg, P.C. in Kalispell, Montana. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Christensen "well qualified" to serve, its highest possible rating. His nomination has the support of both his home state Senators, Senator BAUCUS and Senator TESTER, and was reported by the Judiciary Committee by voice vote with no dissent on October 6.

I hope the Senate can build on today's progress to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

NOMINATION OF CAITLIN HALLIGAN

Tomorrow the Senate should be holding an up-or-down vote on the long-delayed nomination of Caitlin Halligan to fill one of three vacancies on the Court of Appeals for the D.C. Circuit. Instead, for the seventh time since President Obama took office 34 months ago, we are required to overcome a Republican filibuster for the Senate to consider one of President Obama's superbly qualified judicial nominees.

Ms. Halligan, President Obama's first nominee to the important D.C. Circuit, is the former Solicitor General for the State of New York. With an impressive record in private practice and public service, she is widely respected for the quality of her work as an advocate. Indeed, Ms. Halligan's nomination was greeted with bipartisan support and has since garnered endorsements from law enforcement officials and organizations, women's organizations, law school deans and professors, judges and preeminent lawyers from across the political spectrum. The Judiciary Committee favorably reported Ms. Halligan's nomination nearly nine months ago.

By any traditional standard, she is the kind of superbly qualified nominee who should easily have been confirmed by the Senate months ago with the support of both Republicans and Democrats. I am disappointed that yet again instead of seeing bipartisan cooperation we are required to seek cloture.

From the beginning of the Obama administration, we have seen some Senate Republicans shift significantly away from the standards they used to apply to the judicial nominations of a Republican President. During the administration of the last President, a Republican, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the "nuclear option" in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominations. Senator MCCONNELL, then the Republican whip, said: "Any President's judicial nominees should receive careful consideration. But after that debate, they deserve a simple up-or-down vote. . . . It's time to move away from advise and obstruct and get back to advise and consent. The stakes are high. . . . The Constitution of the United States is at stake."

Many Republican Senators declared that they would never support the filibuster of a judicial nomination—never. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana.

David Hamilton was a widely respected 15-year veteran of the Federal bench. President Obama nominated Judge Hamilton in March 2009, after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who strongly supported the nomination. Rather than welcome the nomination as an attempt by President Obama to step away from the ideological battles of the past, some Senate Republicans ignored Senator LUGAR's support, caricatured Judge Hamilton's record and filibustered his nomination. After the Senate rejected that filibuster, Judge Hamilton was confirmed.

The partisan delays and opposition to President Obama's judicial nominations have continued since. Senate Republicans have required cloture motions to be filed on judicial nominations that ultimately won unanimous support from the Senate. Earlier this year they filibustered the nomination of Professor Goodwin Liu of California, who was supported by both his home state Senators to fill a judicial emergency vacancy on the Ninth Circuit. That successful filibuster of a brilliant lawyer and a good man prevented the Senate from having an up-or-down vote on his nomination and prevented an outstanding nominee from serving the American people on the Federal bench. They attempted to justify that filibuster on ideological grounds. There is no such justification here, in connection with the nomination of Caitlin Halligan who is a mainstream lawyer and public servant from New York. Senate Republican leadership took the virtually unprecedented step this year of requiring cloture to be filed on a district court nomination. That effort to

ratchet up the judge wars was rejected when 11 Republican Senators joined to ensure an up-or-down vote on the nomination of Jack McConnell to the District of Rhode Island.

With their latest filibuster, the Senate Republican leadership seeks to set yet another new standard, one that threatens to make confirmation of any nominee to the D.C. Circuit virtually impossible for the future. Caitlin Halligan is well-qualified nominee with a mainstream record as a brilliant advocate on behalf of the State of New York and in private practice. I have reviewed her record carefully in the course the Judiciary Committee's thorough process, including her response to our extensive questionnaire and her answers to questions at her hearing and in writing following the hearing. In my view, there is no legitimate reason or justification for filibustering her nomination.

Caitlin Halligan is the kind of nominee who has demonstrated not only legal talent but also a dedication to the rule of law throughout her career. We should encourage nominees with the qualities of Ms. Halligan to engage in public service and we should welcome them on the Federal bench, not denigrate them. Concocted controversies and a blatant misreading of Ms. Halligan's record as an advocate are no reason to obstruct this outstanding nomination.

We must reject these misguided arguments. This filibuster against this qualified woman will set a standard that could not be met by judicial nominees of Presidents of either party. I trust that, as with the nomination of Jack McConnell, sensible Republican Senators will, again, join in preventing such an outcome. It is time to edge away from this dangerous precipice.

When Democratic Senators cooperated to confirm John Roberts to the D.C. Circuit in 2003, it broke the stalemate created by the Republicans refusal for years to even consider President Clinton's nominees to that Court. Like John Roberts, Caitlin Halligan is a highly regarded appellate advocate with the kind of impeccable credentials in both public service and private practice that make her unquestionably qualified to serve on the D.C. Circuit. She should be confirmed, not unjustifiably filibustered.

Ms. Halligan served for nearly six years as Solicitor General of New York and has been a leading appellate lawyer in private practice. She is currently General Counsel at the New York County District Attorney's Office, an office that investigates and prosecutes 100,000 criminal cases annually in Manhattan. Ms. Halligan has served as counsel of record in nearly 50 matters before the U.S. Supreme Court, arguing five cases before that court and many cases before Federal and state appellate courts. Just as John Roberts had

served in government and clerked for the Supreme Court, she clerked for Supreme Court Justice Stephen Breyer. She also clerked for Judge Patricia Wald on the D.C. Circuit, the court to which she has been nominated. The American Bar Association's Standing Committee on the Federal Judiciary, which Republican Senators often cite, unanimously rated Ms. Halligan "Well-Qualified" to serve on the D.C. Circuit. That is the highest rating that can be received from its non-partisan peer review.

The letters of support we have received for Ms. Halligan's nomination from a broad range of people and organizations is a testament both to her exceptional qualifications to serve and to the fact that this should be a consensus nomination, not a source of controversy and contention.

Twenty-one prominent appellate advocates from across the political spectrum who have worked with Caitlin Halligan, including Miguel Estrada and Carter Phillips, endorsed her nomination, writing:

"We believe that Caitlin is an outstanding selection for the D.C. Circuit. She is a first-rate lawyer and advocate. She is well respected and highly regarded as a leader of the profession. Caitlin has an ideal judicial temperament. She brings reason, insight and judgment to all matters. Even those of us who have been on the opposite sides of Caitlin in litigation have been greatly impressed with her ability and character. We have no doubt she would serve with distinction and fairness."

When Ms. Halligan was nominated, Carter Phillips, a preeminent Supreme Court advocate who served as Assistant to the Solicitor General during the Reagan administration, described her as "one of those extremely smart, thoughtful, measured and effective advocates" and concluded that she "will be a first-rate judge." Judge Albert Rosenblatt, who was appointed to serve on New York's highest court by former Republican Governor George Pataki, wrote in praise of Ms. Halligan's work as New York's Solicitor General, concluding that "her sense of fairness and balance is among the best—if not the best—that I have ever seen in my 34 years as a judge and a prosecutor." This is not a nomination that should be filibustered. To do so will set a destructive standard that no one will be able to meet. If someone of Caitlin Halligan's outstanding credentials, character and experience cannot be confirmed, no one can be.

The nomination of Ms. Halligan has likewise received significant support from law enforcement officials and organizations. The National District Attorneys Association has called Caitlin Halligan's background "impressive," stating that she "would be an outstanding addition" to the D.C. Circuit. District Attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan,

Jr., William Fitzpatrick, James Reams and Scott Burns, support her nomination, as do the New York Association of Chiefs of Police and the New York State Sheriff's Association. New York City Police Commissioner Raymond Kelly has said that Ms. Halligan has the "three qualities important for a nominee: intelligence, a judicial temperament, and personal integrity." Legendary New York County District Attorney Robert Morgenthau, endorsing her nomination in the "strongest of terms," described Ms. Halligan as "qualified in terms of intellect, ability and temperament." This is not someone to be filibustered and blocked from serving as a Federal judge.

More than 20 former United States Supreme Court clerks, including clerks who worked for conservative Justices such as former Chief Justice Rehnquist, Justice Scalia and Justice Kennedy, wrote that they "retain a distinct appreciation of Caitlin's sharp intelligence and her ability to cooperate with others in resolving difficult legal problems." They concluded their letter of support by praising her "reasonableness and collegiality," and calling her a "fair-minded colleague who was a pleasure to work with in a sophisticated and demanding legal setting." This is not a closed minded ideologue. Caitlin Halligan is an outstanding lawyer who will be an outstanding judge.

Ms. Halligan's nomination has received support from numerous women's law enforcement, business, and legal organizations, including the New York Women in Law Enforcement, the National Center for Women and Policing, the National Conference of Women's Bar Associations, and the Women's Bar Association of the District of Columbia. The U.S. Women's Chamber of Commerce asked the Senate to confirm Ms. Halligan, describing her as "exceptionally well-qualified" with "outstanding legal credentials and legal experience that is both broad and deep." The National Conference of Women's Bar Associations, which supports Ms. Halligan because her "broad experience, public service and intellect make her well suited to the federal appellate bench," also notes that "her appointment would add much needed diversity to the federal court, where only three women are among the active judges on the D.C. Circuit." More than 100 women who are deans and professors at top law schools throughout the country strongly support the nomination because "Ms. Halligan has won accolades for her judgment, legal acumen, and expertise in appellate litigation," and because her "legal credentials, experience and accomplishments make her exceptionally well-qualified to serve" on the D.C. Circuit. They also echo the need for bringing gender diversity to this critical court, noting that, "women have been historically under-represented on this court, as only five

of the fifty-seven judges to serve there have been women." This outstanding nominee is a leader and role model whose career should not be short-circuited by petty partisanship.

I ask unanimous consent that some of these letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

EXHIBIT 1

MARCH 4, 2011.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,
*Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: We write in enthusiastic support of the nomination of Caitlin Halligan to be a judge on the United States Court of Appeals for the District of Columbia Circuit. We are lawyers who have worked with Caitlin in various capacities. We believe that Caitlin is an outstanding selection for the D.C. Circuit. She is a first-rate lawyer and advocate. She is well respected and highly regarded as a leader of the profession. Caitlin also has an ideal judicial temperament. She brings reason, insight and judgment to all matters. Even those of us who have been on opposite sides of Caitlin in litigation have been greatly impressed with her ability and character. We have no doubt that she would serve with distinction and fairness.

Sincerely yours,

Clifford M. Sloan, Skadden, Arps, Slate, Meagher & Flom LLP; Sri Srinivasan, O'Melveny & Myers LLP; Miguel A. Estrada, Gibson, Dunn & Crutcher LLP; Carter G. Phillips, Sidley Austin LLP; Seth P. Waxman, WilmerHale; Walter Dellinger, O'Melveny & Myers LLP; David C. Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.; Andrew J. Levander, Dechert LLP; Richard J. Davis, Weil, Gotshal & Manges LLP; Michele Hirshman, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Dietrich L. Snell, Proskauer Rose LLP; Paul M. Smith, Jenner & Block LLP; Patricia Ann Millett, Akin Gump Strauss Hauer & Feld LLP; Kathleen M. Sullivan, Quinn Emanuel Urquhart & Sullivan, LLP, Stanford Law School; Thomas W. Brunner, Wiley Rein LLP; Meir Feder, Jones Day; Evan M. Tager, Mayer Brown LLP; Philip K. Howard, Covington & Burling LLP; Ira M. Millstein, Weil, Gotshal & Manges LLP; Roy L. Reardon, Simpson Thacher & Bartlett LLP; Michael H. Gottesman, Georgetown University Law Center.

MCCABE & MACK LLP,

ATTORNEYS AT LAW,

Poughkeepsie, NY, December 1, 2011.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,
*Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I am a retired member of New York's highest court, the Court of Appeals, a position to which I was appointed by Gov-

ernor George Pataki. Caitlin Halligan appeared frequently before me on behalf of the State of New York in her capacity as Solicitor General. The quality of her work was exemplary and serves as a model of how to deal with important issues. Her sense of fairness and balance is among the best—if not the best—that I have ever seen in my 34 years as a judge and as a prosecutor before that. In her appearances before our court, there is no one who commanded more respect and who had greater credibility. If I had to choose a candidate to serve on a federal appeals court I can think of no one better. I emphasize: No one. I urge the Senate to act expeditiously to confirm her to this position.

Most respectfully I hope the Senate sees fit to act expeditiously to confirm her for service on the U.S. Court of Appeals for the District of Columbia Circuit.

Please feel free to contact me, if you wish, by phone or email. I recall fondly, Senator Leahy, that we met many years ago at a convention when I was an assistant DA in New York and you were a prosecutor in Vermont. Very truly yours,

ALBERT M. ROSENBLATT.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, June 2, 2011.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Committee on the Judiciary,
Dirksen Senate Office Building, Wash-
ington, DC.*

Hon. CHARLES E. GRASSLEY,
*Ranking Member, Senate Committee on the Ju-
diciary, Dirksen Senate Office Building
Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National District Attorneys Association, the oldest and largest organization representing over 39,000 of America's state and local prosecutors, we would like to offer our full support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia.

Ms. Halligan has an impressive background which developed her into an extremely impressive and qualified candidate to serve as an U.S. Circuit Judge. Ms. Halligan currently serves as General Counsel of the New York County District Attorney's Office, where she helps to supervise more than 500 lawyers handling a wide range of criminal investigations and prosecutions. Prior to joining the District Attorney's Office in 2010, Ms. Halligan was a partner and head of the appellate practice at Weil, Gotshal & Manges, LLP, a leading New York law firm. From October 2001 until January 2007, Ms. Halligan served as the Solicitor General of New York State, where she represented the State in the federal and state appellate courts and headed an office of 45 appellate attorneys.

The National District Attorneys Association believes that Ms. Halligan would be an outstanding addition to the United States Circuit Court for the District of Columbia. We are happy to offer our full support for Ms. Halligan's nomination and encourage her swift confirmation by the Senate.

Sincerely,

JAMES REAMS,
President.
SCOTT BURNS,
Executive Director.

THE POLICE COMMISSIONER,
New York, NY, May 26, 2011.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,
*Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I am writing in support of the nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia. I am familiar with the work of Ms. Halligan in her capacity as Counsel to the New York County District Attorney.

Ms. Halligan possesses the three qualities most important for a nominee: intelligence, a judicial temperament, and personal integrity. Ms. Halligan is without question an attorney with a keen legal intellect. Indeed, the rapid successes of her career since graduating from law school in 1995 provide ample evidence of her intelligence and abilities. With regard to her temperament, the interactions between Ms. Halligan and my staff consistently demonstrate an even-handed disposition in navigating potential conflicts between police and prosecutors in New York City. Lastly, Ms. Halligan's personal integrity is simply without question.

In sum, Ms. Halligan possesses all the qualities required for a successful federal appellate judge, and I highly recommend her for such a position.

Sincerely,

RAYMOND W. KELLY,
Police Commissioner.

WACHTELL, LIPTON, ROSEN & KATZ,
New York, NY, March 23, 2011.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I write this letter in support of the nomination of Caitlin Halligan to the United States Court of Appeals for the District of Columbia Circuit. I have known Caitlin personally a short time, but her reputation for even-handedness and excellence as an attorney are well-known in New York's legal community.

I will not belabor her exemplary record as an attorney: Georgetown Law Review, clerk to Justice Patricia Wald of the D.C. Circuit, to Justice Stephen Breyer of the United States Supreme Court, adjunct faculty member of Columbia University Law School and Georgetown University Law Center, Solicitor General of the State of New York, Partner and Head of Appellate Practice Group at the firm Weil, Gotshal & Manges LLP, and most recently, General Counsel to the District Attorney of New York County. Certainly this is a resume and career that is grounded solidly in the law, and I submit that her legal qualifications are beyond question.

More recently, I have worked with Caitlin in her capacity as General Counsel to my former office. She is well-known and well-regarded as a lawyer's lawyer. She follows the law and holds herself to the highest ethical standards. She is as intellectually honest as she is tough—she does not take short cuts and she does not pull her punches; both necessary attributes for her to be effective in her current position.

At the Manhattan District Attorney's Office, she handles some of the toughest issues that a lawyer has to address; issues that go to the core of law enforcement authority;

issues that involve claims of wrongful conviction and the use of prosecutorial discretion. I can speak from experience to tell you that these are weighty issues that can keep any lawyer awake at night. A District Attorney needs counsel who is tough but fair, and counsel who can advise the district attorney on these weighty issues not from a gut feeling or personal agenda, but based solely on the law and the facts. She meets these high standards. I cannot stress enough the difficulties of the issues that Ms. Halligan has to address every day. And, based on both my personal observation and accounts I hear from my former colleagues at the D.A.'s Office—Caitlin handles these pressures with grace and poise, and is a tough proponent of the core mission of the Manhattan D.A.'s Office—to keep the citizenry safe, to enforce the law without fear or favor, and to hold accountable those who break the law. She brings solid law enforcement perspective to her work, and upholds the highest standards of my former office.

In sum, Caitlin Halligan is qualified in terms of intellect, ability and temperament, and I endorse her in the strongest of terms.

Sincerely,

ROBERT M. MORGENTHAU.

FEBRUARY 28, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. CHUCK GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write as former clerkship colleagues of Caitlin Halligan in support of her nomination for a seat on the U.S. Court of Appeals for the District of Columbia Circuit. All of us worked alongside Caitlin as law clerks at the U.S. Supreme Court during the 1997–98 Term. Our shared experience left us with an indelible impression of Caitlin's brilliant legal mind, her collegiality and fair-mindedness, and her abiding respect for the rule of law. Even now, almost a decade and a half later, as we have moved on to disparate careers in the government, private sector, and the legal academy, we retain a distinct appreciation of Caitlin's sharp intelligence and her ability to cooperate with others in resolving difficult legal problems.

As you well know, the work of the Supreme Court is intense and eclectic, encompassing a vast array of intricate legal matters, a host of overlapping deadlines, and a variety of formal and informal procedures for internal deliberation and discussion among the Justices and their clerks. Our work on the difficult cases the Court decided during the 1997–98 Term generated among our group an unending discussion of legal issues, both in connection with our specific law clerk tasks and in more freewheeling conversations in the clerks' dining room and related settings. In this milieu Caitlin stood out for her ability to meaningfully discuss and explicate tough legal questions with an open mind and a willingness to consider multiple perspectives on the law. Throughout the year, Caitlin displayed a keen ability to listen to and accommodate the views of others, all the while simultaneously expressing and justifying her own view of the law. Although the Court during the 1997 Term issued an unusually high proportion of unanimous decisions, Caitlin's demeanor as a law clerk exuded reasonableness and collegiality even in those areas where we law clerks—

and the Justices for whom we worked—disagreed.

In sum, we hold Caitlin Halligan in high regard as a talented and fair-minded colleague who was a pleasure to work with in a sophisticated and demanding legal setting. We have no doubt that if she is confirmed by the Senate, her colleagues on the federal bench will soon arrive at a similar conclusion, and we appreciate your attention to her nomination.

Respectfully submitted,

Samuel R. Bagenstos, Professor of Law, University of Michigan Law School, Ann Arbor, MI; J. Scott Ballenger, Partner, Latham & Watkins LLP, Washington, DC; Rachel E. Barkow, Professor of Law, New York University School of Law, New York, NY; Paul Schiff Berman, Dean and Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University, Phoenix, AZ;

Stephanos Bibas, Professor of Law and Criminology, Director, Supreme Court Clinic, University of Pennsylvania Law School, Philadelphia, PA; Elizabeth Cavanagh, Adjunct Professor, American University Washington College of Law, Washington, DC; Thomas Colby, Professor of Law, George Washington University Law School, Washington, DC; Laura A. Dickinson, Foundation Professor of Law, Faculty Director, Center for Law and Global Affairs, Sandra Day O'Connor College of Law, Arizona State University, Phoenix, AZ; David Friedman, Senior Vice President/Special Counsel, Boston Red Sox, Boston, MA; Lisa Kern Griffin, Professor of Law, Duke University School of Law, Durham, NC; Deborah Hamilton, Trial Attorney, Equal Employment Opportunity Commission, Chicago, IL; Rachel A. Harmon, Associate Professor, University of Virginia School of Law, Charlottesville, VA; Sarah O. Jorgensen, King & Spalding, Atlanta, GA; John P. Kelsh, Partner, Sidley & Austin LLP, Chicago, IL; Jeremy Maltby, Partner, O'Melveny & Myers LLP, Washington, DC;

Christopher Meade, Washington, DC; Gillian E. Metzger, Professor of Law, Columbia Law School, New York, NY; Charles Moore, Partner, Trilantic Capital Partners, New York, NY; John B. Owens, Assistant United States Attorney, Chief, Criminal Division, Southern District of California, San Diego, CA; Mary-Rose Papandrea, Associate Professor, Boston College Law School, Boston, MA; Theodore W. Ruger, Professor of Law, University of Pennsylvania Law School, Philadelphia, PA; Sri Srinivasan, Partner, O'Melveny & Myers LLP, Washington, DC; Silvija A. Strikis, Partner, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC Washington, DC; Harry P. Susman, Partner, Susman Godfrey LLP, Houston, TX; Christopher S. Yoo, Professor of Law, Director, Center for Technology, Innovation and Competition, University of Pennsylvania Law School, Philadelphia, PA.

U.S. WOMEN'S
CHAMBER OF COMMERCE,
Washington, DC, June 28, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. CHUCK GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the U.S. Women's Chamber of Commerce, I write in enthusiastic support of the nomination of Caitlin Halligan to be a judge on the United States Court of Appeals for the District of Columbia Circuit. Ms. Halligan is exceptionally well-qualified, and would be an excellent addition to that court. She would not only bring extraordinary legal talents but also increase the gender diversity of that court, increasing the representation of women on what has been called the second-highest court in the land.

Her résumé speaks for itself. Ms. Halligan has outstanding legal credentials and legal experience that is both broad and deep. Over the course of her career, she has developed significant expertise in appellate litigation, including before the U.S. Supreme Court. She has also generously contributed of her own time to pro bono service.

We ask that the Senate vote to confirm Caitlin Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Sincerely,

MARGOT DORFMAN,
CEO.

NATIONAL CONFERENCE OF
WOMEN'S BAR ASSOCIATIONS,
Portland, OR, June 23, 2011.

Re Nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Hon. PATRICK J. LEAHY, *Chair, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.*

Hon. CHARLES GRASSLEY, *Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National Conference of Women's Bar Associations, we write to express our enthusiastic support for the nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Halligan's broad experience, public service and intellect make her well suited to the federal appellate bench, and her appointment would add much needed diversity to the federal court, where currently only three women are among the active judges on the D.C. Circuit.

We join with many other organizations such as the National District Attorneys Association, the New York Women in Law Enforcement and the Women's Bar Association of the District of Columbia in urging the speedy confirmation of this outstanding nominee.

Very truly yours,

MARY E. SHARP,
President.

NOVEMBER 15, 2011.

Re Nomination of Caitlin J. Halligan to United States Court of Appeals for the District of Columbia Circuit.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: We, the undersigned law school deans and professors, write in strong support of the nomination of Caitlin Halligan to the United States Court of Appeals for the District of Columbia Circuit. Ms. Halligan's legal credentials, experience, and accomplishments make her exceptionally well-qualified to serve on this court. We also note that women have been historically underrepresented on this court, as only five of the fifty-seven judges to serve there have been women, and only three of the court's eight active judges are women.

Ms. Halligan graduated from Georgetown University Law Center with honors, including Order of the Coif. She clerked for Judge Patricia M. Wald on the D.C. Circuit Court, and for Justice Stephen G. Breyer on the U.S. Supreme Court. Ms. Halligan's career includes public service, private practice, and legal education. She worked for the Attorney General of the State of New York, including as Solicitor General of the State of New York, and currently serves as General Counsel to the New York County District Attorney's office. She was a partner and head of the appellate practice at Weil, Gotshal and Manges, LLP. In addition, she has taught as an adjunct professor at Georgetown University Law Center and Columbia Law School. In all of these capacities, Ms. Halligan has won accolades for her judgment, legal acumen, and expertise in appellate litigation, which includes five arguments before the Supreme Court. Throughout her career, she has also contributed significant pro bono services.

Ms. Halligan received a unanimous "Well-Qualified" rating from the ABA Standing Committee on the Federal Judiciary. She has been endorsed by numerous organizations, including the District Attorneys Association of the State of New York, the National District Attorneys Association, the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the New York Women in Law Enforcement, the Women's Bar Association of the District of Columbia, the National Conference of Women's Bar Associations, the U.S. Women's Chamber of Commerce, and the National Center for Women & Policing.

We likewise offer our strong support of Ms. Halligan, and urge you to support her nomination to the United States Court of Appeals for the District of Columbia Circuit. If you have questions or if we can be of assistance, please contact Columbia Law School Professor Gillian Metzger at (212) 854-2667 or at gillian.metzger@law.columbia.edu.

Sincerely,

(Signed by 107 women law professors).

Mr. LEAHY. I fear that what is behind this misguided filibuster attempt is a continuation of a decades-long attempt by some Senate Republicans to play politics with the Federal court and, in particular, to engage in a rear guard action to preserve the D.C. Circuit as a Republican bastion, despite the fact that the American people elected a Democratic President. A re-

cent Washington Post editorial urging the Senate to confirm Ms. Halligan's confirmation, suggested as much, stating: "GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill." Yet again, we see some Senate Republicans shifting the standards they use and the arguments they make based on the party of the President making the nominations. They say one thing when President Clinton is in office, flip when the President is a Republican, and flop when the American people elect President Obama.

When President Clinton nominated qualified moderates to vacancies on the D.C. Circuit, Republicans refused to proceed. The last of three Clinton nominees to the D.C. Circuit was confirmed in 1997, after being nominated in 1995 and stalled through the 1996 session when not a single circuit nominee was confirmed by the Senate Republican majority. When Senate Republicans stalled the nomination of Merrick Garland to the D.C. Circuit beyond the 1996 election, even Senator HATCH became frustrated, and in March 1997 he proclaimed that the way that Republicans were opposing judicial nominees was "playing politics with judges," was "unfair" and that he was "sick of it." He was right. Merrick Garland, like Caitlin Halligan, was superbly qualified, and was only being obstructed for partisan political gain.

But once the blockade against Judge Garland was broken by President Clinton's reelection, Senate Republicans erected an impenetrable wall around the D.C. Circuit. Neither of President Clinton's two other nominees were allowed a Senate vote, or even Judiciary Committee consideration. That escalation in the judge wars was untoward, it was wrong. It hurt the court and was unfair to both Allen Snyder and Elena Kagan, President Clinton's outstanding nominees. Allen Snyder had served as a clerk to Justice Rehnquist and was an experienced and respected litigator. Elena Kagan went on to become Dean of the Harvard Law School and win confirmation to the United States Supreme Court. These were unquestionably qualified nominees. The fact is that for the rest of President Clinton's second term, virtually his entire second four years, given that Judge Garland had actually first been nominated in his first term, Senate Republicans would not consider another nominee to the D.C. Circuit. They just blocked and pocket filibustered outstanding nominees because they could.

Republican Senators pretended to justify their refusal to proceed on President Clinton's D.C. Circuit nominees not by arguing against the nominees, but by arguing that the caseload of the D.C. Circuit did not justify the confirmation of any more judges. They were contending that the 11th and 12th

judgeships on the D.C. Circuit should not be filled. They argued that 10 judges were enough.

But what happened when George W. Bush became President? Republican Senators set aside those arguments when considering the nominations of a Republican President to the same court even as the caseload numbers went down. Senate Republicans abandoned their hollow caseload arguments to press for confirmation of multiple Bush nominees to the D.C. Circuit. Their actions showed that they were not really concerned with a caseload justification. Their reversal now to readopt a caseload argument is not consistency of principle, but relates to the principal who is making the nomination and appears political.

Despite the unwillingness of Senate Republicans to act on President Clinton's nominees to the D.C. Circuit for years, Senate Democrats did proceed to consider President Bush's nominations. The first confirmation, for which I voted, was of now-Chief Justice John Roberts to be a judge on the D.C. Circuit. At the time, John Roberts had been Allen Snyder's junior and his partner at Hogan and Hartson. He was the first judge confirmed to the circuit in six years.

The Senate then confirmed a series of questionable nominees to the D.C. Circuit: Janice Rogers Brown, Thomas Griffith and Brett Kavanaugh. The same Republican Senators who blocked President Clinton's nominations from even being considered by the Judiciary Committee supported every nomination of President Bush's to the D.C. Circuit, as they filled the ninth seat, twice filled the 10th seat on the court and went on to fill the 11th seat that they had said was unnecessary when a Democratic President was doing the nominating. With the change of administration, Republican Senators have now dusted off an old obstructionist argument about the D.C. Circuit's caseload, something they ignored for eight years as President Bush's nominees were confirmed to fill the 10th seat twice and also the 11th judgeship. But they have ratcheted up their partisan opposition and now oppose even filling the ninth judgeship. With three vacancies on the D.C. Circuit, that is the judgeship that Caitlin Halligan would be filling not the 11th that Senate Republicans filled just recently, or the 10th that they voted twice to fill, but the ninth. This is not a basis on which to oppose as qualified a nominee as Caitlin Halligan, who has widespread support from law enforcement and the legal community.

The so-called "caseload" concern is no justification for filibustering this nomination. The D.C. Circuit is now more than one-quarter vacant, with three judicial vacancies. In fact, the

Senate has acted on the so-called caseload argument. We have already eliminated effective in 2008 the 12th judgeship on that court. In so doing, the Senate and the Congress reaffirmed the authorization of 11 judges needed for the important D.C. Circuit. This court is often considered the second most important court in the land because of the complex cases that it handles. The court reviews complicated decisions and rulemaking of many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. As noted in the recent Washington Post editorial: “[Caseload numbers do] not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.”

The D.C. Circuit’s cases have only increased in importance and the court’s caseload has not gone down since Republican Senators supported every one of President Bush’s nominations to that court. According to the Administrative Office of U.S. Courts, the caseload per active judge has increased by one third since 2005, when the Senate confirmed President Bush’s nomination of Thomas Griffith to fill the 11th seat on the D.C. Circuit. That is right—the D.C. Circuit’s caseload has actually increased. Judge Griffith’s confirmation resulted in there being approximately 121 pending cases per active D.C. Circuit judge. There are currently 161 pending cases for each active judge on the D.C. Circuit, one-third higher. If Ms. Halligan were confirmed to the ninth seat, there would be approximately 143 pending cases for each active D.C. Circuit judge, still significantly higher than after the Senate confirmed President Bush’s nominee to the 11th seat in 2005. In addition, according to the Administrative Office of the U.S. Courts, written decisions per active judge have risen 20 percent since 2007. By any objective measure the work of the D.C. Circuit has grown and the multiple vacancies should be filled, not preserved and extended for partisan purposes.

Of course, if Republican Senators seeking to use caseload figures to justify their opposition to this nomination were serious, they would not be continuing their refusal to consent to the Senate considering the nominations of Morgan Christen of Alaska to the Ninth Circuit, and Judge Adalberto Jordan of Florida to the Eleventh Circuit, the two circuits with the highest number of cases per active judge. They would not be doing everything they can to delay filling vacancies on the Ninth Circuit, a court burdened by multiple vacancies and the largest caseload in

the Nation, and we would instead take up and confirm the nomination of Jacqueline H. Nguyen who is nominated to fill the judicial emergency vacancy that remains open after the Republican filibuster of Goodwin Liu. I have repeatedly urged the Senate to take up and consider these nominations, which are supported by home state Senators, yet Republicans have refused to consider them for months. In fact, courts throughout the country are in need of more confirmed judges and more judgeships to handle high and increasingly complicated caseloads, yet we currently have 25 judicial nominations favorably reported by the Judiciary Committee awaiting final action by the Senate. Republicans concerned about caseload should join with us to consider these nominations.

The Senate should not filibuster but should be voting to confirm the nomination of Caitlin Halligan to fill a vacancy on a critical court that is one quarter vacant with only eight active judges and higher caseloads than when Republicans voted to confirm President Bush’s nominees fill the ninth, 10th and 11th judgeships on this court just a couple of years ago.

Some have sought to criticize Ms. Halligan for positions she advocated on behalf of the State of New York while serving as its Solicitor General. At her confirmation hearing, Ms. Halligan made clear she filed briefs under the direction of New York’s Attorney General, arguing on behalf of the State of New York, not based on her personal views. Yet some outside groups and even some Senators ignore this and seek to use those advocacy positions as a basis to filibuster her nomination.

These arguments are particularly hard to accept for anybody who understands the role of advocates in our legal system. Our legal system is an adversary one, predicated upon legal advocacy for both sides. Nominees such as Chief Justice John Roberts have said lawyers do not stand in the shoes of their clients. Since when do we impose a litmus test for nominees that they can never have been legal advocates? If we were to do that, we would have no judges. Almost every nominee who had been a practicing lawyer would be disqualified by one side or the other. This is especially hard to understand for any Senators who support the rights of states to defend their interests in courts, the duty Caitlin Halligan owed to New York as its Solicitor General.

Some have pointed to her role as New York’s Solicitor General acting at the direction of New York’s Attorney General in tort lawsuits against gun manufacturers as suggesting that she will not uphold the Second Amendment if confirmed as a judge. As a strong supporter of the Second Amendment, I asked her during her hearing whether as a judge she would faithfully follow

and apply the Supreme Court’s precedent from *District of Columbia v. Heller* and *McDonald v. Chicago*, which held that the Second Amendment protects an individual right to keep and bear arms for self defense. She testified that she would. When asked by Senator GRASSLEY whether the rights conferred under the Second Amendment are fundamental, Ms. Halligan answered: “That is clearly what the Supreme Court held and I would follow that precedent, Senator.”

In her personal capacity, Ms. Halligan has never challenged or otherwise criticized the Protection of Lawful Commerce in Arms Act (PLCAA) or been critical of the Second Amendment. As New York State’s Solicitor General, she prepared an amicus brief at the direction of the New York Attorney General in a case where New York City challenged the PLCAA, seeking to safeguard New York’s police powers. The arguments made in the brief were made on behalf of New York State. In the amicus brief, New York State argued that the PLCAA should be struck down as an unconstitutional exercise of Congress’s legislative power that infringed on states’ rights to exercise the police power within their borders. The amicus brief did not make a single reference to the Second Amendment. Any criticism of the PLCAA in New York State’s brief or in the speech she gave as a surrogate for and on behalf of New York Attorney General Spitzer reflected New York State’s federalism concerns. It is hardly surprising that New York State—like many other states—advocated for a position that supported state powers.

As Solicitor General for the State of New York, Caitlin Halligan vigorously advocated for New York’s interests, in particular the right to govern in traditional state law areas. For example, in the *Grutter v. Bollinger* affirmative action case, New York joined 20 other states in arguing that they “must have the freedom and flexibility” to set their own education policy. I assume that position does not raise concerns for those seeking a basis for opposing her nomination. Nor I assume did her defense as New York’s Solicitor General of the constitutionality of the death penalty.

Indeed, Ms. Halligan’s time as Solicitor General shows all the hallmarks of serious advocacy consistent with the interests of her “client”. When New York municipal attorneys requested advice as to whether clerks could issue marriage licenses to same-sex couples, Ms. Halligan carefully analyzed New York’s statutory law and concluded that the state legislature did not intend to authorize marriage licenses to be given to same-sex couples, even though the statutory language is gender neutral. After observing that this interpretation raised “constitutional questions,” she outlined the current

case law and stated that it was for the courts to resolve the issue. This measured response is no basis on which to caricature her record.

Most disconcerting of all are the attacks from some on the outside suggesting that Ms. Halligan lacked candor in the answers she provided to the Judiciary Committee. I hope that we do not see any Senators repeating these baseless charges to create another false controversy. Ms. Halligan has been honest and forthcoming throughout the confirmation process, providing the Committee with her entire record and giving detailed, accurate, and clear answers to over 150 questions from Judiciary Committee members at her hearing and in written follow-up questions on a wide range of topics, such as judicial philosophy, constitutional interpretation, the Tenth Amendment, the Second Amendment, the Commerce Clause, the Eighth Amendment and the death penalty, military commissions and indefinite detention, tort liability, Federal preemption, and standing. In my view, Ms. Halligan's answers to questions from Committee members were detailed and substantive, and show an impressive depth and breadth of knowledge on complex legal issues. There is no lack of record or failure to respond as there was, unfortunately, when the Bush administration would not make information available to Senators in connection with the nomination of Miguel Estrada. There is no lack of forthrightness, as there was when Brett Kavanaugh was manipulating the confirmation process as a political crony and insider during the Bush administration.

Those concerned with a 2004 report that questioned the indefinite detention of enemy combatants issued by the Association of the Bar of the City of New York's Committee on Federal Courts at a time when she served on the Committee continue to ignore Ms. Halligan's repeated testimony that she had no role in preparing the report, that she was not aware of the report until preparing for her nomination and that report "does not reflect [her] views." At no time during Ms. Halligan's hearing or in the Committee's consideration of her nomination did any Senator question Ms. Halligan's candor or thoroughness in answering questions. I hope that no Senator does so now to attempt to justify this unjustifiable filibuster.

Given Caitlin Halligan's impeccable credentials and widespread support, this should be the kind of consensus nomination supported by Senators of both parties who seek to ensure that the Federal bench continues to attract the best and brightest. Certainly, her nomination should not be subject to a filibuster. Regrettably, however, the Senate's Republican leadership seems intent on continuing with the practices

they began when President Obama first took office, engaging in narrow, partisan attacks on his judicial nominations. They seem intent on setting a new standard that could not be met by the judicial nominees of Presidents of either party.

Republican Senators who just a few years ago protested that the filibuster of any judicial nomination was unconstitutional, Republican Senators who joined in a bipartisan memorandum of understanding to head off the "nuclear option" and agreed that nominees should only be filibustered under "extraordinary circumstances," abandoned all that they said they stood for and joined together in an attempt to prevent an up-or-down vote on President Obama's very first judicial nominee, David Hamilton. There were certainly no "extraordinary circumstances" to justify the Republican filibuster of Judge Hamilton, and several Republican Senators joined together with Democratic Senators in rejecting that filibuster. I trust that they will do so, again, and reject this unjustifiable filibuster of Caitlin Halligan.

By the standard utilized in 2005 to end filibusters and vote on President Bush's controversial nominees, this filibuster should be ended and the Senate should vote on the nomination. Those Senators who claim to subscribe to a standard that prohibits filibusters of judicial nominees except in "extraordinary circumstances" cannot support this filibuster. There are no "extraordinary circumstances" here. The 14 Senators who signed the Memorandum of Understanding in 2005, the then "Gang of 14," wrote about their "responsibilities under the Advice and Consent Clause of the United States Constitution" and that fulfilling their constitutional responsibilities in good faith meant that nominations "should only be filibustered under extraordinary circumstance." Here there are none.

In 2005, Senator GRAHAM, a member of the "Gang of 14" described his view of what comprises the "extraordinary circumstances" justifying a filibuster. He said: "Ideological attacks are not an 'extraordinary circumstance.' To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent." Caitlin Halligan has no "character problem," no "ethics problem," and there is no justification for this filibuster. Caitlin Halligan is a superbly qualified nominee whose personal integrity, temperament and abilities have been attested to by lawyers and judges from both sides of the aisle. The many leading lawyers who have worked with Ms. Halligan, law enforcement officials and organizations supporting her nomination have all attested to Ms. Halligan's "temperament," "fairness" and "bal-

ance" in addition to her legal judgment and qualifications for the D.C. Circuit. Hollow contentions about the caseload of the quarter-vacant D.C. Circuit fall well short of any standard of "extraordinary circumstances."

The signers of that 2005 Memorandum of Understanding, and the Senate, demonstrated what they thought that agreement entailed when they proceeded to invoke cloture on a number of controversial nominations. The Senate invoked cloture on the nomination of Janice Rogers Brown to the D.C. Circuit, the circuit to which Caitlin Halligan has been nominated.

As a Justice on the California Supreme Court, Janice Rogers Brown was a nominee with a consistent and extensive record, both on the bench and off, of using her position as a member of the court to put her views above the law. This was not a question of one case or one issue on which Democrats differed with the nominee—I have voted for hundreds of nominees of Republican and Democratic Presidents which whom I differ on many issues. But this was a nominee with views so extreme she was opposed not just by her home state Senators, but also by more than 200 law school professors from around the Nation who wrote to the Committee expressing their opposition.

Her record in numerous decisions as a judge showed that she was willing to put her personal views above the law on issue after issue, including a willingness to roll back the clock 100 years on workers' and consumers' rights, to undermine clean air and clean water protections for Americans and their communities, laws providing affordable housing, zoning laws that protect homeowners, and protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, while serving on the California Supreme Court, Justice Brown had argued that Social Security is unconstitutional, a position clearly at odds with well established law. She went so far as to say "today's senior citizens blithely cannibalize their grandchildren."

Despite her ideological extremism and willingness to implement her radical personal views as a judge without regard to the existing law, she was confirmed to the D.C. Circuit, her nomination judged not to present "extraordinary circumstances" supporting a filibuster. There is no justification under the standard applied to the nomination of Janice Rogers Brown for a filibuster of the nomination of Caitlin Halligan, a widely respected nominee with a clear devotion to the rule of law and no record of ideological extremism.

Under the Gang of 14's Memorandum of Understanding, the Senate also agreed to invoke cloture on the nomination of Priscilla Owen to the Fifth Circuit, a nominee whose rulings on

the Texas Supreme Court were so extreme they drew the condemnation of other conservative judges on that court. Alberto Gonzales, President Bush's White House counsel and later his Attorney General, went so far as to describe one of her opinions as advocating "an unconscionable act of judicial activism." Her nomination was determined not to present "extraordinary circumstances."

Neither was the nomination of Thomas Griffith to the D.C. Circuit, despite his decision to practice law without a license for a good part of his career, which I felt should be disqualifying. Yet his nomination was not judged to present "extraordinary circumstances" and he was confirmed to fill the 11th seat on the D.C. Circuit. There is no question under the standard Republicans applied to the nomination of Thomas Griffith, Caitlin Halligan should be confirmed to fill the ninth judgeship on that court.

I urge Republican and Democratic Senators to come together and end this misguided filibuster of Caitlin Halligan's nomination to the D.C. Circuit. There is no basis under any standard for blocking her nomination from having an up-or-down vote. To the contrary, Caitlin Halligan's impeccable credentials and record as an accomplished advocate make her nomination worthy of bipartisan support. I look forward to ending this filibuster and voting to confirm Caitlin Halligan to the D.C. Circuit.

Mr. President, I suggest the absence of a quorum but ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, Henry Clay once said:

Of all the properties which belong to honorable men, not one is so highly prized as that of character.

It is my distinct privilege to rise today to speak on a nominee that possesses such character, Dana Christensen. The Senate will soon take up Dana's nomination for U.S. district judge for the District of Montana. To ensure the most ethical and qualified attorney was appointed as district judge, I created an advisory selection panel made up of five Montana lawyers with diverse legal backgrounds from across our State and across party lines.

I said to them: You just get me the best, the four or five best people I can choose from. I do not care if they are Republicans or Democrats or liberals or conservatives, you just get me the very best qualified.

That is what they did. From them I chose Dana Christensen, and the panel unanimously and enthusiastically recommended the nomination of Dana Christensen. I was proud to pass this recommendation on to the President.

Dana is a fourth generation Montanan, raised in Missoula, MT. He graduated from Stanford University in 1973, received his law degree from the University of Montana Law School in 1976. Dana started his legal career at the Billings, MT, law firm of Moulton, Bellingham, Longo & Mather, and then moved to Kalispell in 1981 to join the law firm of Murphy, Robinson, Heckathorn & Phillips. In 1998, Dana and two of his partners formed a new firm in Kalispell, MT, which has become one of the leading firms in Montana for civil defense, business law, real estate, and estate planning. Dana has tried more than 50 trials in State and Federal courts. He has an active mediation and arbitration practice. Outside of the office, Dana has been an active member of his community: a member of the board of directors of his local chamber of commerce, a member of the University of Montana School of Law board of visitors, and a member of the faculty of the University of Montana Advanced Trial Advocacy Program.

Over the past 35 years, Dana has commanded the respect of his colleagues across the State of Montana and elsewhere. Dana has received the highest rankings from peer review organizations, Chambers USA and Super Lawyers. He is also a member of the selective American Board of Trial Advocates and the American College of Trial Lawyers.

Upon his nomination in May, Montana's legal community lent their strong support for Dana's selection. U.S. District Judge Richard Cebull, who was appointed by President George Bush in 2001, said:

I do not think there is a better prospect in the whole State.

U.S. District Judge Sam Haddon, also appointed by President Bush, echoed his colleague. Judge Haddon said:

He's a good lawyer, a good man, and in my opinion, ethically totally qualified. The district will be well served by him.

I have gotten to know Dana over the past several decades. I could not agree more with Judge Sebold and Judge Haddon. Dana embodies those qualities that Montana and America need on the Federal bench: intellect, extensive experience in the courtroom, commitment to public service, integrity, and respect for precedent and the rule of law.

I congratulate Dana, his wife Stephanie, and his wonderful children, Cassidy and Ben, on this extraordinary achievement. I urge my colleagues to join me in supporting his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate is expected to confirm four additional judicial nominees. With these votes, we will have confirmed 61 article III nominees this Congress.

I want to note that in the first session of the 112th Congress we have now confirmed more nominees than during the entire 111th Congress. So I think we can declare real progress. Over 72 percent of President Obama's judicial nominees have been confirmed.

Despite this record of confirmations, we continue to hear complaints about the way this President's nominees are being treated. So I point out that in only six sessions of Congress in the last 30 years have more nominees been confirmed in a single session. Furthermore, given the cooperation we have shown, I am disappointed that the Senate majority wants to turn to a controversial nomination next rather than continue on the path of cooperative confirmations.

The Senate majority leader has scheduled a cloture vote for tomorrow on the nomination of Caitlin Halligan to be U.S. Circuit Judge for the District of Columbia Circuit. I will speak more about the merits of that nomination Tuesday. But I wanted to put that vote in some context.

It seems to me that the scheduling of such a controversial vote in the closing days of a session of Congress is designed to simply heat up the partisanship of judicial nominations. Perhaps that is the objective. The result may well be that such a divisive vote might have a chilling effect on reaching agreement on additional judicial nomination votes. I hope that is not the case. But everyone knows the final weeks of a session are often filled with unpredictable actions and outcomes.

With regard to the vote tomorrow, there will be some who say this nomination has been vacant for too long and that this nominee is being treated unfairly, needlessly waiting on the calendar for too many weeks. Well, such arguments fail to consider the history of this particular seat of the DC Circuit and of the record established by my colleagues on the other side regarding the consideration of nominations for this very same DC Circuit.

This seat has been vacant for over 6 years. It became vacant upon the elevation of John Roberts as Chief Justice. That was back in September 2005. Following Justice Robert's appointment, Peter Keisler was nominated to fill the vacancy in June 2006, with a hearing held August 1, 2006.

With a Republican majority in the 109th Congress, one would wonder why he never made it out of committee. Well, it is not that he did not have the votes in committee. The fact is, the Democratic minority would not allow a vote. This was accomplished by holding him over at his first markup, which the

rules permit and is a legitimate exercise of the right of a minority and a right that this minority on our side exercised quite frequently this very year.

However, for the remaining executive sessions in September of that year, prior to final adjournment they either made sure the committee did not have a quorum so we could not vote or they took the extraordinary step of invoking the 2-hour rule so the committee could not meet. I note that a quorum was present early in one meeting but evaporated when Mr. Keisler's nomination was the pending business. So basically the opponents ran out the clock on this nomination. He did not get a committee vote. He did not get the courtesy of floor consideration, not even a cloture vote like the nominee tomorrow will have.

Mr. Keisler was renominated in June 2007 when the Democrats assumed control of the Senate. But his nomination sat in committee with no action until it was returned to the President in January 2009. He was the recipient of a pocket filibuster. This was despite being rated "unanimously well qualified" by the ABA Standing Committee of the Federal judiciary and possessing outstanding qualifications to fill this position. So complaints about this seat being vacant for too long just ring hollow with this Senator.

Likewise, when one considers the treatment of previous nominees to the DC Circuit, it is evident that the nomination of Ms. Halligan is not being treated in an unfair manner. In fact, her nomination is proceeding far better than many nominated to this court. I would remind my colleagues that previous nominees were subjected to delay or multiple hearings, to extensive delays in committee, and to multiple filibusters on the Senate floor.

These include the nomination of Estrada, a Hispanic immigrant with a compelling personal story and outstanding judicial qualifications, who was subject to seven cloture votes; Janice Brown, an African-American female who had two cloture votes; Brett Kavanaugh; and Thomas Griffin. While all of these individuals were eventually confirmed, the procedural tactics used in their nominations made the confirmations very difficult.

I am not suggesting this is a pattern to follow, but it is relevant to the arguments that Ms. Halligan is being treated quite differently or in an unfair manner than other nominees.

With regard to the nomination before us today, I will say a few words about, first, Mr. Ramos, who is nominated to be U.S. District Judge for the Eastern District of New York. Mr. Ramos earned a BA from Yale in 1982; JD Harvard, 1987. Upon graduation from law school, Mr. Ramos worked as an associate at the law firm of Simpson, Thatcher & Bartlett in New York City.

In 1992, Mr. Ramos joined the Office of the U.S. Attorney for the Eastern

District of New York, where he prosecuted a variety of Federal crimes, including white-collar crime, defense contractor fraud, money laundering, narcotics trafficking, labor racketeering, and violation of the Arms Export Control Act. In June 2000, he was promoted to Deputy Chief of the Narcotics Section, where he supervised assistant U.S. attorneys prosecuting international narcotics trafficking and racketeering cases.

In 2002, the nominee joined the law firm of Day, Berry & Howard LLP, predecessor to the firm Day Pitney LLP, as a partner in the government investigations practice group. Currently, he represents corporations and individuals in connection with criminal and regulatory investigations involving antitrust, bank fraud, public corruption, securities fraud, and government program fraud.

The American Bar Association's Standing Committee on the Federal Judiciary has rated Mr. Ramos with a unanimous "well qualified" rating.

We are also considering the nomination of Judge Andrew L. Carter to be U.S. District judge, Southern District of New York. Judge Carter earned his B.A. from the University of Texas in 1991 and his J.D. from Harvard Law School in 1994.

Judge Carter's legal career began in 1996 as a staff attorney for the criminal defense division, Legal Aid Society, in New York, NY. In 2000, he became staff attorney for the Federal defenders division. The nominee became affiliated with the Federal Defenders of New York in 2005, first as staff attorney and, 1 year later, as a supervising attorney. His Federal practice included drug cases, gun cases, and immigration fraud.

In 2009, Judge Carter was appointed to his current position of U.S. magistrate judge for the Eastern District of New York, where he is primarily responsible for handling civil matters.

The American Bar Association's Standing Committee on the Federal Judiciary has rated Judge Carter with a unanimous "qualified" rating.

The third nominee we are considering is James Rodney Gilstrap to be a district judge for the Eastern District of Texas, a seat deemed to be a judicial emergency. Mr. Gilstrap received his B.A. from Baylor in 1978 and his J.D. from Baylor University School of Law 1981.

Mr. Gilstrap served as an associate attorney for Abney, Baldwin & Searcy from 1981 to 1984. In 1984, he left to begin his own legal practice, Smith & Gilstrap, where he currently practices representing individuals, corporations, and local governments on civil matters.

From 1989 to 2002, Mr. Gilstrap served as a county judge for Harrison County, where he had both administrative and judicial responsibilities.

The ABA Standing Committee on the Federal Judiciary has rated Mr. Gilstrap with a unanimous "qualified" rating.

Then we have the distinguished nominee from Montana, whom Senator BAUCUS just spoke about, Dana L. Christensen, to be U.S. District Judge for the District of Montana.

Mr. Christensen earned his B.A. from Stanford University in 1973 and his J.D. from the University of Montana School of Law in 1976.

Earlier in his legal career, Mr. Christensen practiced natural resources law, representing coal mining and oil and gas companies in litigation in administrative matters. He went on to practice general insurance defense litigation and medical malpractice cases.

In 1996, he founded his own firm and continues to represent these entities and practices in this area. He has also represented defendants in large class-action lawsuits filed in the U.S. District Court for the District of Montana.

In addition to his litigation practices, Mr. Christensen has also represented at least 15 physicians in confidential disciplinary matters before the Montana Board of Medical Examiners. He has also represented health care providers in more than 200 matters before the Montana Medical Legal Panel.

The American Bar Association's Standing Committee on the Federal Judiciary has rated Mr. Christensen with a unanimous "well qualified" rating.

I intend to vote for all these candidates. I urge my colleagues to do the same.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 1944 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I am proud to support Caitlin Halligan's nomination to the U.S. Court of Appeals for the DC Circuit.

Caitlin Halligan's impeccable career spans public and private practice, similar to that of John Roberts when he was confirmed unanimously to the DC Circuit. Ms. Halligan served as solicitor general of New York, a leading appellate lawyer at Weil, Gotshal & Manges, and currently as general counsel at the New York County district attorney's office, which investigates and prosecutes 100,000 criminal cases annually.

She clerked for Supreme Court Justice Breyer and Judge Patricia Wald on the DC Circuit. The ABA's Standing Committee on the Federal Judiciary unanimously rated Ms. Halligan "well qualified" to serve on the DC Circuit.

Ms. Halligan has support from across the political spectrum, including Miguel Estrada, Carter Phillips, and officials in Democratic and Republican administrations. Twenty-three former U.S. Supreme Court clerks, the National District Attorneys Association, the National Conference of Women's Bar Associations, and the U.S. Women's Chamber of Commerce are supporting her nomination.

New York City police commissioner Ray Kelly has said Ms. Halligan has three qualities that are important for a nominee—intelligence, judicial temperament, and personal integrity.

Unfortunately, it appears some of my colleagues are determined to criticize Caitlin Halligan regardless of the facts.

One of the criticisms of Ms. Halligan is positions she advocated for while serving as solicitor general. She filed briefs at the direction of New York's attorney general and argued on behalf of the State. That was her job. She was not promoting her personal views.

Ms. Halligan testified she would faithfully follow and apply the Supreme Court's precedent from *Heller* and *McDonald*. When asked whether the rights conferred under the second amendment are fundamental, she answered: "That is clearly what the Supreme Court held, and I would follow that precedent."

Let me also address the workload concerns brought up by some of my fellow Senators. There are currently only eight active judges on the DC Circuit, making it one-quarter vacant. Miss Halligan has been nominated to fill the ninth seat—one of three current vacancies on the court. The Senate confirmed four of President Bush's nominees for the DC Circuit; however, the court's caseload is higher now than it was when President Bush's nominees were confirmed. If Ms. Halligan was confirmed today, it would reduce the caseload from its current level of 161 cases to approximately 143 cases per judge.

Women have been woefully underrepresented by the DC Circuit, often characterized as the second most important court in our entire Nation. Only 5 of the 57 judges serving throughout the history of the DC Circuit have been women. Ninety-one percent of the judges on this court throughout its 41-year history have been men.

If we continue down this road of filibustering nominees simply because their nomination originates across the aisle, we will establish an impossible standard that no nominee could or would ever meet.

Caitlin deserves an up-or-down vote, just as the Republicans advocated for their past judicial nominees. The bottom line is that there is no credible opposition to her nomination or her confirmation. Caitlin Halligan has distinguished herself throughout her career. She has established a commitment to fairness, reasoned intellect, steadfast integrity, and profound respect for the law.

I look forward to supporting Caitlin Halligan's confirmation to the U.S. Court of Appeals for the District of Columbia, and I urge my fellow colleagues to support her nomination.

NOMINATION OF JAMES RODNEY GILSTRAP

• Mrs. HUTCHISON. Mr. President, I am pleased today to support the nomination of Mr. James Rodney Gilstrap to serve as a Federal district judge for the Eastern District of Texas in Marshall, TX.

Mr. Gilstrap attended Baylor University where he graduated magna cum laude with a bachelor of arts degree in religion. Following his graduation, Mr. Gilstrap continued his studies at Baylor University Law School, where he served as associate editor of the *Baylor Law Review* and received his juris doctor in 1981.

Mr. Gilstrap began his professional career in Marshall, TX, where he still resides today. In August of 1989, Mr. Gilstrap was appointed county judge of Harrison County and was then elected to the same position for the next three terms. In 2002, he retired as a county judge and returned to private practice at Smith & Gilstrap, where he still practices today.

Mr. Gilstrap has earned the respect and esteem of the legal community he has served and his professional credentials will continue the strong history of the Federal bench in Texas.

Mr. Gilstrap's impressive career is complemented by his dedication to his community. In addition to serving for years as county judge, Mr. Gilstrap has served on the board for the Harrison County Historical Society, the United Way for Harrison County, and the Trinity Episcopal Day School. He also served for 16 years on the Courthouse Preservation Council to help with the renovation of the Marshall courthouse that was completed in 2009. Mr. Gilstrap's passion for his work and his

community will be a tremendous asset to the Marshall bench.

I join his family in congratulating him on all his outstanding accomplishments: his wife Sherry Sullivan Gilstrap, his daughter Lauren, who is continuing her medical studies at Harvard Medical School, and his son Stephen, who graduated from Yale Law School this year.

I am pleased to recommend his confirmation to my colleagues.●

NOMINATION OF CAITLIN HALLIGAN

Mrs. FEINSTEIN. Mr. President, I rise to speak on the nomination of Caitlin Halligan to be U.S. Circuit Judge for the D.C. Circuit Court of Appeals.

As the first woman to serve on the Senate Judiciary Committee—a committee on which I have served for 18 years—it is my great pleasure to speak in support of Ms. Halligan, who has excelled at every turn during her distinguished legal career.

She graduated cum laude from Princeton University in 1988. She received her law degree, magna cum laude, from Georgetown University Law Center, where she was managing editor of the *Georgetown Law Journal* and inducted into the Order of the Coif.

She began her legal career with a clerkship with Judge Patricia Wald on the U.S. Court of Appeals for the D.C. Circuit—the first woman to serve on that Court.

She then spent a year in private practice at the Washington, DC firm, Wiley, Rein, and Fielding, followed by a clerkship with Supreme Court Justice Stephen Breyer.

After another year in private practice, Ms. Halligan began work in the office of the Attorney General of the State of New York, first as Chief of the Internet Bureau.

She rose to become Solicitor General of the State of New York, the State's top appellate lawyer. She served in that role from 2001 through 2007.

During nearly all of Ms. Halligan's time as Solicitor General, George Pataki—a Republican—was Governor. Her job was to represent the State of New York zealously, and by all accounts she did so with skill and dignity.

Judith Kaye, the former Chief Judge of New York's highest court, writes on behalf of the Court's entire bench that "it was invariably a treat" to have Ms. Halligan argue before the Court.

In fact, the National Association of Attorneys General awarded Ms. Halligan the "Best Brief Award" for five consecutive years, 2001, 2002, 2003, 2004, and 2005.

Ms. Halligan left the Solicitor General post in 2007 to become the head of the appellate practice at the prestigious New York law firm, Weil, Gotshal, and Manges.

She has now returned to public service as the General Counsel of the New

York County District Attorney's Office—one of the largest prosecutor's offices in the country.

Over the course of her distinguished career, Halligan has served as counsel for a party or amicus in the Supreme Court more than 45 times.

She has argued in the Supreme Court herself in five cases, most recently in March of this year. She also has argued or participated in numerous other cases before State and Federal appellate courts, including the New York Court of Appeals and the U.S. Court of Appeals for the Second Circuit.

In short, Ms. Halligan is an accomplished woman whose sterling qualifications for the bench are unassailable.

Ms. Halligan was first nominated more than 14 months ago. She was approved by the Senate Judiciary Committee nearly 9 months ago. She has been waiting for an up-or-down vote on the floor ever since.

It is an unfortunate sign of the times that my colleagues on the other side have held up her confirmation.

I understand that the National Rifle Association is opposed to Ms. Halligan's confirmation.

Behind the NRA's opposition is the fact that, while she was New York's Solicitor General, the State of New York pursued public nuisance litigation against gun manufacturers.

Think about that—any time a person represents a State or local government, or the Federal Government, and takes a controversial position, that may jeopardize a later confirmation vote.

That is not fair. A government lawyer's job is to pursue the government's interest vigorously and to do justice.

Ms. Halligan was appointed by the Attorney General to represent the State of New York, while the State had a Republican Governor, George Pataki. Her job was to advance New York's interest, and she did so with vigor. She should not be penalized for it.

Senator SESSIONS made this point when the Senate was considering Judge Kavanaugh's nomination. He said that "[s]uggesting that service in an elective branch of Government somehow tarnishes a lawyer's reputation would be a terrible message for this body to send to the legal community and to all citizens."

I couldn't agree more.

My Republican colleagues might also say that the D.C. Circuit's caseload does not support another judge, but they have short memories.

There are now three vacancies on the D.C. Circuit. That means that Ms. Halligan would only fill the ninth seat, out of 11 on the Court. Two seats would remain vacant.

However, my colleagues were not so concerned about this issue when President Bush's appointees were before the Senate. In fact, my Republican colleagues supported filling the 10th seat

on the Court twice, and the 11th seat once.

I will conclude by simply saying that Ms. Halligan is a woman with sterling credentials, an exemplary record, and a wealth of experience.

She is President Obama's first and only nominee to the D.C. Circuit. She should be confirmed.

NOMINATIONS OF EDGARDO RAMOS AND ANDREW CARTER, SDNY

Mr. SCHUMER. Mr. President, today I rise to support two outstanding nominees to the federal bench in the Southern District of New York.

Over the years, I have had the great good fortune to support many outstanding candidates to the federal bench.

Rarely, however, have I come across two nominees who are as qualified, in every possible way, to be federal judges as Edgardo Ramos and Judge Andrew Carter.

Ramos is the quintessential example of the American dream—he was born in Puerto Rico and was 1 of 7 children raised by a single mother in Newark, NJ. He excelled in school, earning his bachelor's degree from Yale and his law degree from Harvard.

After graduating, he was an associate at the New York firm Simpson, Thatcher & Bartlett, and then served for 10 years as an Assistant U.S. Attorney in the Eastern District of New York, including as Deputy Chief of the Narcotics Section. Since 2002, he has been a partner in the New York law firm Day Pitney. Ramos has earned an outstanding reputation among his fellow lawyers, prosecutors, and judges and in the Hispanic community. I have complete confidence that he will make an excellent judge.

Magistrate Judge Andrew Carter was born in Albany, GA and he came to New York after graduating from the University of Texas at Austin and Harvard Law School. After law school, he worked for two years at the Ford Foundation and became a public defender in New York courts, both state and federal. He spent nine years at the New York office of the Legal Aid Society, and then four years at the Federal Defenders of New York.

Since 2009, he has served as a United States magistrate judge in the Eastern District of New York, a position for which he was selected by a vote of the sitting district judges. And that is terrific training to be a Federal judge. Judge Carter is widely respected as a fair and mild-mannered magistrate judge who understands the courtroom and the needs of litigants.

Both Ramos and Judge Carter embody the three criteria that I look for in a federal judge—excellence, moderation, and diversity.

Both have consistently risen to the top, academically and professionally.

Both are entirely non-ideological—they are lawyers who are respected by

all of their peers, and who have approached the law with respect and humility.

And, both increase the diversity of a bench that serves one of the most diverse populations in the country. I have always said that, all other things being equal, diversity of backgrounds, experience, and ethnicity is an important consideration for federal judges. So, I am pleased to have recommended two nominees to the federal bench who are outstanding in every way.

The bench of the Southern District of New York has been one of the hardest hit by judicial vacancies—currently, 21 percent of its seats are open. With the addition of Edgardo Ramos and Judge Andrew Carter, this important court will be closer to firing on all cylinders.

I look forward, with all New Yorkers, to their joining the bench.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we are soon going to a rollcall vote on Edgardo Ramos, of Connecticut, to be U.S. district judge for the Southern District of New York. We also have three others on here: Andrew L. Carter, Jr., of New York, to be U.S. district judge for the Southern District of New York; James Rodney Gilstrap, of Texas, to be U.S. district judge for the Eastern District of Texas; and Dana L. Christensen, of Montana, to be U.S. district judge for the District of Montana.

I ask unanimous consent that following the rollcall vote for Edgardo Ramos, Andrew L. Carter, Jr., James Rodney Gilstrap, and Dana L. Christensen be considered by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Ramos nomination.

The question is, Will the Senate advise and consent to the nomination of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the

Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. MERKLEY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—89

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Sanders
Burr	Johnson (WI)	Schumer
Cantwell	Kerry	Sessions
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Lee	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Manchin	Warner
Corker	McCain	Webb
Cornyn	McCaskey	Whitehouse
Crapo	McConnell	Wyden
Durbin	Menendez	

NOT VOTING—11

DeMint	Landrieu	Rubio
Enzi	Lugar	Vitter
Harkin	Merkley	Wicker
Hutchison	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PEGGY BULGER

Mr. REID. Mr. President, Dr. Peggy A. Bulger will retire at the end of December after more than 12 years of service to the Library of Congress. As the Director of the Library's American Folklife Center, Dr. Bulger has worked to preserve our Nation's history for future generations.

Dr. Bulger began her service as Director of the American Folklife Center in 1999. She is the second person to hold the position since the Folklife Center was established in 1976. The American Folklife Preservation Act states "that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people." I couldn't agree more. Dr. Bulger has worked to preserve the unique nature of American folklife for future generations.

During her tenure, the center's archive has tripled. With more than 5 million items, it is the largest ethnographic archive in the United States and possibly the largest in the world. The collection is a treasure trove of American creativity that is reflected through music, stories, crafts, dances, foodways, and other forms of traditional expression.

I am particularly proud that under her leadership the Folklife Center developed and expanded the Veterans History Project. The project contains more than 78,000 pieces of war-time memories and experiences from Americans across our country. The Veterans History Project has become the largest oral history project in our Nation's history, and it will all be preserved for generations at the Library of Congress.

The Folklife Center also uses the latest technology to share its holdings via online presentations, as well as through webcasts and social media. As a result, students in Nevada and other States can access the Folklife Center's

collections from their homes, classrooms, and others venues.

It is also important to note that Dr. Bulger and her colleagues have provided advice and support to struggling cultural programs during these difficult economic times. In my home State, for example, the center has served the Western Folklife Center in Elko as well as the Nevada Humanities. The assistance to Nevada's arts and cultural organizations has been invaluable as my State has weathered the economic recession.

I am proud to recognize Peggy Bulger, and I appreciate her important contributions to the American Folklife Center. I know I speak for the Senate when we wish you the best in your future endeavors.

DEFENSE AUTHORIZATION

SECTION 647

Mr. KOHL. Mr. President, I understand there has been some confusion about the application of section 647 of the National Defense Authorization Act for Fiscal Year 2008, which is codified in 10 U.S.C. 12731(f). This law reduces the eligibility age for retired pay for non-regular service, to provide a benefit to Reserve component members called to Active Duty in support of a contingency operation. Mr. President, 10 U.S.C. 101(a)(13)(B) defines contingency operation to include section 688 relating to the ordering of retired members to Active Duty but does not include section 688a, added in response to 9/11 and relating to the ordering to Active Duty of retired members in high-demand, low-density assignments.

I filed an amendment to resolve this inconsistency by including mobilizations under section 688a to qualify for earlier receipt of Reserve retired pay under 10 U.S.C. 12731(f). However, I would withdraw my amendment if we can clarify that the provisions of 10 U.S.C. 12731(f) should include mobilizations under 10 U.S.C. 688a.

I ask the chairman of the Armed Services Committee whether he understands that Reserve retirees recalled to Active Duty in support of a contingency operation should qualify for earlier receipt of reserve retired pay under section 12731(f).

Mr. LEVIN. I agree that the authorities allowing for earlier receipt of Reserve retired pay should apply to members of the retired Reserve called to Active Duty in support of a contingency operation to the same extent it applies to other members of the reserves.

Mr. KOHL. I agree with the chairman.

TRIBUTE TO FREDERICK M. KAISER

Mr. AKAKA. Mr. President, I rise today to recognize Frederick M. Kaiser, who retired from the Congressional

Research Service, CRS, on November 3, 2011.

Mr. Kaiser, a former Specialist in American National Government at CRS, was an authority on congressional oversight issues of great importance to the Congress.

Mr. Kaiser's career in service to Congress began in the summer of 1974, when he worked as a special staff consultant to the House Committee on Foreign Affairs, chaired by Representative Thomas E. "Doc" Morgan of Pennsylvania. At the request of Chairman Morgan, Mr. Kaiser conducted an evaluation of the committee's oversight activities, which was subsequently published by the committee. This early focus on congressional oversight foretold key aspects of Mr. Kaiser's CRS career.

Mr. Kaiser began his employment with CRS on February 18, 1975, where he was given responsibility for the subjects of general congressional oversight, congressional oversight of foreign policy, and the authority and role of the General Accounting Office, which is now known as the Government Accountability Office, GAO. These are subjects on which Mr. Kaiser has advised Congress throughout his career. As a result of his high-quality work in service to the Congress, Mr. Kaiser quickly earned the title of Specialist in American National Government just 6 years after joining CRS. Mr. Kaiser continued his high level of service throughout his career, and his areas of expertise gradually expanded. He was regularly recognized for his service to Congress through special achievement awards and other recognition.

Mr. Kaiser produced hundreds of CRS publications; testified before congressional committees and commissions; and organized policy institutes, workshops, and other policy discussions for congressional staff. Over the course of his career, Mr. Kaiser developed a reputation among colleagues for being supportive and generous in sharing his knowledge and insights.

Mr. Kaiser was regularly at the forefront of emerging legislative issues. As the possibility of organizing Federal homeland security functions into a new department began to develop, Mr. Kaiser undertook studies of agencies that might be included in a new department. As Congress considered the Help America Vote Act, he contributed his expertise on the organization of agencies that might be established to carry out the purposes of the act. Mr. Kaiser's analysis and insights were important to informing successful efforts to improve GAO's ability to support congressional oversight of the intelligence community. In February 2008, Mr. Kaiser testified on congressional oversight of the intelligence community before the subcommittee I chair, the Subcommittee on Oversight of Government

Management, the Federal Workforce, and the District of Columbia, of the Homeland Security and Governmental Affairs Committee. In his testimony, as well as separate research conducted for the subcommittee, he examined the importance of intelligence community oversight, congressional structures for conducting such oversight, and options for enhancing oversight.

Other examples of Mr. Kaiser's writing and briefings in the area of congressional oversight of the intelligence community include analyses of proposals for a joint intelligence committee, organizational reform of the House Intelligence Committee, intelligence community whistleblower protection, unauthorized disclosure of classified information, and use of classified information by Members of Congress. Mr. Kaiser also advised Congress on creation of the 9/11 Commission and on implementation of its recommendations, particularly concerning the Commission's authority and recommendations related to the intelligence community.

Mr. Kaiser has been a leading authority on the management and oversight of the executive branch. Mr. Kaiser analyzed the Government Performance and Results Act, private citizens' complaint-handling mechanisms, postal reorganization, audit institutions in other nations, statutory inspectors general, privatization of government background investigations, and security clearances. He also authored, with other selected CRS specialists, the Congressional Oversight Manual. The 1993 bipartisan House Joint Committee on the Organization of Congress noted the value of this publication, stating: "As a way to further enhance the oversight work of Congress, the Joint Committee would encourage the Congressional Research Service to conduct on a regular basis, as it has done in the past, oversight seminars for Members and congressional staff and to update on a regular basis its Congressional Oversight Manual." Mr. Kaiser contributed the chapter on congressional-executive relations to the final report of the Joint Committee on the Organization of Congress.

Mr. Kaiser sought to enhance public understanding of the Federal Government as well. He wrote the introductory-level CRS report "American National Government: An Overview," which explains the American national government structure. He also served as project coordinator for updates of Congress's booklet on the Federal Government for the American people, "Our American Government."

Finally, Mr. Kaiser has been a respected member of the academic community, and he has participated in numerous symposia; served as an adjunct professor at American University and the University of Maryland; and consulted with the Congress, the Depart-

ment of State, and the Agency for International Development on democratic institution building in emerging democracies. Mr. Kaiser's work has also appeared in numerous journals, including the Administrative Law Review, Annals of the American Academy of Political and Social Science, and the International Journal of Intelligence and Counterintelligence, and he has contributed to the Encyclopedia of the American Presidency and the Encyclopedia of the U.S. Congress.

As chairman of the subcommittee, I thank Mr. Kaiser for his dedication, professionalism, and lifetime of service to the Congress and our Nation. I wish him the best in retirement with his wife Carol and their children and grandchildren, and I am confident Congress, CRS, and the academic and professional community will continue to benefit from Mr. Kaiser's research and analysis for many years to come.

TRIBUTE TO GENERAL PETER W. CHIARELLI

Mr. AKAKA. Mr. President, on behalf of myself and my Army Caucus co-chair, the senior Senator from Oklahoma, Mr. JIM INHOFE, I rise to congratulate GEN Peter W. Chiarelli, the 32nd Vice Chief of Staff of the Army, on his monumental contributions to our national security over the course of his distinguished 39-year career.

Throughout his career, General Chiarelli has been the consummate soldier's soldier. His career is distinguished by excellence in command of troops from platoon to corps. General Chiarelli is known for his having an open mind and for his candor while addressing the issues affecting the Army today. He is a tremendous advocate for soldiers both within the Pentagon and here on Capitol Hill. His advice, counsel, and friendship have been very valuable to us as Army Caucus cochairs, and he will be sorely missed. Who he is today though began being shaped many years ago.

After his graduation from Seattle University in 1972, Pete married his sweetheart, Beth, went to the Basic Course, and reported to his first assignment in the 9th Infantry Division at Fort Lewis, WA. After his time there, the Army offered him a job teaching at West Point, where he taught cadets in the distinguished Social Science Department.

In 1985, he graduated from the Naval Command and Staff College and returned to leading soldiers, this time in Germany with the 3rd Armored Division—the same division in which his father, also Pete Chiarelli, earned the Silver Star for heroism and a battlefield commission in 1945 as a tankerman in World War II. It seems that character runs in the Chiarelli family. While in Germany, General Chiarelli showed his battlefield prowess—under his guidance, the U.S. tank crews won NATO's

distinguished Canadian Army Trophy for the nation with the best tankers.

After his success in Germany, he moved back to Washington in 1990, where took command of the 2nd Battalion, 1st Infantry Regiment, in the 9th Infantry Division. Following his time in command of the 2nd Battalion, he was sent to the prestigious National War College here in Washington, DC, and then to the 1st Cavalry Division at Fort Hood, TX, to serve as the operations officer. He continued to impress his peers and his superiors and was selected to return to his home State of Washington to command the 3rd Brigade of the 2nd Infantry Division at Fort Lewis.

In 1998, following his successful brigade command, he was hand-selected to be the executive officer to the Supreme Allied Commander Europe in Belgium, where he served for 2 years before heading back to the 1st Cavalry Division to be the assistant division commander in 2000. When the Nation was attacked on September 11, 2001, then-Brigadier General Chiarelli was serving in the Pentagon on the Army staff, where he played a key role in mobilizing Army forces for the wars in Iraq and Afghanistan. He was promoted to major general in 2003 and assumed command of the 1st Cavalry Division.

Over the next several years, General Chiarelli would spend the majority of his time deployed in support of Operation Iraqi Freedom. He served in Baghdad from 2003 to 2005 as the commander of Multi-National Division—Baghdad. At this time, Baghdad served as the center of gravity for Operation Iraqi Freedom. General Chiarelli was given the difficult task of maintaining order in this sprawling city of 7 million people. During his command, General Chiarelli was instrumental in developing several innovations that contributed to our success in Iraq. Chief among these were job-creating civil service projects. His commitment to using “money as a weapons system” brought stability and saved the lives of Americans and Iraqis alike.

In 2006, General Chiarelli was given command of all troops in Iraq, totaling 160,000 at that time. As the commander of the Multi-National Corps-Iraq, he continued to innovate, pushing his troops to adopt practices that protected the populace even as they destroyed the insurgent networks. His time as the commander of day-to-day operations in Iraq was, perhaps, the most difficult period of our operations there, but General Chiarelli’s performance garnered the highest praise of then-Secretary of Defense Robert Gates.

After 5 years in Iraq, General Chiarelli earned his fourth star and was selected as the 32nd Vice Chief of Staff of the Army, an honor that speaks to the confidence that his superiors and peers had in his abilities. As

the “Vice,” General Chiarelli is responsible for the day-to-day operations of the Army staff and its responsibility to man and equip the world’s greatest Army.

In this capacity, he has excelled on many fronts. He has been the military’s principal advocate for caring for our veterans with psychological health issues such as post-traumatic stress and traumatic brain injury. These “invisible wounds” affect thousands of our soldiers, sailors, airmen, and marines, who have deployed to Iraq and Afghanistan. His 2010 report entitled “Health Promotion, Risk Reduction, Suicide Prevention” was an effective call to action for leaders at the tactical level within the Army. This transparent and forthright self-evaluation of the Army’s small-unit leadership contained 45 hard-hitting pages of conclusions and recommendations, and we have been pleased with the general’s progress at following up with those.

As the Nation focuses on deficit reduction and budget cuts, General Chiarelli has been an important voice urging leaders to carefully consider the options. In testimony before both Chambers of Congress, he has advocated measured, strategy-based decisions that would meet budgetary needs, while maintaining a force that balances end-strength and capabilities.

Throughout all this important work, General Chiarelli is widely recognized as one of the most genuine and personable senior leaders in the military. One widely repeated anecdote is applicable here. While at a dinner at the White House in February 2011, General Chiarelli was passing behind another distinguished guest who, having seen his uniform pants and nothing more, asked him to refill her wine glass. The woman almost immediately recognized her error and was understandably mortified. Rather than be angry or embarrassed, General Chiarelli, as the second-ranking officer in the most powerful Army in the world, graciously filled the glass. That speaks a lot about the character of the officer about whom we are speaking today.

Mr. President, we both extend our heartfelt thanks to GEN Pete Chiarelli, to his wife Beth, and to his children and their families for their lifetime of service to the Nation. Words cannot characterize properly the extraordinary character of General Chiarelli’s accomplishments.

The Nation thanks him and wishes him success and happiness in all his future endeavors.

HONORING REGINALD COOPER AUGUSTINE, JR.

Mr. KIRK. Mr. President, I rise in tribute to an American hero and Illinois resident who was laid to rest at Arlington National Cemetery on December 2.

Reginald Cooper Augustine, Jr. was born on October 12, 1913 in Decatur, IL. His parents, Reginald and Pauline, were prominent members of the community, both serving at different times on the Decatur school board.

Reginald was an all American kid growing up in Illinois during the Great Depression. As a teenager in the 1920s, he spent his Saturdays at the silent moving pictures. In junior high, he spent a year delivering the Decatur Herald—getting up every morning at 3 a.m. and returning to bed by 5 a.m. During high school, he played football and participated in the school band, while also working at the Biflex Bumper Company.

After graduating from Decatur High School in 1931, Reginald attended Northwestern University as a member of the third entering class of Austin Scholars. This program, launched in September 1929, provided full room, board, and tuition for 4 undergraduate years, plus a year of all-expenses paid study and travel abroad. He received his bachelor’s degree from Northwestern in 1935, with a major in Latin and a minor in German. These language skills proved pivotal in the direction of the rest of his life.

After college, Reginald spent 16 months touring Europe and North Africa on a Harley-Davidson motorcycle that he acquired in Rotterdam, perfecting his knowledge of German, French, Italian, Dutch, and Spanish. During an extended stay in Germany, he witnessed a Nazi party rally in Heidelberg that he later described as akin to a Fourth of July celebration with scarlet swastika banners and leather-booted storm troopers. He returned to the U.S. in late September 1937, never forgetting what he had witnessed.

The Selective Service Act of 1940 required all U.S. residents between the ages of 21 and 35 to register, and in 1940, Mr. Augustine was 27. He was to be drafted in February, 1942, but after the Japanese Empire bombed Pearl Harbor, he went straight to the enlistment center in Peoria to sign up and serve his country in the U.S. Army Air Corps.

During the Second World War, Mr. Augustine was selected to join an elite detachment of linguists, spies and scientists by COL Boris Pash, who headed a mission code-named Alsos. This mission was led by LTG Leslie R. Groves under the Manhattan Project. Groves suspected German physicists were engaging in a similar nuclear program and feared that they would complete a bomb first. The Alsos mission was tasked with determining whether the Nazis had developed an atomic bomb. Mission operatives moved into newly liberated areas just behind advancing Allied lines to find Nazi scientists, capture and interrogate them, as well as confiscate and secure stocks of refined uranium that were urgently needed by the Manhattan Project.

Reginald was selected as an ideal candidate and put in charge of field operations for this elite detachment because of his knowledge of French and German, as well as his extensive experience in Europe. During one operation in search of uranium in September 1944, he and Colonel Pash entered a plant located near Antwerp, Belgium where fighting was still going on between British and German forces. There, they found approximately 70 tons of refined uranium.

Far more difficult was a mission to southern France, which at that time was a dangerous no man's land, occupied by 2 competing resistance movements—one Communist, the other non-Communist. According to Reginald's memoirs, "no British or American forces, and not even any units of the regular French army" were present in the area. As part of a group of 6 Alsos officers, he conducted the negotiations with partisans and officials. At a French arsenal in Toulouse, armed with a Geiger counter, he discovered a major cache of uranium. Reginald, Colonel Pash, and a well-armed U.S. military contingent later returned to remove the uranium by force. Reginald accompanied the shipment of uranium back to the U.S. on a U.S. Navy ship. This uranium was eventually used in the Little Boy bomb dropped on Hiroshima.

Reginald went on many other critical missions, including one to recover the international radium standards from a small eastern German town only hours before it was handed over to Soviet forces. He oversaw the safe transfer of Nazi scientists, as well as American scientists, from one place to another. On one occasion, he found himself face-to-face with a Nazi checkpoint, manned by an armed German crew, but escaped unharmed.

Another mission that Reginald described as "a grand climax to all Alsos operations in the war," was the seizure of a strategic German atomic research center near Stuttgart. Once the area had been secured, he escorted several captured German scientists to American territory, including Otto Hahn, discoverer of the nuclear fission principle, Nobelist Max von Laue, and physicists Karl Wirtz, Erich Bagge and Carl von Weizsacker.

Robert Norris, author of the 2003 book *Racing for the Bomb: General Leslie R. Groves, the Manhattan Project's Indispensable Man*, noted that "Alsos was one of the most successful intelligence operations of the war."

Reginald was promoted to the rank of captain by the end of the war. He was decorated for his service, including the Bronze Star and Order of the British Empire, which he received personally from King George VI.

After the war, he continued to serve his country for over two decades as a

member of the Central Intelligence Agency. This included postings in Munich and Frankfurt during the 1950s and 60s, and to Saigon in 1968.

Reginald Augustine passed away on June 30 at the age of 97 and will be laid to rest today at Arlington Cemetery. He is an example of our nation's Greatest Generation of heroes that grew up during the Depression, responded to their country's call to arms during World War II, and continued to serve during the long Cold War against communism. As President Franklin D. Roosevelt described, "This generation of Americans [had] a rendezvous with destiny."

Mr. Augustine is survived by his wife of 61 years, two daughters, two sons-in-law, and two grandchildren. We owe him and his family, as well as his generation, a debt of gratitude.

HONORING JOHN KATZ

Mr. BEGICH. Mr. President, I rise today to commend the distinguished public service of a true statesman from my State of Alaska, John Katz. At the new year, John will step down as director of the State of Alaska's national office here in Washington, DC, after nearly three decades in that position. John Katz is an Alaska pioneer. He has been a key player in virtually every major public policy decision in Alaska for the past 40 years—and Alaska has only been a State for 52 years. John helped Alaska's transition to statehood in our formative years. He shaped and implemented key congressional laws, including the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

John laid the foundation for Alaska's robust resource-based economy, which at one point was providing this Nation a quarter of its domestic oil. John has helped transform the Last Frontier into a modern society, bringing basic facilities like water, sewer, and phone service to a territory one-fifth the size of the lower 48 States. Overall, John has helped carefully manage Alaska's often strained relationship with the Federal Government. After working as a high school teacher and coach in Baltimore public schools, John began his long career of service to Alaska when he joined the staff of Alaska Congressman Howard Pollock. My dad, Nick Begich, succeeded Representative Pollock as Alaska's lone Member of the U.S. House.

In 1971, John became a legislative assistant to then-Senator Ted Stevens. His wise counsel to Senator Stevens would continue until Senator Stevens' tragic passing last year. John worked in Alaska on Native claims issues and as counsel to the Joint Federal-State Land Use Planning Commission. The Commission didn't have a very sexy title, but it crafted important policy

about the land management relations between the State and Federal Governments. From 1981 to 1983, John served as commissioner of the Alaska Department of Natural Resources, arguably the most influential agency in Alaska State government. It oversees Alaska's 103 million acres of land and manages the resource base for our economy: oil and gas, mining, forestry, parks, and agriculture. In 1983, John was asked by then-Governor Bill Sheffield to move to Washington to direct the State's office here. It was a position in which he would serve seven different Alaska Governors, as varied politically as Alaska is richly diverse.

Democrats, Republicans, one Alaska Independent—all have relied heavily on John's encyclopedic knowledge of our State and his helping navigating the often choppy waters of Washington. Too often John's mission has been fighting against Federal encroachment into the lives of Alaskans. It is a battle we fight here every day. I, too, have relied on John's wisdom and insight, as mayor of our State's largest city, and now as I serve Alaska in this Chamber. After a distinguished career, John has cited what he called "the increased polarization and deterioration of the public policy process at the Federal level." He says it is the worst he has ever seen in nearly half a century of thankless public service. I am saddened by this turn of events and sad to agree with John about the state of our national discourse.

But I am heartened by John's dedication to the people of Alaska, to tirelessly working each and every day to educate non-Alaskans about the unique challenges and opportunities of our State. I also commend the contributions of John's longtime partner and wife, Sherry, and thank her for her sacrifice on behalf of Alaskans. John will be sorely missed as director of State and Federal relations for the State of Alaska. I only hope that he continues his distinguished service to Alaskans in the next phase of his life—and I wish him all the best.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 527. An act to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

H.R. 3010. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

H.R. 3463. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 527. An act to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3010. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3463. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4171. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures" (RIN0648-BB22) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4172. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Atlantic Highly Migratory Species; Update to Information on the Effective Date of Atlantic Smoothhound Shark Fishery Management Measures" (RIN0648-BB43) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4173. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XA802) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4174. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean" (RIN0648-BA66) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4175. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 26 and Amendment 29 Supplement" (RIN0648-BB15) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4176. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BB47) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4177. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders" (RIN0648-XA803) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4178. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of Herring Trip Limit in Atlantic Herring Management Area 3" (RIN0648-XA805) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4179. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Non-Sandbar Large Coastal Shark Fishery in the Atlantic Region" (RIN0648-XA781) received in

the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4180. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA812) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4181. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 5 Through No. 26" (RIN0648-XA551) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4182. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF6 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-1151)) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4183. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0683)) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4184. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440 Airplanes)" ((RIN2120-AA64)(Docket No. FAA-2010-0907)) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4185. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers" (RIN2130-AB96) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1940. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes (Rept. No. 112-98).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON of South Dakota:

S. 1940. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. HUTCHISON (for herself, Mr. PRYOR, Mr. CRAPO, Mr. BLUNT, Mrs. MCCASKILL, Mr. MORAN, Mr. VITTER, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. TOOMEY, Mr. SHELBY, and Mr. WICKER):

S. 1941. A bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 1942. A bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Ms. AYOTTE):

S. 1943. A bill to amend section 513 of the Federal Food, Drug, and Cosmetic Act to expedite the process for requesting de novo classification of a device; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL):

S. 1945. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. BENNET, Mrs. MCCASKILL, and Mr. PRYOR):

S. 1946. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Mr. INHOFE):

S. Res. 343. A resolution commemorating the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a co-

sponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 506

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 707

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 806

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 806, a bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests.

S. 834

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1190

At the request of Mr. BLUNT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and

outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1616, *supra*.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1727

At the request of Mr. HELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1727, a bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes.

S. 1855

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1855, a bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Pennsylvania (Mr. CASEY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1911

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. RES. 342

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 342, a resolution honoring the life and legacy of Laura Pollan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. WYDEN):

S. 1942. A bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Transportation and Mobility Improvement Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to projections from the 2010 decennial census, the number of individuals in the United States who are 65 years of age or older will increase from 40,000,000 in 2010 to 72,000,000 in 2030. Yet, a 2004 report by the Surface Transportation Policy Project found that more than 1 in 5 (or 21 percent) of individuals who are 65 years of age or older do not drive.

(2) According to a 2011 report by the National Association of Area Agencies on Aging, inadequate transportation options for older adults has emerged as the second greatest challenge identified by communities during the 5-year period ending in 2011.

(3) According to a 2004 report by the Surface Transportation Policy Project, more than 1/2 of seniors who are 65 years of age and older (numbering 3,600,000 individuals) who no longer drive due to a decline in health, stay at home on any given day partially because they lack transportation options. Alternatives to driving are particularly sparse in some regions and in rural and small town communities.

(4) According to a 2004 report by the Surface Transportation Policy Project, compared with older drivers, older non-drivers in the United States make 15 percent fewer trips to the doctor, 59 percent fewer shopping trips, and 65 percent fewer trips for social, family, and religious activities.

(5) In 2009, the program under section 5310 of title 49, United States Code, provided more than 43,000,000 rides to older adults and people with disabilities.

(6) Access to mobility management services help transit and human services systems meet the needs of older adults and people with disabilities. This person-centered strategy helps individuals and families review available transportation options and support their decisions regarding the transportation options that are best suited to their circumstances, preferences and mobility needs.

SEC. 3. PUBLIC TRANSPORTATION SERVICES FOR ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.—

(1) USE OF FUNDS.—Section 5310 of title 49, United States Code, is amended by adding at the end the following:

“(i) OPERATING COSTS.—

“(1) DEFINITION.—In this subsection, the term ‘covered amounts’ means, for a fiscal year, any amounts apportioned to a State under this section in excess of the amounts apportioned to the State under this section for fiscal year 2010.

“(2) USE OF FUNDS.—A State may use not more than 33 percent of any covered amounts for costs relating to the operation and maintenance of vehicles and other capital assets acquired by the State using funds under this section, including insurance, fuel, and driver compensation.

“(3) FEDERAL SHARE.—The Federal share of the cost of operation and maintenance carried out using funds under this subsection may not exceed 50 percent.”.

(2) ADDITIONAL REQUIREMENTS FOR GRANT RECIPIENTS.—Section 5310(d) of title 49, United States Code, is amended by adding at the end the following:

“(3) REPORTING REQUIREMENTS.—Each recipient of funding under this section shall submit to the Administrator of the Federal Transit Administration an annual report that describes how the recipient will coordinate, or is coordinating, the activities carried out by the recipient using a grant under this section with the activities, if any, carried out by the recipient using a grant under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.).”.

(3) FEDERAL SHARE.—Section 5310(c)(1)(B) of title 49, United States Code, is amended—

(A) by striking “(B) EXCEPTION.—A State”

and inserting the following:

“(B) EXCEPTIONS.—

“(i) CERTAIN STATES.—A State”; and

(B) by adding at the end the following:

“(ii) MOBILITY MANAGEMENT.—A grant under this section for a capital project described in section 5302(a)(1)(L) shall be for 90 percent of the capital costs of the project, as determined by the Secretary.”.

(b) NATIONAL TRANSIT DATABASE.—Section 5335 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “section 5307 or 5311” and inserting “section 5307, 5310, or 5311”; and

(2) by adding at the end the following:

“(c) DATA RELATING TO SECTIONS 5310 AND 5311.—The reporting and uniform systems established under subsection (a) shall include information with respect to activities carried out using a grant under section 5310 or 5311, including, for each recipient of a grant under section 5310 or 5311 and for each State—

“(1) the number of vehicles purchased; and

“(2) the number of rides provided.”.

SEC. 4. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) METROPOLITAN TRANSPORTATION PLANNING.—Section 5303(i) of title 49, United States Code, is amended by adding at the end the following:

“(8) PARTICIPATION BY OLDER INDIVIDUALS AND PEOPLE WITH DISABILITIES.—

“(A) DEFINITIONS.—In this paragraph, the terms ‘disability’ and ‘older individual’ have the same meanings as in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(B) PARTICIPATION REQUIRED.—In developing a transportation plan under this section, a metropolitan planning organization shall—

“(i) ensure that organizations that represent older individuals and individuals with disabilities (including community action agencies, area agencies on aging, aging and disability resource centers, and other representatives of the aging and disability networks) have a reasonable opportunity to comment on the transportation plan and document the efforts of the metropolitan planning organization to solicit such comments;

“(ii) take into consideration any comments received under clause (i) and document how any such comments were taken into consideration in the development of the transportation plan; and

“(iii) give organizations that represent older individuals and individuals with disabilities (including community action agencies, area agencies on aging, aging and disability resource centers, and other representatives of the aging and disability networks) an opportunity to review and comment on the transportation plan before the transportation plan becomes final.”.

(b) STATEWIDE TRANSPORTATION PLANNING.—Section 5304 of title 49, United States Code, is amended by adding at the end the following:

“(k) PARTICIPATION BY OLDER INDIVIDUALS AND PEOPLE WITH DISABILITIES.—

“(1) DEFINITIONS.—In this subsection, the terms ‘disability’ and ‘older individual’ have the same meanings as in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(2) PARTICIPATION REQUIRED.—In developing a statewide transportation plan or a statewide transportation improvement program under this section, a State shall—

“(A) ensure that organizations that represent older individuals and individuals with disabilities have a reasonable opportunity to comment on the plan or program and document the efforts of the State to solicit such comments;

“(B) take into consideration any comments received under subparagraph (A) and document how any such comments were taken into consideration in the development of the plan or program; and

“(C) give organizations that represent older individuals and individuals with disabilities an opportunity to review and comment on the plan or program before the plan or program becomes final.”.

SEC. 5. TECHNICAL ASSISTANCE AND MOBILITY MANAGEMENT.

(a) TECHNICAL ASSISTANCE.—

(1) DEFINITION.—For purposes of this subsection—

(A) the term “eligible entity” means a nonprofit organization that provides transportation services to older individuals;

(B) the term “older individual” has the same meaning as in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

(C) the term “urbanized area” has the same meaning as in section 5302 of title 49, United States Code.

(2) IN GENERAL.—The Administrator of the Federal Transit Administration shall enter into a cooperative agreement with the National Center on Senior Transportation—

(A) to provide technical assistance to transit and human services organizations;

(B) to disseminate best practices with respect to transportation for older individuals to consumers, Federal, State, and local transportation and aging services providers, and researchers; and

(C) to make grants to eligible entities to test innovative and replicable approaches for addressing the mobility needs of older individuals, including individuals in other than urbanized areas.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) \$5,500,000 for fiscal year 2012; and

(B) \$6,000,000 for fiscal year 2013.

(b) MOBILITY MANAGEMENT PROGRAM.—

(1) IN GENERAL.—The Federal Transit Administration shall make grants to nonprofit aging services organizations—

(A) to offer mobility management services, including mobility management activities and projects described in section 5302(a)(1)(L) of title 49, United States Code; and

(B) to develop and implement enhanced technology to support mobility management services.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) \$3,000,000 for fiscal year 2012; and

(B) \$5,000,000 for fiscal year 2013.

By Mr. CASEY:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes; read the first time.

Mr. CASEY. Mr. President, I am here to speak about legislation I am introducing today that will prevent a huge tax hike from hitting working families across America and in Pennsylvania.

As the clock continues to tick down, it is imperative we come together—Democrats and Republicans, Members of both parties, in both Chambers—and pass legislation to provide more take-home pay by cutting the payroll tax, as we did in 2010.

The legislation I am introducing is a compromise offer designed to bridge the gap and to get at least 60 votes in the Senate.

The legislation is fully paid for and includes measures that have received bipartisan support in the past. We can no longer afford to jeopardize middle-income Americans in order to protect the wealthiest few across our country.

This legislation will help working families by extending the current payroll tax cut and expanding that cut to a 3.1-percent level—a 3.1-percent reduction in the payroll tax. In essence, what we are talking about is cutting the payroll tax in half as it relates to employees.

Small businesses will benefit from this legislation by benefiting directly from the additional money in the pockets of Americans across the country.

Those with incomes above \$1 million should help in carrying a portion of this burden, and that is why the surtax is still in this legislation, but the surtax will now be only 1.9 percent, compared to the 3.25-percent in an earlier version of my legislation.

In addition, I have offered a few more offsets that have received bipartisan support.

The bottom line is—just as the first bill was that I offered—this legislation is indeed paid for.

The tax cut is key and an essential ingredient to job creation and economic growth in 2012. Economists and forecasters—from Moody’s Analytics to RBC Capital Markets, to Barclay’s Capital, to Macroeconomic Advisers—have all emphasized that the tax cut will accelerate growth in 2012. Without it, economic growth will slow and job creation will take a hit.

Mark Zandi, of Moody’s Analytics, has said that without the payroll tax cut for 2012, “we’ll likely go into recession.”

Congress should act quickly to expand tax relief and remove the uncertainty for working families in this holiday season about whether their taxes will go up in the new year. More take-home pay to keep the economy growing is what we need right now—and especially in the year ahead.

I encourage all our colleagues in the Senate, as well as those in the House, to pass this legislation to continue and to expand a cut in the payroll tax.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL):

S. 1945. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

“§ 678. Televising Supreme Court proceedings

“The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

“678. Televising Supreme Court proceedings.”.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mrs. FEINSTEIN, Mr. NELSON, of Florida, Mr. BENNET, Mrs. McCASKILL, and Mr. PRYOR):

S. 1946. A bill to require foreign manufacturers of products imported into

the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of the Foreign Manufacturers Legal Accountability Act of 2011, which I am introducing today with Senator SESSIONS, Senator DURBIN, Senator GRAHAM, Senator LEAHY, Senator FEINSTEIN, Senator NELSON of Florida, Senator BENNET, Senator MCCASKILL, and Senator PRYOR.

This bipartisan bill is an important step in protecting American consumers and businesses from injuries caused by defective products manufactured outside the United States. Those products hurt American consumers—they lead to serious injuries, and even death—and they hurt the American businesses that must deal with angry customers, product recalls, and unusable inventory.

The list of recent examples of Americans injured by defective foreign products is shocking. Sadly, the situation is no better than when we first introduced this legislation in 2009. A recent rash of cases involving children's toys is particularly chilling because children are so susceptible to the effects of defective products, and because there is no worse nightmare as a parent than seeing harm befall your child, particularly when that harm is preventable.

The following are just a few of the many examples of defective and dangerous toys and children's products that are being sold to unknowing parents:

On October 27, the Consumer Product Safety Commission announced a settlement with a foreign toy maker because a line of its craft kits contained beads that were, unbelievably, coated with the chemical GHB, also known as "the date-rape drug." Children who swallowed the beads became comatose, developed respiratory depression, or had seizures. Over 4.2 million of these toys were sold.

A week earlier, a line of wooden peg toys made by a foreign manufacturer were recalled for having small parts that could choke toddlers.

Earlier this year, there was a recall of jewelry marketed to children 12 years old and under because it contained cadmium, which can cause cancer. The cadmium levels in these products were as high as 2,300 times the legal limit in California, where the jewelry was distributed.

Foreign toys have been found to contain dangerous levels of lead. In 2007, a major toy company was forced to recall 18.6 million foreign-made toys for containing lead or dangerous magnets. The same year, another major company had to recall more than 1.6 million foreign-made toys for containing lead. In 2006, a foreign-made, lead-tainted charm

bracelet claimed the life of a 4-year-old. The autopsy demonstrated that the charm was 99 percent lead, 1,650 times more than the 0.06 percent lead limit specified in enforcement guidelines for children's jewelry.

However, it is not just toys and other children's products that pose risks. In 2008, a contaminated blood thinner from a foreign manufacturer caused severe medical reactions and contributed to numerous deaths. Imported food products from seafood to honey have been contaminated with unthinkable chemicals, including veterinary drugs banned in domestic production, potentially harmful antibiotics, and unapproved food additives. Tens of millions of packages of pet food contaminated with tainted wheat gluten have been recalled. Substandard tires have failed, leading to fatalities. Defective drywall imported from China has been found to contain excessively high levels of sulfur, causing houses to smell like rotten eggs, corroding copper wiring, making expensive appliances fail, causing respiratory or other health problems, and making homes unlivable. Thousands of homes have been affected. I am very pleased that tomorrow Senator PRYOR will chair an important hearing of the Commerce Committee Subcommittee on Consumer Protection, Product Safety, and Insurance, focusing on this contaminated drywall, and its awful consequences.

At a hearing that I chaired in 2009, the Senate Judiciary Committee Subcommittee on Administrative Oversight and the Courts explored the legal hurdles facing consumers who are injured by defective foreign products and by businesses that find that their foreign partners refuse to honor their contracts. These hurdles allow foreign manufacturers to injure American businesses and consumers with impunity. They also put American manufacturers at a competitive disadvantage since they allow foreign manufacturers to offer cheaper products that do not comply with American safety requirements.

Two major hurdles to proper accountability are the inability to serve process on the foreign manufacturer and the ability of that foreign manufacturer, even if served, to evade the jurisdiction of American courts. Legislation to address these issues is both necessary and appropriate. The Foreign Manufacturers Legal Accountability Act addresses both concerns.

The first problem, the inability to serve process on a manufacturer, essentially means that it is difficult for an American to give a foreign manufacturer the legally required notice that it is the subject of a lawsuit. This sounds like a simple step, and it should be. Unfortunately, however, it is very hard to serve process on foreign companies abroad. Service abroad is complicated by the Hague Convention on the Serv-

ice Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters, to which the United States is a signatory. Under that convention, a complaint must be translated into the foreign language, transmitted to the Central Authority in the foreign country, and then delivered according to the rules of service in the home country of the defendant. This can cause months and even years of delay, not to mention great expense for Americans.

The Foreign Manufacturers Legal Accountability Act will allow Americans to overcome that procedural hurdle by serving legal papers inside the United States on registered agents of foreign manufacturers. The bill requires the heads of Federal Government agencies such as the Food and Drug Administration to pass regulations requiring that foreign manufacturers of products regulated by their agencies register an agent who will accept service of process. It allows regulators to exclude manufacturers who only import a minimal amount of products into the United States. It imposes a minimal burden on foreign manufacturers, since they would only have to appoint one agent to accept service of process for all State and Federal regulatory and civil actions anywhere in the United States. The bill allows the manufacturer to choose any location for that agent with a "substantial connection to the importation, distribution, or sale" of their products. This clear and straightforward system will allow Americans to commence their lawsuits fairly and promptly, and ensure that foreign manufacturers have proper and fair notice of the proceedings brought against them. It will not conflict with American obligations under the Hague convention, since that convention applies to service of process on foreign manufacturers in their home countries, not in the United States.

The second hurdle, the inability to establish personal jurisdiction over foreign manufacturers, can end a lawsuit against a foreign manufacturer before it even begins. Think about how unfair this is. A foreign manufacturer sells its defective products in the United States, injures American consumers and businesses, and then argues that it is not subject to the courts in the state where the American was injured—in legal parlance, that the courts do not have personal jurisdiction over it. Foreign manufacturers raise this technical legal defense to avoid liability even when serious injuries or even death have been caused by their products—their defective tires, fireworks, exercise equipment, bikes, and toys.

The Foreign Manufacturers Legal Accountability Act will enable injured Americans to surmount this hurdle. It will make clear to foreign manufacturers that by importing their products into the United States and by registering an agent in the United States,

they are consenting to the jurisdiction of the courts in the state where their agent is located. By consenting to jurisdiction, the manufacturers will be unable to engage in unnecessary and expensive legislation about technical legal issues and allow courts to settle the merits of disputes. This approach is fair to foreign manufacturers since all American manufacturers are subject to the jurisdiction of the courts of at least one state. This bill therefore complies with the trade principle that we should not subject foreign manufacturers to burdens not already imposed on domestic manufacturers.

Indeed, the Foreign Manufacturers Legal Accountability Act is ultimately about fairness. We all know American manufacturers comply with regulations that ensure the safety of American consumers and businesses. When they fail to do so, they must answer to regulators and are held accountable through the American tort system. Unfortunately, foreign manufacturers are not being held to the same standards—injuring American consumers and businesses, and putting American manufacturers at a competitive disadvantage. We must level the playing field for all manufacturers and provide justice for American consumers and businesses. The Foreign Manufacturers Legal Accountability Act will allow us to make a major step in that direction. It covers major product categories including consumer goods, drugs, cosmetics, and chemicals, and it requires relevant agencies to study workable approaches to ensure that foreign food producers also are brought within the ambit of the American legal system.

Because of its benefits to consumers, this legislation has the support of several leading consumer groups, including Consumers Union, Consumer Federation of America, U.S. PIRG, and the National Association of Consumer Advocates.

Protecting Americans and holding foreign manufacturers accountable when their products harm American consumers and businesses is a bipartisan issue. Everyone agrees that we should do what we can to keep Americans safe from defective products. So too, I think, do we all agree that American companies should not be at a competitive disadvantage to their foreign counterparts. The Foreign Manufacturers Legal Accountability Act builds on those fundamental agreements. I am grateful to my colleague Senator SESSIONS, and the bill's other cosponsors, for their hard work on this bill. I know that they all feel the impacts of harmful, defective foreign products in their home states, just as we feel it in Rhode Island.

I look forward to working with my colleagues on both sides of the aisle to see this important legislation passed into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 343—COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ ON DECEMBER 5, 2011

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas on June 9, 1946, His Majesty King Bhumibol Adulyadej ascended to the throne and celebrated his 65th year as King of Thailand earlier this year;

Whereas King Bhumibol is the world's longest-serving monarch;

Whereas King Bhumibol has enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts in 1927, while his father was completing his studies in the United States;

Whereas on March 20, 1833, the United States and Thailand (then known as Siam) signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the first treaty ally of the United States in the Asia-Pacific region;

Whereas bilateral trade between Thailand and the United States grew by 38 percent between 2002 and 2010;

Whereas the United States and Thailand have remained strong security allies for 57 years, as memorialized in the Manila Pact in 1954, and later expanded under the Thanat-Rusk Communique of 1962;

Whereas President Bush designated Thailand as a major Non-NATO Ally on December 30, 2003;

Whereas Secretary of State Hillary Clinton, while in Bangkok on November 16, 2011, stated "Our nations are connected through not only security cooperation and business ties, but the democratic values we share and the bonds of family and friendship that link our people";

Whereas the Fulbright Program, which was established between Thailand and the United States in 1950, and other exchanges, provide graduate, undergraduate, and high school students from each country the opportunity to study in the other country;

Whereas collaboration between Thailand and the United States has resulted in significant public health achievements;

Whereas in response to the worst flooding in Thailand's history—

(1) the United States Government—
(A) has provided humanitarian assistance and disaster relief;

(B) is working to help improve Thailand's capacity to prepare and respond to such disasters in the future; and

(C) has declared the United States will support Thailand's long-term recovery; and

(2) United States citizens and the private sector have donated to reconstruction efforts; and

Whereas more than 150,000 people of Thai descent live in the United States.

Now, therefore, be it

Resolved, That the Senate—

(1) sends warm wishes to the people of Thailand as they celebrate the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011, and commemorate his 65-year reign as King of Thailand;

(2) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 178-year diplo-

matic history, and, most importantly, shared values, including democracy, good governance, and the rule of law; and

(3) expresses its deepest sympathies for the recent historic floods in Thailand, and supports continuing efforts to provide civilian and military assistance to save lives, restore health, and facilitate Thailand's economic recovery.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, December 8, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider S. 1763, the SAVE Native Women Act, and S. 1065, the Blackfeet River Land Settlement Act, to be followed by a hearing entitled "State and Federal Tax Policy: Building New Markets in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

On Thursday, December 1, 2011, the Senate passed H.R. 1540, as amended, as follows:

H.R. 1540

Resolved, That the bill from the House of Representatives (H.R. 1540) entitled "An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2012".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—*This Act is organized into four divisions as follows:*

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—SBIR and STTR Reauthorization.

(b) TABLE OF CONTENTS.—*The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Scoring of budgetary effects.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Navy Programs

Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.

Subtitle C—Air Force Programs

- Sec. 131. Procurement of advanced extremely high frequency satellites.
- Sec. 132. Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft.
- Sec. 133. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.
- Sec. 134. Limitations on use of funds to retire B-1 bomber aircraft.
- Sec. 135. Limitation on retirement of U-2 aircraft.
- Sec. 136. Strategic airlift aircraft force structure.
- Sec. 137. Limitation on retirement of C-23 aircraft.

Subtitle D—Joint and Multiservice Matters

- Sec. 151. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
- Sec. 152. F-35 Joint Strike Fighter aircraft.
- Sec. 153. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.
- Sec. 154. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.
- Sec. 155. Designation of undersea mobility acquisition program of the United States Special Operations Command as a major defense acquisition program.
- Sec. 156. Transfer of Air Force C-12 Liberty Intelligence, Surveillance, and Reconnaissance aircraft to the Army.
- Sec. 157. Joint Surveillance Target Attack Radar System aircraft re-engining program.
- Sec. 158. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
- Sec. 159. Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Prohibitions relating to use of funds for research, development, test, and evaluation on the F136 engine.
- Sec. 212. Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program.
- Sec. 213. Unmanned Carrier Launched Airborne Surveillance and Strike.
- Sec. 214. Marine Corps ground combat vehicles.

Subtitle C—Missile Defense Matters

- Sec. 231. Enhanced oversight of missile defense acquisition programs.
- Sec. 232. Ground-based Midcourse Defense Program.
- Sec. 233. Missile defense cooperation with Russia.

Sec. 234. Report on the United States missile defense hedging strategy.

Subtitle D—Reports

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Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2107. Modification of authority to carry out certain fiscal year 2011 projects.

Sec. 2108. Additional authority to carry out certain fiscal year 2012 project.

Sec. 2109. Extension of authorizations of certain fiscal year 2008 projects.

Sec. 2110. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2111. Technical amendments to correct certain project specifications.

Sec. 2112. Reduction of Army military construction authorization.

Sec. 2113. Tour normalization.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Extension of authorization of certain fiscal year 2008 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Reduction of Navy military construction authorization.

Sec. 2208. Guam realignment.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authorization to carry out certain fiscal year 2010 project.

- Sec. 2306. Extension of authorization of certain fiscal year 2009 project.
- Sec. 2307. Reduction of Air Force military construction authorization.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, Defense-wide.
- Sec. 2412. Reduction of Defense Agencies military construction authorization.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authorizations of certain fiscal year 2008 projects.
- Sec. 2608. Extension of authorizations of certain fiscal year 2009 projects.
- Sec. 2609. Modification of authority to carry out certain fiscal year 2009 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2704. Reduction of military construction authorization for base realignment and closure activities authorized through the Department of Defense Base Closure Account 1990.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. General military construction transfer authority.

- Sec. 2802. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

- Sec. 2803. Clarification of authority to use the Pentagon Reservation maintenance revolving fund for minor construction and alteration activities at the Pentagon Reservation.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Exchange of property at military installations.
- Sec. 2812. Clarification of authority to limit encroachments.
- Sec. 2813. Department of Defense conservation and cultural activities.

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- Sec. 2821. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
- Sec. 2822. Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii.
- Sec. 2823. Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

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- Sec. 2831. Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy.
- Sec. 2832. Data servers and centers.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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- Sec. 3102. Defense environmental cleanup.
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- Sec. 3113. Aircraft procurement.
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- Sec. 3121. Report on feasibility of federalizing the security protective forces contract guard workforce at certain Department of Energy facilities.
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- Sec. 3123. Plan to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

- Sec. 3202. Authority of the Defense Nuclear Facilities Safety Board to review the facility design and construction of Construction Project 10-D-904 of the National Nuclear Security Administration.

TITLE XXXIII—MARITIME ADMINISTRATION

- Sec. 3301. Maritime Administration.

DIVISION D—FUNDING TABLES

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TITLE XLI—PROCUREMENT

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TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.
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- Sec. 4301. Operation and maintenance.
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- Sec. 4401. Other authorizations.
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TITLE XLV—MILITARY CONSTRUCTION

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- Sec. 4601. Department of Energy national security programs.

DIVISION E—SBIR AND STTR REAUTHORIZATION

- Sec. 5001. Short title.
- Sec. 5002. Definitions.
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TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

- Sec. 5101. Extension of termination dates.
- Sec. 5102. Status of the Office of Technology.
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- Sec. 5106. Agency and program flexibility.
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- Sec. 5108. Participation by firms with substantial investment from multiple venture capital operating companies in a portion of the SBIR program.
- Sec. 5109. SBIR and STTR special acquisition preference.
- Sec. 5110. Collaborating with Federal laboratories and research and development centers.
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- Sec. 5112. Express authority for an agency to award sequential Phase II awards for SBIR or STTR funded projects.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

- Sec. 5201. Rural and State outreach.
- Sec. 5202. Technical assistance for awardees.
- Sec. 5203. Commercialization Readiness Program at Department of Defense.
- Sec. 5204. Commercialization Readiness Pilot Program for civilian agencies.
- Sec. 5205. Accelerating cures.
- Sec. 5206. Federal agency engagement with SBIR and STTR awardees that have been awarded multiple Phase I awards but have not been awarded Phase II awards.

Sec. 5207. Clarifying the definition of "Phase III".

Sec. 5208. Shortened period for final decisions on proposals and applications.

TITLE LIII—OVERSIGHT AND EVALUATION

Sec. 5301. Streamlining annual evaluation requirements.

Sec. 5302. Data collection from agencies for SBIR.

Sec. 5303. Data collection from agencies for STTR.

Sec. 5304. Public database.

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Sec. 5306. Accuracy in funding base calculations.

Sec. 5307. Continued evaluation by the National Academy of Sciences.

Sec. 5308. Technology insertion reporting requirements.

Sec. 5309. Intellectual property protections.

Sec. 5310. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.

Sec. 5311. Pilot to allow funding for administrative, oversight, and contract processing costs.

Sec. 5312. GAO study with respect to venture capital operating company involvement.

Sec. 5313. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.

Sec. 5314. Interagency policy committee.

Sec. 5315. Simplified paperwork requirements.

TITLE LIV—POLICY DIRECTIVES

Sec. 5401. Conforming amendments to the SBIR and the STTR Policy Directives.

TITLE LV—OTHER PROVISIONS

Sec. 5501. Research topics and program diversification.

Sec. 5502. Report on SBIR and STTR program goals.

Sec. 5503. Competitive selection procedures for SBIR and STTR programs.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH-60R/S HELICOPTERS.

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts, beginning with the fiscal year 2012 program year, for the procurement of mission avi-

onics and common cockpits for MH-60R/S helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Air Force Programs

SEC. 131. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract for such procurement.

(2) **COST REDUCTION.**—The Secretary may include in a contract entered into under paragraph (1) the following:

(A) The procurement of material and equipment in economic order quantities if the procurement of such material and equipment in such quantities will result in cost savings.

(B) Cost reduction initiatives.

(3) **USE OF INCREMENTAL FUNDING.**—The Secretary may use incremental funding for a contract entered into under paragraph (1) for a period not to exceed six fiscal years.

(4) **LIABILITY.**—A contract entered into under paragraph (1) shall provide that—

(A) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

(B) the total liability of the Federal Government for the termination of the contract shall be limited to the total amount of funding obligated at the time of the termination of the contract.

(b) **LIMITATION OF COSTS.**—

(1) **LIMITATION.**—Except as provided in subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed \$3,100,000,000.

(2) **EXCLUSION.**—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program-related support costs.

(D) Technical support for obsolescence studies.

(e) **ADJUSTMENT TO LIMITATION AMOUNT.**—

(1) **IN GENERAL.**—The Secretary may increase the limitation set forth in subsection (b)(1) by the amount of an increase described in paragraph (2) if the Secretary submits to the congressional defense committees written notification of the increase made to that limitation.

(2) **INCREASE DESCRIBED.**—An increase described in this paragraph is one of the following:

(A) An increase in costs that is attributable to economic inflation after September 30, 2011.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) An increase in the cost of an advanced extremely high frequency satellite that is attributable to the insertion of a new technology into the satellite that was not built into such satellites procured before fiscal year 2012, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology into the satellite is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to the national security of the United States.

(d) **REPORTS.**—

(1) **REPORT ON CONTRACTS.**—Not later than 30 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on the contract that includes the following:

(A) The total cost savings resulting from the authority provided by subsection (a).

(B) The type and duration of the contract.

(C) The total value of the contract.

(D) The funding profile under the contract by year.

(E) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(2) **PLAN FOR USING COST SAVINGS.**—Not later than 90 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a plan for using the cost savings described in paragraph (1)(A) to improve the capability of military satellite communications that includes a description of the following:

(A) The available funds, by year, resulting from such cost savings.

(B) The specific activities or subprograms to be funded using such cost savings and the funds, by year, allocated to each such activity or subprogram.

(C) The objectives for each such activity or subprogram.

(D) The criteria used by the Secretary to determine which such activities or subprograms to fund.

(E) The method by which the Secretary will determine which such activities or subprograms to fund, including whether that determination will be on a competitive basis.

(F) The plan for encouraging participation in such activities and subprograms by small businesses.

(G) The process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) **USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.**—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2012 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 6.

(f) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two advanced extremely high frequency satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

SEC. 132. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO THE B-2 BOMBER AIRCRAFT.

Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B-2 bomber aircraft modifications, post-production support, and other charges, \$20,000,000 shall be available for fiscal year 2012 for research, development, test, and evaluation with respect to a conventional mixed load capability for the B-2 bomber aircraft.

SEC. 133. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO SUPPORT ALTERNATIVE OPTIONS FOR EXTREMELY HIGH FREQUENCY TERMINAL INCREMENT 1 PROGRAM OF RECORD.

(a) *IN GENERAL.*—Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B-2 bomber aircraft aircraft modifications, post-production support, and other charges, \$15,000,000 shall be available to support alternative options for the extremely high frequency terminal increment 1 program of record.

(b) *PLAN TO SECURE PROTECTED COMMUNICATIONS.*—Not later than February 1, 2012, the Secretary of the Air Force shall submit to the congressional defense committees a plan to provide an extremely high frequency terminal for secure protected communications for the B-2 bomber aircraft and other aircraft.

SEC. 134. LIMITATIONS ON USE OF FUNDS TO RETIRE B-1 BOMBER AIRCRAFT.

(a) *IN GENERAL.*—None of the funds authorized to be appropriated by this Act for fiscal year 2012 for the Department of Defense may be obligated or expended—

(1) on or before the date on which the Secretary of the Air Force submits to the congressional defense committees the plan described in subsection (b), to retire any B-1 bomber aircraft; or

(2) after that date, to retire more than six B-1 bomber aircraft.

(b) *PLAN DESCRIBED.*—The plan described in this subsection is a plan for retiring B-1 bomber aircraft that includes the following:

(1) An identification of each B-1 bomber aircraft that will be retired and the disposition plan for such aircraft.

(2) An estimate of the savings that will result from the proposed retirement of six B-1 bomber aircraft in each calendar year through calendar year 2022.

(3) An estimate of the amount of the savings described in paragraph (2) that will be reinvested in the modernization of B-1 bomber aircraft still in service in each calendar year through calendar year 2022.

(4) A modernization plan for sustaining the remaining B-1 bomber aircraft through at least calendar year 2022.

(5) An estimate of the amount of funding required to fully fund the modernization plan described in paragraph (4) for each calendar year through calendar year 2022.

(c) *SENSE OF CONGRESS.*—It is the sense of Congress that—

(1) an amount that is not less than 60 percent of the savings achieved in each calendar year through calendar year 2022 resulting from the retirement of B-1 bomber aircraft should be reinvested in modernizing and sustaining bomber aircraft; and

(2) an amount that is not less than 35 percent of the amount described in paragraph (1) should be reinvested in modernizing and sustaining the remaining B-1 bomber aircraft through at least calendar year 2022.

SEC. 135. LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.

(a) *LIMITATION.*—The Secretary of the Air Force may take no action that would prevent the Air Force from maintaining the U-2 aircraft fleet in its current configuration and capability beyond fiscal year 2016 until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the appropriate committees of Congress that the operating and sustainment (O&S) costs for the Global Hawk unmanned aerial vehicle (UAV) are less than the operating and sustainment costs for the U-2 aircraft on a comparable flight-hour cost basis.

(b) *APPROPRIATE COMMITTEES OF CONGRESS DEFINED.*—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “October 1, 2009” and inserting “October 1, 2011”; and

(2) by striking “316 aircraft” and inserting “301 aircraft”.

SEC. 137. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) *IN GENERAL.*—Upon determining to retire a C-23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) *TRANSFER UPON ACCEPTANCE OF OFFER.*—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) *USE.*—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

(d) *SUSTAINMENT.*—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated with operating, maintaining, sustaining, and modernizing the aircraft.

Subtitle D—Joint and Multiservice Matters

SEC. 151. INCLUSION OF INFORMATION ON APPROVED COMBAT MISSION REQUIREMENTS IN QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENT FUNDS.

Section 123(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4159; 10 U.S.C. 167 note) is amended by adding at the end the following new paragraphs:

“(6) A table setting forth the Combat Mission Requirements approved during the fiscal year in which such report is submitted and the two preceding fiscal years, including for each such Requirement—

“(A) the title of such Requirement;

“(B) the date of approval of such Requirement; and

“(C) the amount of funding approved for such Requirement, and the source of such approved funds.

“(7) A statement of the amount of any unspent Combat Mission Requirements funds from the fiscal year in which such report is submitted and the two preceding fiscal years.”.

SEC. 152. F-35 JOINT STRIKE FIGHTER AIRCRAFT.

In entering into a contract for the procurement of aircraft for the fifth low-rate initial production contract lot (LRIP-5) for the F-35 Lightning II Joint Strike Fighter aircraft, the Secretary of Defense shall ensure each of the following:

(1) That the contract is a fixed price contract.

(2) That the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

SEC. 153. REPORT ON PLAN TO IMPLEMENT WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009 MEASURES WITHIN THE JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

At the same time the budget of the President for fiscal year 2013 is submitted to Congress pur-

suant to section 1105 of title 31, United States Code, the Under Secretary for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Department of Defense to implement the requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23), and the amendments made by that Act, within the Joint Strike Fighter (JSF) aircraft program. The report shall set forth the following:

(1) Specific goals for implementing the requirements of the Weapon Systems Acquisition Reform Act of 2009, and the amendments made by that Act, within the Joint Strike Fighter aircraft program.

(2) A schedule for achieving each goal set forth under paragraph (1) for the Joint Strike Fighter aircraft program.

SEC. 154. MULTIYEAR PROCUREMENT AUTHORITY FOR AIRFRAMES FOR ARMY UH-60M/HH-60M HELICOPTERS AND NAVY MH-60R/MH-60S HELICOPTERS.

(a) *AUTHORITY FOR MULTIYEAR PROCUREMENT.*—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of airframes for UH-60M/HH-60M helicopters and, acting as the executive agent for the Department of the Navy, for the procurement of airframes for MH-60R/MH-60S helicopters.

(b) *CONDITION FOR OUT-YEAR PAYMENTS.*—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 155. DESIGNATION OF UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) *DESIGNATION.*—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate the undersea mobility acquisition program of the United States Special Operations Command as a major defense acquisition program (MDAP).

(b) *ELEMENTS.*—The major defense acquisition program designated under subsection (a) shall consist of the elements as follows:

(1) The Dry Combat Submersible-Light program.

(2) The Dry Combat Submersible-Medium program.

(3) The Shallow Water Combat Submersible program.

(4) The Next-Generation Submarine Shelter program.

SEC. 156. TRANSFER OF AIR FORCE C-12 LIBERTY INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT TO THE ARMY.

(a) *PLAN FOR TRANSFER.*—The Secretary of Defense shall develop and carry out a plan for the orderly transfer of the Air Force C-12 Liberty Intelligence, Surveillance, and Reconnaissance (ISR) aircraft to the Army to avoid the need for the Army to procure additional C-12 aircraft for the replacement of the Guardrail aircraft fleet under the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) program.

(b) *ELEMENTS.*—The plan required by subsection (a) shall—

(1) take into account the ability of Army personnel now operating the Guardrail aircraft to take over operation of C-12 Liberty aircraft as Guardrail aircraft are retired, freeing up Air Force personnel for reallocation to meet the expanding orbit requirements for Unmanned Aerial Systems;

(2) take into account the need to sustain intelligence, surveillance, and reconnaissance support for forces deployed to Afghanistan and elsewhere; and

(3) provide for the modification of the Liberty C-12 aircraft transferred under the plan to meet the long-term needs of the Army for the Enhanced Medium Altitude Reconnaissance and Surveillance System configuration to replace the Guardrail system.

(c) **REPORT.**—Not later than the date on which the budget for fiscal year 2013 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense and intelligence committees a report on the plan required by subsection (a). The report shall include a description of the plan and an estimate of the costs to be avoided through cancellation of aircraft procurement under the Enhanced Medium Altitude Reconnaissance and Surveillance System program by reason of the transfer of aircraft under the plan.

SEC. 157. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT RE-ENGINEING PROGRAM.

(a) **REPORT ON AUDIT OF FUNDS FOR PROGRAM.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Air Force Audit Agency shall submit to the congressional defense committees the results of a financial audit of the funds previously authorized and appropriated for the Joint Surveillance Target Attack Radar System (JSTARS) aircraft re-engineing program.

(2) **ELEMENTS.**—The report on the audit required by paragraph (1) shall include the following:

(A) A description of how the funds described in that paragraph were expended, including—

(i) an assessment of the existence, completeness, and cost of the assets acquired with such funds; and

(ii) an assessment of the costs that were capitalized as military equipment and inventory and the cost characterized as operating expenses (including payroll, freight and shipment, inspection, and other operating costs).

(B) A statement of the amount of such funds that remain available for obligation and expenditure, and in which accounts.

(b) **USE OF REMAINING FUNDS.**—The Secretary of the Air Force shall take appropriate actions to ensure that any funds described by subsection (a)(2)(B) are obligated and expended for the purpose for which originally authorized and appropriated, including, but not limited to, the installation of two engine shipsets on two operational Joint Surveillance Target Attack Radar System aircraft and the purchase of two spare engines.

SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F-35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F-35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F-35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

SEC. 159. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) **AUTHORITY.**—

(1) **EXCHANGE AUTHORITY.**—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the “United Kingdom”) all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) **AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—The aircraft authorized to be transferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) **AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) **FUNDING FOR PRODUCTION OF AIRCRAFT.**—

(1) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) **EXCEPTION.**—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) **IMPLEMENTATION.**—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled “Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding”, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the De-

partment of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. PROHIBITIONS RELATING TO USE OF FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON THE F136 ENGINE.

(a) **PROHIBITION ON USE OF FUNDS FOR RDT&E.**—None of the amounts authorized to be appropriated by this Act may be obligated or expended for research, development, test, or evaluation on the F136 engine.

(b) **PROHIBITION ON TREATMENT OF CERTAIN EXPENDITURES AS ALLOWABLE CHARGES.**—No research, development, test, or evaluation on the F136 engine that is conducted and funded by the contractor may be considered an allowable charge on any future government contract, whether as a direct or indirect cost.

SEC. 212. LIMITATION ON USE OF FUNDS FOR INCREMENT 2 OF B-2 BOMBER AIRCRAFT EXTREMELY HIGH FREQUENCY SATELLITE COMMUNICATIONS PROGRAM.

None of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201 and available for Increment 2 of the B-2 bomber aircraft extremely high frequency satellite communications program may be obligated or expended until the date that is 15 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The certification of the Secretary that—

(A) the United States Government will own the data rights to any extremely high frequency active electronically steered array antenna developed for use as part of a system to support extremely high frequency protected satellite communications for the B-2 bomber aircraft; and

(B) the use of an extremely high frequency active electronically steered array antenna is the most cost effective and lowest risk option available to support extremely high frequency satellite communications for the B-2 bomber aircraft.

(2) A detailed plan setting forth the projected cost and schedule for research, development, and testing on the extremely high frequency active electronically steered array antenna.

SEC. 213. UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE.

Of the amounts authorized to be appropriated for fiscal year 2012 for the Navy for research, development, test, and evaluation and available for purposes of the Unmanned Carrier Launched Airborne Surveillance and Strike (UCLASS) program (PE 64404N) as specified in the funding table in section 4201, not more than 50 percent may be obligated or expended for such purposes until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the Under Secretary has approved an acquisition plan for that program at Milestone A approval that requires implementation of open architecture standards for that program.

SEC. 214. MARINE CORPS GROUND COMBAT VEHICLES.

(a) **LIMITATION ON MILESTONE B APPROVAL FOR MARINE PERSONNEL CARRIER PENDING ANALYSIS OF ALTERNATIVES FOR AMPHIBIOUS COMBAT VEHICLE.**—

(1) **LIMITATION.**—Milestone B approval may not be granted for the Marine Personnel Carrier (MPC) until 30 days after the date of the submittal to the congressional defense committees of an Analysis of Alternatives (AoA) for the Amphibious Combat Vehicle (ACV).

(2) **REQUIREMENTS FOR ANALYSIS OF ALTERNATIVES.**—The Analysis of Alternatives for the Amphibious Combat Vehicle required by paragraph (1) shall include each of the following:

(A) An assessment of the ability of the Navy to defend its vessels against attacks at distances from shore ranging from 10-to-30 nautical miles during amphibious assault operations in multiple potential future conflict scenarios, based on existing and planned and budgeted defense capabilities. The assessment shall identify the key issues and variables that determine survivability in each of the scenarios assessed.

(B) An assessment of the amount of time Marines can be expected to ride in a non-planing amphibious assault vehicle without suffering a significant degradation in combat effectiveness. The Marine Corps shall conduct tests to support such assessment using existing Amphibious Assault Vehicles and Expeditionary Fighting Vehicle SDD-2 prototypes.

(C) An assessment of the armor protection levels the Amphibious Combat Vehicle would require to satisfy the requirements for the Marine Personnel Carrier program, and an assessment whether a non-planing Amphibious Combat Vehicle could practically achieve that armor protection level while meeting other objectives for mobility and cost.

(D) An assessment of whether an Amphibious Combat Vehicle system could perform the range of amphibious assault and land warfare missions for the Marine Corps at a life-cycle cost approximately equal to or less than the combined cost of the Amphibious Combat Vehicle and Marine Personnel Carrier programs, and an assessment of the extent to which a ground combat vehicle fleet composed entirely of Amphibious Combat Vehicles would enhance the amphibious assault capabilities of the Marine Corps when compared with a fleet composed of a mixture of Amphibious Combat Vehicles and Marine Personnel Carriers.

(3) **SUPPORT OF ANALYSIS OF ALTERNATIVES.**—The Marine Corps may conduct such technology development and demonstration, and such other pre-acquisition activities, tests, exercises, and modeling, as the Marine Corps considers necessary to support the Analysis of Alternatives required by paragraph (1) and the establishment of requirements for the Amphibious Combat Vehicle.

(b) **LIMITATION ON MILESTONE B APPROVAL FOR VARIOUS VEHICLES PENDING LIFE-CYCLE COST ASSESSMENT.**—

(1) **LIMITATION.**—Milestone B approval may not be granted for any Marine Corps ground combat vehicle specified in paragraph (2) until 30 days after the date of the submittal to the congressional defense committees of a life-cycle cost assessment of the portfolio of Marine Corps ground vehicles performed by the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(2) **COVERED VEHICLES.**—The Marine Corps ground combat vehicles specified in this paragraph are the following:

(A) The Marine Personnel Carrier.

(B) The Amphibious Combat Vehicle.

(C) The Joint Light Tactical Vehicle (JLTV).

(D) Any other ground combat vehicle of the Marine Corps under development as of the date of the enactment of this Act for which Milestone B approval has not been granted as of that date.

(c) **AVAILABILITY OF FUNDS.**—Of the amounts authorized to be appropriated for fiscal year 2012 by section 201 and available for research, development, test, and evaluation for the Navy as specified in the funding tables in section 4201 for Program Elements 0603611M and 0206623M for the Amphibious Combat Vehicle, the Assault Amphibious Vehicle 7A1, and the Marine Personnel Carrier, \$30,000,000 is available for pre-

acquisition activities in support of the Analysis of Alternatives and requirements definition for the Amphibious Combat Vehicle.

(d) **MILESTONE B APPROVAL DEFINED.**—In this section, the term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

Subtitle C—Missile Defense Matters

SEC. 231. ENHANCED OVERSIGHT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

(a) **IN GENERAL.**—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4170; 10 U.S.C. 233 note) is amended—

(1) in subsection (d), by striking “each report” and inserting “each of the first three reports”; and

(2) by adding at the end the following new subsection:

“(e) **COMPTROLLER GENERAL ASSESSMENT.**—(1) At the end of each of fiscal years 2012 through 2015, the Comptroller General of the United States shall review the annual reports on acquisition baselines and variances required under subsection (c) and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.

“(2) Not later than February 15, 2013, and each year thereafter through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year. Each report shall include any findings and recommendations on missile defense acquisition programs and accountability therefore that the Comptroller General considers appropriate.”.

(b) **REPEAL OF SUPERSEDED REPORTING AUTHORITY.**—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsection (g).

SEC. 232. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System was deployed initially in 2004 as a contingency capability to provide initial protection of the United States homeland against potential limited long-range missile attacks by nations such as North Korea and Iran.

(2) As the Director of Operational Test and Evaluation has reported, prior to the decision in December 2002 to deploy the system, an operationally representative variant of the Ground-Based Interceptor had not been flight-tested.

(3) As the Department of Defense and the Government Accountability Office have acknowledged, the Ground-based Midcourse Defense system experienced high levels of concurrency in development and deployment, which led to a number of problems. In April 2011, the Missile Defense Agency acknowledged that the system “is still evolving and has not attained a stable configuration between missiles. It is still an ‘operational prototype’ system”.

(4) The Director of Operational Test and Evaluation reported in December 2010 that there have not been enough flight tests of the Ground-based Midcourse Defense system to permit an objective assessment of its operational effectiveness, suitability data remain insufficient, evaluation of survivability remains limited, and a “full end-to-end performance assessment is still a minimum of 6 years away”.

(5) As is to be expected from a developmental system, the Ground-based Midcourse Defense system has experienced a number of technical problems in flight tests. Many of these problems have been resolved with further development, as demonstrated in successful flight tests. The system has been under continuous improvement

since it was first deployed, but has not yet obtained desired levels of effectiveness, suitability, or reliability.

(6) In 2009, the Secretary of Defense announced that the Department of Defense would refocus efforts on improving the operational capability, reliability, and availability of the Ground-based Midcourse Defense system in order to maintain its ability to stay ahead of projected threats from North Korea and Iran for the foreseeable future.

(7) In February 2010 the Ballistic Missile Defense Review stated the United States is currently protected against limited intercontinental ballistic missile attacks as a result of investments made over the past decade in the Ground-based Midcourse Defense system and reiterated the commitment to improving the operational capability, reliability, and availability of the Ground-based Midcourse Defense System.

(8) The two most recent flight tests of the Ground-based Midcourse Defense system, using the newest Capability Enhancement-2 Exo-atmospheric Kill Vehicle (EKV) design, each failed to achieve the intended interception of a target.

(9) The two most recent flight tests are not indicative of the functionality of the Capability Enhancement-1 Exo-atmospheric Kill Vehicle design, which continues to provide the United States protection against a limited intercontinental ballistic missile attack.

(10) The Missile Defense Agency established a Failure Review Board to determine the root cause of the December 2010 flight-test failure of the Ground-based Midcourse Defense system. Its analysis will inform the proposed correction of the problem causing the flight-test failure.

(11) The Missile Defense Agency plans to design a correction of the problem causing the December 2010 flight-test failure and to verify the correction through extensive modeling and simulation, ground testing, and two flight tests, the first of which will not be an interception test.

(12) Until completing the verification of its corrective action, the Missile Defense Agency has suspended further production of Exo-atmospheric Kill Vehicles to ensure that potential flaws are not incorporated into them, and to permit any corrective action that may be needed to Exo-atmospheric Kill Vehicles at minimal cost and schedule risk.

(13) The Director of the Missile Defense Agency has testified that the Missile Defense Agency has sufficient funding available and planned for fiscal years 2011 and 2012, respectively, to implement the planned correction of the problem causing the December 2010 flight-test failure.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is essential for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland, throughout its operational service life, against limited future missile attacks from nations such as North Korea and Iran;

(2) the Missile Defense Agency should, as its highest priority, determine the root cause of the December 2010 flight-test failure of the Ground-based Midcourse Defense system, design a correction of the problem causing the flight-test failure, and verify through extensive testing that such correction is effective and will allow the Ground-based Midcourse Defense system to reach levels described in paragraph (1);

(3) before verifying the success of the correction of the problem causing the December 2010 flight-test failure, the Missile Defense Agency should suspend further production of Exo-atmospheric Kill Vehicles to ensure that they will not be deployed with any component or design flaws that may have caused the flight-test failure;

(4) after the Missile Defense Agency has verified the correction of the problem causing the December 2010 flight-test failure, including through the two previously unplanned verification flight tests, the Agency should assess the need for any additional Ground-Based Interceptors and any additional steps needed for the Ground-based Midcourse Defense testing and sustainment program; and

(5) the Department of Defense should plan for and budget sufficient future funds for the Ground-based Midcourse Defense program to ensure the ability to complete and verify an effective correction of the problem causing the December 2010 flight-test failure, and to mitigate the effects of corrective actions on previously planned program work that is deferred as a result of such corrective actions.

(c) **REPORTS.**—

(1) **REPORTS REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, and one year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan of the Department of Defense to correct the problem causing the December 2010 flight-test failure of the Ground-based Midcourse Defense system, and any progress toward the achievement of that plan.

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include the following:

(A) A detailed discussion of the plan to correct the problem described in that paragraph, including plans for diagnostic, design, testing, and manufacturing actions.

(B) A detailed discussion of any results obtained from the plan described in subparagraph (A) as of the date of such report, including diagnostic, design, testing, or manufacturing results.

(C) A description of any cost or schedule impact of the plan on the Ground-based Midcourse Defense program, including on testing, production, refurbishment, or deferred work.

(D) A description of any planned adjustments to the Ground-based Midcourse Defense program as a result of the implementation of the plan, including future programmatic, schedule, testing, or funding adjustments.

(E) A description of any enhancements to the capability of the Ground-based Midcourse Defense system achieved or planned since the submission of the budget for fiscal year 2010 pursuant to section 1105 of title 31, United States Code.

(3) **FORM.**—Each report required by paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) **FINDINGS.**—Congress makes the following findings:

(1) For more than a decade, the United States and Russia have discussed a variety of options for cooperation on shared early warning and ballistic missile defense. For example, on May 1, 2001, President George W. Bush spoke of a “new cooperative relationship” with Russia and said it “should be premised on openness, mutual confidence and real opportunities for cooperation, including the area of missile defense. It should allow us to share information so that each nation can improve its early warning capability, and its capability to defend its people and territory. And perhaps one day, we can even cooperate in a joint defense”.

(2) Section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 1654A-329) authorized the Department of Defense to establish in Russia a “joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles”, also known as the Joint Data Exchange Center (JDEC).

(3) On March 31, 2008, Deputy Secretary of Defense Gordon England stated that “we have offered Russia a wide-ranging proposal to cooperate on missile defense—everything from modeling and simulation, to data sharing, to joint development of a regional missile defense architecture—all designed to defend the United States, Europe, and Russia from the growing threat of Iranian ballistic missiles. An extraordinary series of transparency measures have also been offered to reassure Russia. Despite some Russian reluctance to sign up to these cooperative missile defense activities, we continue to work toward this goal”.

(4) On July 6, 2009, President Barack Obama and Russian President Dmitry Medvedev issued a joint statement on missile defense issues, which stated that “Russia and the United States plan to continue the discussion concerning the establishment of cooperation in responding to the challenge of ballistic missile proliferation. . . We have instructed our experts to work together to analyze the ballistic missile challenges of the 21st century and to prepare appropriate recommendations”.

(5) The February 2010 report of the Ballistic Missile Defense Review established as one of its central policy pillars that increased international missile defense cooperation is in the national security interest of the United States and, with regard to cooperation with Russia, the United States “is pursuing a broad agenda focused on shared early warning of missile launches, possible technical cooperation, and even operational cooperation”.

(6) At the November 2010 Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to develop a missile defense system to “protect NATO European populations, territory and forces” and also to seek cooperation with Russia on missile defense. In its Lisbon Summit Declaration, the North Atlantic Treaty Organization reaffirmed its readiness to “invite Russia to explore jointly the potential for linking current and planned missile defence systems at an appropriate time in mutually beneficial ways”. The new NATO Strategic Concept adopted at the Lisbon Summit states that “we will actively seek cooperation on missile defence with Russia”, that “NATO-Russia cooperation is of strategic importance”, and that “the security of the North Atlantic Treaty Organization and Russia is intertwined”.

(7) In a December 18, 2010, letter to the leadership of the Senate, President Obama wrote that the North Atlantic Treaty Organization “invited Russia to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance’s missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States’ or NATO’s missile defense capabilities. Effective cooperation with Russia could enhance the overall efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security”.

(8) Section 221(a)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4167) states that it is the sense of Congress “to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats”.

(9) In a speech in Russia on March 21, 2011, Secretary of Defense Robert Gates cited “the NATO-Russian decision to cooperate on defense against ballistic missiles. We’ve disagreed before,

and Russia still has uncertainties about the European Phased Adaptive Approach, a limited system that poses no challenges to the large Russian nuclear arsenal. However, we’ve mutually committed to resolving these difficulties in order to develop a roadmap toward truly effective anti-ballistic missile collaboration. This collaboration may include exchanging launch information, setting up a joint data fusion center, allowing greater transparency with respect to our missile defense plans and exercises, and conducting a joint analysis to determine areas of future cooperation”.

(10) In testimony to the Committee on Armed Services of the Senate on April 13, 2011, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley H. Roberts stated that the United States has been pursuing a Defense Technology Cooperation Agreement with Russia since 2004, and that such an agreement is necessary “for the safeguarding of sensitive information in support of cooperation” on missile defense, and to “provide the legal framework for undertaking cooperative efforts.” Further, Dr. Roberts stated that the United States would not provide any classified information to Russia without first conducting a National Disclosure Policy review. He also stated that the United States is not considering sharing “hit-to-kill” technology with Russia.

(11) The United States and Russia already engage in substantial cooperation on a number of international security efforts, including nuclear nonproliferation, anti-piracy, counter-narcotics, nuclear security, counter-terrorism, and logistics resupply through Russia of coalition forces in Afghanistan. These areas of cooperation require each side to share and protect sensitive information, which they have both done successfully.

(12) The United States currently has shared early warning agreements and programs of cooperation with eight nations in addition to the North Atlantic Treaty Organization. The United States has developed procedures and mechanisms for sharing early warning information with partner nations while ensuring the protection of sensitive United States information.

(13) Russia and the United States each have missile launch early warning and detection and tracking sensors that could contribute to and enhance each others’ ability to detect, track, and defend against ballistic missile threats from Iran.

(14) The Obama Administration has provided regular briefings to Congress on its discussions with Russia on possible missile defense cooperation.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is in the national security interest of the United States to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, particularly against missile threats from Iran;

(2) the United States should pursue ballistic missile defense cooperation with Russia on both a bilateral basis and a multilateral basis with its North Atlantic Treaty Organization allies, particularly through the NATO-Russia Council;

(3) missile defense cooperation with Russia should not “in any way limit United States’ or NATO’s missile defense capabilities”, as acknowledged in the December 18, 2010, letter from President Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature; and

(4) the United States should pursue missile defense cooperation with Russia in a manner that ensures that—

(A) United States classified information is appropriately safeguarded and protected from unauthorized disclosure;

(B) prior to sharing classified information with Russia, the United States conducts a National Disclosure Policy review and determines

the types and levels of information that may be shared and whether any additional procedures are necessary to protect such information;

(C) prior to entering into missile defense technology cooperation projects, the United States enters into a Defense Technology Cooperation Agreement with Russia that establishes the legal framework for a broad spectrum of potential cooperative defense projects; and

(D) such cooperation does not limit the missile defense capabilities of the United States or its North Atlantic Treaty Organization allies.

(c) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the status of efforts to reach agreement with Russia on missile defense cooperation.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) A summary of the status of discussions between the United States and Russia, and between the North Atlantic Treaty Organization and Russia, on efforts to agree on missile defense cooperation.

(B) A description of any agreements reached pursuant to such discussions, and any specific cooperative measures agreed, implemented, or planned.

(C) A discussion of the manner in which such cooperative measures would enhance the security of the United States, and the manner in which such cooperative measures fit within the larger context of United States-Russian cooperation on international security.

(D) A description of the status of efforts to conclude a bilateral Defense Technology Cooperation Agreement with Russia.

(E) A description of the status of any National Disclosure Policy Review relative to the possible sharing of classified information with Russia concerning missile defense cooperation.

(F) A discussion of the actions that are being taken or are planned to be taken to safeguard United States classified information in any agreement or discussions with Russia concerning missile defense cooperation.

(3) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(B) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SEC. 234. REPORT ON THE UNITED STATES MISSILE DEFENSE HEDGING STRATEGY.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the findings and conclusions of the homeland missile defense hedging strategy review, including a discussion of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

(b) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Reports

SEC. 251. EXTENSION OF REQUIREMENTS FOR BIENNIAL ROADMAP AND ANNUAL REVIEW AND CERTIFICATION ON FUNDING FOR DEVELOPMENT OF HYPERSONICS.

Section 218(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2126; 10 U.S.C. 2358 note) is amended by striking “2012” and inserting “2020”.

Subtitle E—Other Matters

SEC. 261. CONTRACTOR COST-SHARING IN PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.

Section 243 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4178; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) **COST-SHARING.**—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system either (1) for the development of program protection strategies for the system, or (2) for the design and incorporation of exportability features into the system shall include a cost-sharing provision that requires the contractor to bear at least one half of the cost of such activities.”.

SEC. 262. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) **ACQUISITION.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the “Secretary”) may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) **DESCRIPTION OF REAL PROPERTY.**—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10–Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) **AMOUNT PAID FOR PROPERTY.**—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) **REVOLVING FUND.**—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefitting appropriations.

(c) **RIGHT OF FIRST REFUSAL.**—

(1) **IN GENERAL.**—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion

of the property, is no longer needed by the Department of the Army.

(2) **NATURE OF RIGHT.**—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) **CONSIDERATION; FAIR MARKET VALUE.**—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) **DISPOSAL.**—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) **NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environmental Provisions

SEC. 311. MODIFICATION OF ENERGY PERFORMANCE GOALS.

(a) **MODIFICATION OF GOALS.**—Section 2911(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “GOAL” and inserting “GOALS”; and

(2) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively; and

(B) by inserting before subparagraph (D), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

“(A) to produce or procure not less than 12 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2015 through 2017 from renewable energy sources;

“(B) to produce or procure not less than 16 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2018 through 2020 from renewable energy sources;

“(C) to produce or procure not less than 20 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2021 through 2024 from renewable energy sources;”.

(b) **INCLUSION OF DIRECT SOLAR AS ENERGY EFFICIENT PRODUCT.**—Section 2915(e)(2)(A) of such title is amended by inserting “direct solar,” after “Roof-top solar thermal.”.

SEC. 312. STREAMLINED ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS.

(a) **IN GENERAL.**—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

“§2711. Annual report on defense environmental programs

“(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a

fiscal year, a report on defense environmental programs. Each report shall include:

“(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, the following elements:

“(A) Information on the Installation Restoration Program, including the following:

“(i) The total number of sites in the IRP.

“(ii) The number of sites in the IRP that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding calendar year.

“(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the environmental restoration program during the fiscal year for which the budget is submitted.

“(iv) The Secretary's assessment of the overall progress of the IRP.

“(B) Information on the Military Munitions Restoration Program (MMRP), including the following:

“(i) The total number of sites in the MMRP.

“(ii) The number of sites that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding calendar year.

“(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the MMRP during the fiscal year for which the budget is submitted.

“(iv) The Secretary's assessment of the overall progress of the MMRP.

“(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

“(A) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted; and

“(B) an explanation for any significant change in such amounts during the period covered.

“(3) With respect to the environmental technology program of the Department of Defense—

“(A) a report on the progress made by in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years; and

“(B) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted.

“(b) DEFINITIONS.—For purposes of this section—

“(1) the term ‘environmental quality program’ means a program of activities relating to environmental compliance, conservation, pollution prevention, and other activities relating to environmental quality as the Secretary may designate; and

“(2) the term ‘major activities’ with respect to an environmental program means—

“(A) environmental compliance activities;

“(B) conservation activities; and

“(C) pollution prevention activities.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2710 the following new item:

“2711. Annual report on defense environmental programs.”.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than \$45,000 to the Hazardous Substance Superfund Jackson Park Housing Complex, Washington, special account.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 7, 2009, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to submit a draft Final Remedial Investigation/Feasibility Study for the Jackson Park Housing Complex Operable Unit (OU-3T-JPHC) in accordance with the requirements of the Interagency Agreement (Administrative Docket No. CERCLA-10-2005-0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301 for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

SEC. 314. REQUIREMENTS RELATING TO AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to make a final decision on or final adjudication of any claim filed regarding water contamination at Marine Corps Base Camp Lejeune unless the Agency for Toxic Substances and Disease Registry completes all epidemiological and water modeling studies relevant to such contamination that are ongoing as of June 1, 2011, and certifies the completion of all such studies in writing to the Committees on Armed Services for the Senate and the House of Representatives. This provision does not prevent the use of funds for routine administrative tasks required to maintain such claims nor does it prohibit the use of funds for matters pending in Federal court.

(b) RESOLUTION OF CERTAIN DISPUTES.—The Secretary of the Navy shall make every effort to resolve any dispute arising between the Department of the Navy and the Agency for Toxic Substances and Disease Registry that is covered by the Interagency Agreement between the Department of Health and Human Services Agency for Toxic Substances and Disease Registry and the Department of the Navy or any successor memorandum of understanding and signed agreements not later than 60 days after the date on which the dispute first arises. In the event the Secretary is unable to resolve such a dispute within 60 days, the Secretary shall submit to the congressional defense committees a report on the reasons why an agreement has not yet been reached, the actions that the Secretary plans to take to reach agreement, and the schedule for taking such actions.

(c) COORDINATION PRIOR TO RELEASING INFORMATION TO THE PUBLIC.—The Secretary of the Navy shall make every effort to coordinate with the Agency for Toxic Substances and Disease Registry on all issues pertaining to water contamination at Marine Corps Base Camp Lejeune, and other exposed pathways before releasing anything to the public.

SEC. 315. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.

(a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE ARMED FORCES.—Subsection (b) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is amended to read as follows:

“(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

“(A) a ship of the Armed Forces described in paragraph (2); or

“(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

“(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

“(A) has unique military design, construction, manning, or operating requirements; and

“(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

“(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

“(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

“(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

“(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

“(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

“(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

“(III) With regard to a submersible, non-plastic garbage that has been compacted and weighted to ensure negative buoyancy.

“(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

“(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

“(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

“(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

“(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

“(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

“(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea.

“(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.”.

(b) CONFORMING AMENDMENTS.—Section 3(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(f)) is amended—

(1) in paragraph (1), by striking “Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)” and inserting “subsection (b)”; and

(2) in paragraph (2), by inserting “and subsection (b)(3)(B)(i) of this section” after “Annex V to the Convention”.

SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.”.

SEC. 317. INSTALLATION ENERGY METERING REQUIREMENTS.

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SEC. 318. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

Subtitle C—Workplace and Depot Issues

SEC. 321. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “Each fiscal year, the Secretary of a military department shall invest” and inserting “Each fiscal year, it shall be the objective of the Secretary of a military department to invest”;

(2) in subsection (b)—

(A) by striking “includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support” and inserting “includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support”; and

(B) by adding at the end the following: “It does not include funds spent for any other re-

pair or activity to maintain or sustain existing facilities, infrastructure, or equipment.”;

(3) in subsection (d)—

(A) by striking “(1) Not later than” and inserting “Not later than”;

(B) by striking “summarizing the level of capital investment for each military department” and inserting “summarizing the level of capital investment in the military departments”; and

(C) by striking paragraph (2); and

(4) in subsection (e)(1), by adding at the end the following new subparagraphs:

“(I) Crane Ammunition Activity, Indiana.

“(J) McAlester Ammunition Plant, Oklahoma.

“(K) Radford Ammunition Plant, Virginia.

“(L) Lake City Ammunition Plant, Missouri.

“(M) Holsten Ammunition Plant, Tennessee.

“(N) Scranton Ammunition Plant, Pennsylvania.

“(O) Iowa Ammunition Plant, Iowa.

“(P) Milan Ammunition Plant, Tennessee.

“(Q) Joint System Manufacturing Center, Lima Ohio.”.

SEC. 322. LIMITATION ON REVISING THE DEFINITION OF DEPOT-LEVEL MAINTENANCE.

(a) LIMITATION.—The Secretary of Defense or any of the Secretaries of the military departments may not issue guidance, regulations, policy, or revisions to any Department of Defense or service instructions containing a revision to the definition of depot-level maintenance unless the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) is a report prepared by the Defense Business Board regarding the advisability of establishing a single definition of depot-level maintenance, taking into consideration—

(1) the total industrial capacity, both in the private sector industry and in the depots;

(2) the importance of establishing requirements and allocating workload on the basis of sound business case analyses; and

(3) establishing transparency and accountability in the development of the core workload requirements and in the allocation of workload under the requirements in section 2466 of title 10, United States Code.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting “and may designate any military industrial facility” after “shall designate each depot-level activity”.

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde and Reset Program for the equipment used in support of operations in Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that

the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), an examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

Subtitle D—Reports

SEC. 331. STUDY ON AIR FORCE TEST AND TRAINING RANGE INFRASTRUCTURE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a study on the ability of the major air test and training range infrastructure,

including major military operating area airspace and special use airspace, to support the full spectrum of Air Force operations. The Secretary shall incorporate the results of the study into a master plan for requirements and proposed investments to meet Air Force training and test needs through 2025. The study and the master plan shall be known as the “2025 Air Test and Training Range Enhancement Plan”.

(2) **CONSULTATION.**—The Secretary of the Air Force shall, in conducting the study required under paragraph (1), consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges. The Secretary shall also consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges.

(3) **CONTINUATION OF RANGE INFRASTRUCTURE IMPROVEMENTS.**—The Secretary of the Air Force may proceed with all ongoing and scheduled range infrastructure improvements while conducting the study required under paragraph (1).

(b) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary of the Air Force shall submit to the congressional defense committees an interim report and a final report on the plan to meet the requirements under subsection (a) not later than one year and two years, respectively, after the date of the enactment of this Act.

(2) **CONTENT.**—The plan submitted under paragraph (1) shall—

(A) document the current condition and adequacy of the major Air Force test and training range infrastructure in the United States to meet test and training requirements;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of such infrastructure;

(C) identify potential issues and threats related to the sustainability of the test and training infrastructure, including electromagnetic spectrum encroachment, overall bandwidth availability, and protection of classified information;

(D) assess coordination among ranges and local, state, regional, and Federal entities involved in land use planning, and develop recommendations on how to improve communication and coordination of such entities;

(E) propose remedies and actions to manage economic development on private lands on or surrounding the test and training infrastructure to preserve current capabilities;

(F) identify critical parcels of land not currently under the control of the Air Force for acquisition of deed or restrictive easements in order to protect current operations, access and egress corridors, and range boundaries, or to expand the capability of the air test and training ranges;

(G) identify which parcels identified pursuant to subparagraph (F) could, through the acquisition of conservation easements, serve military interests while also preserving recreational access to public and private lands, protecting wildlife habitat, or preserving opportunities for energy development and energy transmission;

(H) prioritize improvements and modernization of the facilities, equipment, and technology supporting the infrastructure in order to provide a test and training environment that accurately simulates and or portrays the full spectrum of threats and targets of likely United States adversaries in 2025;

(I) incorporate emerging requirements generated by requirements for virtual training and new weapon systems, including the F-22, the F-35, space and cyber systems, and Remotely Piloted Aircraft;

(J) assess the value of State and local legislative initiatives to protect Air Force test and training range infrastructure;

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

(3) **FORM.**—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

(4) **RULE OF CONSTRUCTION.**—The reports submitted under this section shall not be construed as meeting the requirements of section 2815(d) of the Military Construction Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852).

SEC. 332. STUDY ON TRAINING RANGE INFRASTRUCTURE FOR SPECIAL OPERATIONS FORCES.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Commander of the United States Special Operations Command shall conduct a study on the ability of existing training ranges used by special operations forces, including military operating area airspace and special use airspace, to support the full spectrum of missions and operations assigned to special operations forces.

(2) **CONSULTATION.**—The Commander shall, in conducting the study required under paragraph (1), consult with the Secretaries of the military departments, the Office of the Secretary of Defense, and the Joint Staff on—

(A) procedures and priorities for joint use and training on ranges operated by the military services, and to assess the requirements needed to support combined arms training on the ranges; and

(B) requirements and proposed investments to meet special operations training requirements through 2025.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan to meet the requirements under subsection (a).

(2) **CONTENT.**—The study submitted under paragraph (1) shall—

(A) assess the current condition and adequacy of, and access to, all existing training ranges in the United States used by special operations forces;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of ranges used by special operations forces;

(C) identify issues and challenges related to the availability and sustainability of the existing training ranges used by special operations forces, including support of a full spectrum of operations and protection of classified missions and tactics;

(D) assess coordination among ranges and local, State, regional, and Federal entities involved in land use planning and the protection of ranges from encroachment;

(E) propose remedies and actions to ensure consistent and prioritized access to existing ranges;

(F) prioritize improvements and modernization of the facilities, equipment, and technology supporting the ranges in order to adequately simulate the full spectrum of threats and contingencies for special operations forces; and

(G) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade training range infrastructure.

(3) **FORM.**—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

SEC. 333. GUIDANCE TO ESTABLISH NON-TACTICAL WHEELED VEHICLE AND EQUIPMENT SERVICE LIFE EXTENSION PROGRAMS TO ACHIEVE COST SAVINGS.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a survey of the quantity and condition of each class of non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments and report to the congressional defense committees on the advisability of establishing service life extension programs for such classes of vehicles.

SEC. 334. MODIFIED DEADLINE FOR ANNUAL REPORT ON BUDGET SHORTFALLS FOR IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

Section 138c(e)(4) of title 10, United States Code, as transferred and redesignated by section 901(b)(7) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4320), is amended—

(1) by striking “10 days after the date on which the budget for a fiscal year is submitted pursuant to section 1105 of title 31” and inserting “March 31 each year, beginning March 31, 2012”; and

(2) by striking “for that fiscal year” and inserting “for the fiscal year beginning in that calendar year”.

Subtitle E—Other Matters

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH NON-ARMY ENTITIES.

(a) **EXTENSION OF AUTHORITY.**—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “enter into not more than eight contracts or cooperative agreements” and all that follows through the period at the end and inserting “enter into not more than 15 contracts or cooperative agreements in any fiscal year.”; and

(2) in subsection (k), by striking “September 30, 2014” and inserting “September 30, 2025”.

(b) **APPROVAL AUTHORITY.**—Subsection (f) of such section is amended by striking “exercised at the level of the commander of the major subordinate command” and all that follows through “The commander may approve” and inserting “exercised at the level of the Commander of Army Materiel Command. The Commander may approve”.

SEC. 342. WORKING-CAPITAL FUND ACCOUNTING.

Section 2208(k) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) All capital assets financed by a working-capital fund and subject to paragraph (2) shall be capitalized and depreciated for budgeting, rate setting, and financial accounting purposes. Procurements not subject to paragraph (2) shall be immediately expensed and shall not be capitalized or depreciated in financial accounting records or reported on financial statements as an asset.”.

SEC. 343. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

Section 346 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4191; 10 U.S.C. 2576 note) is amended to read as follows:

“SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

“(a) **COMMERCIAL SALE OF SMALL ARMS AMMUNITION, SMALL AMMUNITION COMPONENTS, AND FIRED CARTRIDGE CASES.**—Small arms ammunition and small ammunition components which are in excess of military requirements, and intact fired small arms cartridge cases shall be made available for commercial sale. Such small arms ammunition, small arms ammunition components, and intact fired cartridge cases shall not be demilitarized, destroyed, or disposed of, unless in excess of commercial demands or certified by the Secretary of Defense as unserviceable or unsafe. This provision shall not apply to ammunition, ammunition components, or fired cartridge cases stored or expended outside the continental United States (OCONUS).

“(b) **DEADLINE FOR GUIDANCE.**—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

“(c) **PREFERENCE.**—No small arms ammunition or small arms ammunition components in excess of military requirements, or fired small arms cartridge cases may be made available for commercial sale under this section before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to another Federal department or agency or for sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies pursuant to section 2576 of title 10, United States Code, as amended by this Act.

“(d) **SALES CONTROLS.**—All small arms ammunition and small arms ammunition components, and fired small arms cartridge cases made available for commercial sale under this section shall be subject to all explosives safety and trade security controls in effect at the time of sale.

“(e) **DEFINITIONS.**—In this section:

“(1) **SMALL ARMS AMMUNITION.**—The term ‘small arms ammunition’ means ammunition or ordnance for firearms up to and including .50 caliber and for shotguns.

“(2) **SMALL ARMS AMMUNITION COMPONENTS.**—The term ‘small arms ammunition components’ means components, parts, accessories, and attachments associated with small arms ammunition.

“(3) **FIRED CARTRIDGE CASES.**—The term ‘fired cartridge cases’ means expended small arms cartridge cases (ESACC).”

SEC. 344. AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS TO STUDY OPTIONS FOR MITIGATING ADVERSE EFFECTS OF PROPOSED OBSTRUCTIONS ON MILITARY INSTALLATIONS.

Section 358(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4201; 10 U.S.C. 44718 note) is amended by amending the second sentence to read as follows: “Amounts so accepted shall be and will remain available until expended for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such project

on military operations and readiness and the cost of studying options for mitigating such adverse impacts.”

SEC. 345. UTILITY DISRUPTIONS TO MILITARY INSTALLATIONS.

(a) **POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance for commanders of military installations inside the United States on planning measures to minimize the effects in the event of a disruption of services by a utility that sells natural gas, water, or electric energy to a military installation in the United States.

(b) **INSTALLATION PLANS.**—The guidance developed pursuant to subsection (a) shall require that, subject to such exceptions as the Secretary may determine to be appropriate, commanders of military installations inside the United States develop appropriate action plans to minimize the effects of events described in subsection (a).

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall review the actions taken pursuant to this section and submit to Congress a report on the guidance developed pursuant to subsection (a), the plans developed pursuant to subsection (b), and any additional measures that may be needed to minimize the effects of an unplanned disruption of services by utilities as described in subsection (a).

SEC. 346. ELIGIBILITY OF ACTIVE AND RESERVE MEMBERS, RETIREES, GRAY AREA RETIREES, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) **IN GENERAL.**—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

“§2641c. Space-available travel on department of defense aircraft: eligibility

“(a) **AUTHORITY TO ESTABLISH BENEFIT PROGRAM.**—The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis. The program shall be conducted in a budget neutral manner.

“(b) **BENEFIT.**—If the Secretary establishes such a program, the Secretary shall, subject to section (c), provide the benefit equally to the following individuals:

“(1) Active duty members and members of the Selected Reserve holding a valid Uniformed Services Identification and Privilege Card.

“(2) A retired member of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

“(3) An unmarried widow or widower of an active or reserve component member of the armed forces.

“(4) A dependent that—

“(A)(i) is the child of an active or reserve component member or former member described in paragraph (1) or (2); or

“(ii) is the child of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unmarried spouse; and

“(B) is accompanying the member or, in the case of a deceased member, is the surviving unmarried spouse of the deceased member or is a dependent accompanying the surviving unmarried spouse of the deceased member.

“(5) The surviving dependent of a deceased member or former member described in paragraph (2) holding a valid Uniformed Services Identification and Privilege Card, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unmarried spouse of the deceased member or is

a dependent accompanying the surviving unmarried spouse of the deceased member.

“(6) Other such individuals as determined by the Secretary in the Secretary’s discretion.

“(c) **DISCRETION TO ESTABLISH PRIORITY ORDER.**—The Secretary, in establishing a program under this section, may establish an order of priority that is based on considerations of military needs and military readiness.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft: eligibility.”

(c) **REQUIREMENT FOR COMPTROLLER GENERAL REVIEW.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(2) **ELEMENTS.**—The review required under paragraph (1) shall include the following elements:

(A) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(B) Estimates of the effect on availability based on future projections.

(C) A discussion of the logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(D) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(E) Other factors relating to the efficiency and cost effectiveness of space available travel.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

- (1) The Army, 562,000.
- (2) The Navy, 325,700.
- (3) The Marine Corps, 202,100.
- (4) The Air Force, 332,800.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

- (1) The Army National Guard of the United States, 358,200.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 66,200.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,700.
- (6) The Air Force Reserve, 71,400.
- (7) The Coast Guard Reserve, 10,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 32,060.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 10,688.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 14,584.
- (6) The Air Force Reserve, 2,992.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army Reserve, 8,395.

“Marine Corps:	
10,000	2,802
12,500	3,247
15,000	3,691
17,500	4,135
20,000	4,579
22,500	5,024
25,000	5,468

SEC. 502. VOLUNTARY RETIREMENT INCENTIVE.

(a) **IN GENERAL.**—Chapter 36 of title 10, United States Code, is amended by inserting after section 638a the following new section:

“§638b. Voluntary retirement incentive

“(a) **INCENTIVE FOR VOLUNTARY RETIREMENT FOR CERTAIN OFFICERS.**—The Secretary of Defense may authorize the Secretary of a military department to provide a voluntary retirement incentive payment in accordance with this section to an officer of the armed forces under that Secretary’s jurisdiction who is specified in subsection (b) as being eligible for such a payment. Any such authority provided the Secretary of a military department under the preceding sentence shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.

“(b) **ELIGIBLE OFFICERS.**—(1) Except as provided in paragraph (2), an officer of the armed forces is eligible for a voluntary retirement incentive payment under this section if the officer—

“(A) has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;

“(B) meets the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer in accordance with section 3911, 6323, or 8911 of this title, as applicable to that officer;

“(C) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement years of active service for the member’s grade as specified in section 633 or 634 of this title;

“(D) on the approved date of retirement, has 12 months or more remaining on active-duty

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,720.

(4) For the Air National Guard of the United States, 22,394.

SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2012, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2012, the maximum number of members of the reserve components of the

Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for military personnel for fiscal year 2012 a total of \$142,347,648,000.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY.

Section 523(a)(1) of title 10, United States Code, is amended by striking those parts of the table pertaining to the Marine Corps and inserting the following:

2,802	1,615	633
3,247	1,768	658
3,691	1,922	684
4,135	2,076	710
4,579	2,230	736
5,024	2,383	762
5,468	2,537	787”.

service before reaching the maximum retirement age under any other provision of law; and

“(E) meets any additional requirements for such eligibility as is specified by the Secretary concerned, including any requirement relating to years of service, skill rating, military specialty or competitive category, grade, any remaining period of obligated service, or any combination thereof.

“(2) The following officers are not eligible for a voluntary retirement incentive payment under this section:

“(A) An officer being evaluated for disability under chapter 61 of this title.

“(B) An officer projected to be retired under section 1201 or 1204 of this title.

“(C) An officer projected to be discharged with disability severance pay under section 1212 of this title.

“(D) A member transferred to the temporary disability retired list under section 1202 or 1205 of this title.

“(E) An officer subject to pending disciplinary action or subject to administrative separation or mandatory discharge under any other provision of law or regulation.

“(c) **AMOUNT OF PAYMENT.**—The amount of the voluntary retirement incentive payment paid an officer under this section shall be an amount determined by the Secretary concerned, but not to exceed an amount equal to 12 times the amount of the officer’s monthly basic pay at the time of the officer’s retirement. The amount may be paid in a lump sum at the time of retirement.

“(d) **REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.**—(1) Except as provided in paragraph (2), a member of the armed forces who, after having received all or part of a vol-

untary retirement incentive under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary retirement incentive received.

“(2) Members who are involuntarily recalled to active duty or full-time National Guard duty under any provision of law shall not be subject to this subsection.

“(3) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States. The authority in this paragraph may be delegated only to the Under Secretary of Defense for Personnel and Readiness and the Principal Deputy Under Secretary of Defense of Personnel and Readiness.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter IV of chapter 36 of such title is amended by inserting after the item relating to section 638a the following new item:

“638b. Voluntary retirement incentive.”.

SEC. 503. NATIONAL DEFENSE UNIVERSITY OUT-PLACEMENT WAIVER.

(a) **WAIVER AUTHORITY FOR OFFICERS NOT DESIGNATED AS JOINT QUALIFIED OFFICERS.**—Subsection (b) of section 663 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after “to a joint duty assignment” the following: “(or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment)”;

(2) in paragraph (2)—

(A) by striking “the joint duty assignment” and inserting “the assignment”; and

(B) by striking “a joint duty assignment” and inserting “such an assignment”.

(b) EXCEPTION.—Such section is further amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR OFFICERS GRADUATING FROM OTHER-THAN-IN-RESIDENCE PROGRAMS.—(1) Subsection (a) does not apply to an officer graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.

“(2) Subsection (b) does not apply with respect to any group of officers graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.”.

SEC. 504. MODIFICATION OF DEFINITION OF “JOINT DUTY ASSIGNMENT” TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking “assignments for joint” and all that follows through “Phase II” and inserting “student assignments for joint training and education”.

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR ORDER TO ACTIVE DUTY OF MEMBERS OF THE SELECTED RESERVE AND CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR PREPLANNED MISSIONS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12304 the following new section:

“§ 12304a. Selected Reserve and certain Individual Ready Reserve members: order to active duty for preplanned missions

“(a) AUTHORITY.—When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission, the Secretary may, subject to subsection (b), order any unit, and any member not assigned to a unit organized to serve as a unit, of the Selected Reserve (as defined in section 10143(a) of this title), or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary, under the jurisdiction of the Secretary, without the consent of the members, to active duty for not more than 365 consecutive days.

“(b) LIMITATIONS.—(1) Units or members may be ordered to active duty under this section only if—

“(A) the manpower and associated costs of such active duty are specifically included and identified in the defense budget materials for the fiscal year or years in which such units or members are anticipated to be ordered to active duty; and

“(B) the budget information on such costs includes a description of the mission for which such units or members are anticipated to be ordered to active duty and the anticipated length of time of the order of such units or members to active duty on an involuntary basis.

“(2) Not more than 60,000 members of the reserve components of the armed forces may be on active duty under this section at any one time.

“(c) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.

“(d) NOTICE TO CONGRESS.—Whenever the Secretary of a military department orders any

unit or member of the Selected Reserve or Individual Ready Reserve to active duty under subsection (a), such Secretary shall submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of such units or members.

“(e) TERMINATION OF DUTY.—Whenever any unit of the Selected Reserve or any member of the Selected Reserve not assigned to a unit organized to serve as a unit, or any member of the Individual Ready Reserve, is ordered to active duty under subsection (a), the service of all units or members so ordered to active duty may be terminated by—

“(1) order of the Secretary of the military department concerned, or

“(2) law.

“(f) RELATIONSHIP TO WAR POWERS RESOLUTION.—Nothing contained in this section shall be construed as amending or limiting the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(g) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY.—In determining which members of the Selected Reserve and the Individual Ready Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

“(1) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

“(2) the frequency of assignments during service career;

“(3) family responsibilities; and

“(4) employment necessary to maintain the national health, safety, or interest.

“(h) POLICIES AND PROCEDURES.—The Secretaries of the military departments shall prescribe policies and procedures to carry out this section, including on determinations of orders to active duty under subsection (g). Such policies and procedures shall not go into effect until approved by the Secretary of Defense.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘defense budget materials’ has the meaning given that term in section 231(d)(2) of this title.

“(2) The term ‘Individual Ready Reserve mobilization category’ means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by inserting after the item relating to section 12304 the following new item:

“12304a. Selected Reserve and certain Individual Ready Reserve members: order to active duty for preplanned missions.”.

(b) CLARIFYING AMENDMENTS RELATING TO AUTHORITY TO ORDER ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(a) of such title is amended—

(1) by inserting “named” before “operational mission”; and

(2) by striking “365 days” and inserting “365 consecutive days”.

SEC. 512. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR CERTAIN RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) CERTAIN RESERVE OFFICERS.—A reserve officer who is employed as military technician (dual status) under section 10216 of this title, and who has been retained beyond the mandatory removal date for years of service under section 10216(f) or 14702(a)(2) of this title, is not eli-

gible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.”.

SEC. 513. MODIFICATION OF TIME IN WHICH PREPARATION COUNSELING MUST BE PROVIDED TO RESERVE COMPONENT MEMBERS BEING DEMOBILIZED.

Section 1142(a)(3)(B) of title 10, United States Code, is amended by inserting “or in the event a member of a reserve component is being demobilized under circumstances in which (as determined by the Secretary concerned) operational requirements make the 90-day requirement under subparagraph (A) unfeasible,” after “or separation date.”.

SEC. 514. REPORT ON TERMINATION OF MILITARY TECHNICIAN AS A DISTINCT PERSONNEL MANAGEMENT CATEGORY.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall conduct an independent study of the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Secretary shall—

(1) identify various options for deploying units of the Selected Reserve of the Ready Reserve that otherwise use military technicians through use of a combination of active duty personnel, reserve component personnel, State civilian employees, and Federal civilian employees in a manner that meets mission requirements without harming unit readiness;

(2) identify various means for the management by the Department of the transition of military technicians to a system that relies on traditional personnel categories of active duty personnel, reserve component personnel, and civilian personnel, and for the management of any effects of that transition on the pay and benefits of current military technicians (including means for mitigating or avoiding such effects in the course of such transition);

(3) determine whether military technicians who are employed at the commencement of the transition described in paragraph (2) should remain as technicians, whether with or without a military status, until separation or retirement, rather than transitioned to such a traditional personnel category;

(4) identify and take into account the unique needs of the National Guard in the management and use of military technicians;

(5) determine potential cost savings, if any, to be achieved as a result of the transition described in paragraph (2), including savings in long-term mandatory entitlement costs associated with military and civil service retirement obligations;

(6) develop a recommendation on the feasibility and advisability of terminating the military technician as a distinct personnel management category, and, if the termination is determined to be feasible and advisable, develop recommendations for appropriate legislative and administrative action to implement the termination;

(7) address any other matter relating to the management and long-term viability of the military technician as a distinct personnel management category that the Secretary shall specify for purposes of the study; and

(8) ensure the involvement and input of military technicians (dual status).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, as amended by section 511(a)(1), is further amended by inserting after section 12304a the following new section:

“§12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

“(a) **AUTHORITY.**—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor’s request.

“(b) **EXCLUSION FROM STRENGTH LIMITATIONS.**—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

“(c) **TERMINATION OF DUTY.**—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

“12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.”.

(b) **TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.**—Section 101(a)(13)(B) of such title is amended by inserting “12304b,” after “12304.”.

(c) **USUAL AND CUSTOMARY ARRANGEMENT.**—

(1) **DUAL-STATUS COMMANDER.**—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) **STATE AUTHORITIES SUPPORTED.**—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the

principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) **RULE OF CONSTRUCTION.**—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

Subtitle C—General Service Authorities

SEC. 521. REPEAL OF MANDATORY HIGH-DEPLOYMENT ALLOWANCE.

(a) **REPEAL.**—Section 436 of title 37, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.

SEC. 522. PROHIBITION ON DENIAL OF REENLISTMENT OF MEMBERS FOR UNSUITABILITY BASED ON THE SAME MEDICAL CONDITION FOR WHICH THEY WERE DETERMINED TO BE FIT FOR DUTY.

(a) **PROHIBITION.**—Subsection (a) of section 1214a of title 10, United States Code, is amended by inserting “, or deny reenlistment of the member,” after “a member described in subsection (b)”.

(b) **CONFORMING AMENDMENT.**—Subsection (c)(3) of such section is amended by inserting “or denial of reenlistment” after “to warrant administrative separation”.

(c) **CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

“§1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1214a and inserting the following new item:

“1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation.”.

SEC. 523. EXPANSION OF REGULAR ENLISTED MEMBERS COVERED BY EARLY DISCHARGE AUTHORITY.

Section 1171 of title 10, United States Code, is amended by striking “within three months” and inserting “within one year”.

SEC. 524. EXTENSION OF VOLUNTARY SEPARATION PAY AND BENEFITS.

Section 1175a(k)(1) of title 10, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2018”.

SEC. 525. EMPLOYMENT SKILLS TRAINING FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE TRANSITIONING TO CIVILIAN LIFE.

Section 1143 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **EMPLOYMENT SKILLS TRAINING.**—(1) The Secretary of a military department may carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training to help prepare such members for employment in the civilian sector.

“(2) A member of the armed forces is an eligible member for purposes of a program under this subsection if the member—

“(A) has completed at least 180 days on active duty in the armed forces; and

“(B) is expected to be discharged or released from active duty in the armed forces within 180 days of the date of commencement of participation in such a program.

“(3) Any program under this subsection shall be carried out in accordance with regulations prescribed by the Secretary of Defense.”.

SEC. 526. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) **EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.**—

(1) **EQUAL TREATMENT.**—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))).

(2) **COVERED GRADUATES.**—Paragraph (1) applies with respect to a person who—

(A) receives a diploma from a secondary school that is legally operating; or

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) **POLICY ON RECRUITMENT AND ENLISTMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:

(1) Means for identifying persons described in subsection (a)(2) who are qualified for recruitment and enlistment in the Armed Forces, which may include the use of a noncognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) **RECRUITMENT PLAN.**—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) **COMMUNICATION PLAN.**—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy and recruitment plan are understood by military recruiters.

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

Subtitle D—Education and Training

SEC. 541. ENHANCEMENT OF AUTHORITIES ON JOINT PROFESSIONAL MILITARY EDUCATION.

(a) **AUTHORITY TO CREDIT MILITARY GRADUATES OF THE NATIONAL DEFENSE INTELLIGENCE COLLEGE WITH COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION PHASE I.**—

(1) **JOINT PROFESSIONAL MILITARY EDUCATION PHASE I.**—Section 2154(a)(1) of title 10, United States Code, is amended by inserting “or at a joint intermediate level school” before the period at the end.

(2) **JOINT INTERMEDIATE LEVEL SCHOOL DEFINED.**—Section 2151(b) of such title is amended by adding at the end the following new paragraph:

“(3) The term ‘joint intermediate level school’ includes the National Defense Intelligence College.”.

(b) **AUTHORITY FOR OTHER-THAN-IN RESIDENCE PROGRAM TAUGHT THROUGH JOINT FORCES STAFF COLLEGE.**—

(1) **IN GENERAL.**—Section 2154(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking “in residence at”;

(B) in subparagraph (A), by inserting “by” after “(A)”; and

(C) in subparagraph (B), by inserting “in residence at” after “(B)”.

(2) **CONFORMING AMENDMENT.**—Section 2156(b) of such title is amended by inserting “in residence” after “course of instruction offered”.

SEC. 542. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) **MEDICAL STUDENTS OF USUHS.**—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(b) **PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.**—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(c) **OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.**—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking “APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE” and inserting “SERVICE ON ACTIVE DUTY”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.”.

SEC. 543. RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.

(a) **RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.**—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES.**—(1) Under the stipend program under this chapter, the Secretary

of the military department concerned may enter into an agreement with a person who—

“(A) is eligible to be appointed as an officer in a reserve component;

“(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

“(C) signs an agreement that, unless sooner separated, the person will—

“(i) complete the educational phase of the program;

“(ii) accept a reappointment or redesignation within the person’s reserve component, if tendered, based upon the person’s health profession, following satisfactory completion of the educational and intern programs; and

“(iii) participate in a residency program if required for clinical licensure; and

“(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill that has been designated by the Secretary as a critically needed wartime skill.

“(2) Under the agreement—

“(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

“(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

“(D) the participant shall agree to serve, upon successful completion of the program, one year in the Ready Reserve for each six months, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.”.

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A), by striking “subsection (f)” and inserting “subsection (g)”; and

(2) in subsection (g), as redesignated by subsection (a)(1) of this section, by striking “subsection (b) or (c)” and inserting “subsection (b), (c), or (f)”.

SEC. 544. ENROLLMENT OF CERTAIN SERIOUSLY WOUNDED, ILL, OR INJURED FORMER OR RETIRED ENLISTED MEMBERS OF THE ARMED FORCES IN ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE IN ORDER TO COMPLETE DEGREE PROGRAM.

(a) **IN GENERAL.**—Section 9315 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.**—(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a former or retired enlisted member of the armed forces who at the time of the person’s separation from active duty—

“(A) had commenced but had not completed a program of higher education under subsection (a)(1); and

“(B) is categorized by the Secretary concerned as seriously wounded, ill, or injured.

“(2) A person may not be authorized under paragraph (1) to participate in a program of higher education after the end of the 10-year period beginning on the date of the person’s separation from active duty.”.

(b) **CONFORMING AMENDMENTS.**—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by striking “enlisted member” both places it appears and inserting “person”.

(c) **EFFECTIVE DATE.**—Subsection (c) of section 9315 of title 10, United States Code (as added by subsection (a)(2)), shall apply to persons covered by paragraph (1) of such subsection who are categorized by the Secretary concerned as seriously wounded, ill, or injured after September 11, 2001. With respect to any such person who is separated from active duty during the period beginning on September 12, 2001, and ending on the date of the enactment of this Act, the 10-year period specified in paragraph (2) of such subsection shall be deemed to commence on the date of the enactment of this Act.

SEC. 545. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF JUNIOR ROTC.

(a) **CONSOLIDATION.**—Chapter 152 of title 10, United States Code, is amended by inserting after section 2552 the following new section:

“§2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior R.O.T.C.

“The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers’ Training Corps is maintained if the educational institution—

“(1) offers a course in military training prescribed by that Secretary; and

“(2) has a student body of at least 100 physically fit students over 14 years of age.”.

(b) **CONFORMING REPEALS.**—Sections 4651, 7911, and 9651 of such title are repealed.

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections at the beginning of chapter 152 of such title is amended by inserting after the item relating to section 2552 the following new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior R.O.T.C.”.

(2) The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

SEC. 546. TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE MILITARY SERVICE ACADEMIES.

(a) **WAIVER FOR CERTAIN ENLISTED MEMBERS.**—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the member—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) was or is prevented from being admitted to a military service academy before the member reached the maximum age specified in such sections as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

(b) **MAXIMUM AGE FOR RECEIPT OF WAIVER.**—A waiver may not be granted under this section if the candidate would pass the candidate's twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy pursuant to the waiver.

(c) **LIMITATION ON NUMBER ADMITTED USING WAIVER.**—Not more than five candidates may be admitted to each of the military service academies for an academic year pursuant to a waiver granted under this section.

(d) **RECORD KEEPING REQUIREMENT.**—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

(e) **REPORTS.**—Not later than April 1, 2016, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—

(1) the number of applications for waivers received by the Secretary under this section;

(2) the number of waivers granted by the Secretary under this section;

(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(f) **DURATION OF WAIVER AUTHORITY.**—The authority to grant a waiver under this section expires on September 30, 2016.

SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) **PILOT PROGRAM REQUIRED.**—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) **ELEMENTS.**—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) **REPORT.**—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing

under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

Subtitle E—Military Justice and Legal Matters Generally

SEC. 551. REFORM OF OFFENSES RELATING TO RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) **RAPE AND SEXUAL ASSAULT GENERALLY.**—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended as follows:

(1) **REVISED OFFENSE OF RAPE.**—Subsection (a) is amended to read as follows:

“(a) **RAPE.**—Any person subject to this chapter who commits a sexual act upon another person by—

“(1) using unlawful force against that other person;

“(2) using force causing or likely to cause death or grievous bodily harm to any person;

“(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

“(4) first rendering that other person unconscious; or

“(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct; is guilty of rape and shall be punished as a court-martial may direct.”.

(2) **REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120b.**—Subsections (b), (d), (f), (g), (i), (j), and (o) are repealed.

(3) **REVISED OFFENSE OF SEXUAL ASSAULT.**—Subsection (c) is redesignated as subsection (b) and is amended to read as follows:

“(b) **SEXUAL ASSAULT.**—Any person subject to this chapter who—

“(1) commits a sexual act upon another person by—

“(A) threatening or placing that other person in fear;

“(B) causing bodily harm to that other person;

“(C) making a fraudulent representation that the sexual act serves a professional purpose; or

“(D) inducing a belief by any artifice, pretense, or concealment that the person is another person;

“(2) commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or

“(3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—

“(A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

“(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person; is guilty of sexual assault and shall be punished as a court-martial may direct.”.

(4) **AGGRAVATED SEXUAL CONTACT.**—Subsection (e) is redesignated as subsection (c) and is amended—

(A) by striking “engages in” and inserting “commits”; and

(B) by striking “with” and inserting “upon”.

(5) **ABUSIVE SEXUAL CONTACT.**—Subsection (h) is redesignated as subsection (d) and is amended—

(A) by striking “engages in” and inserting “commits”; and

(B) by striking “with” and inserting “upon”; and

(C) by striking “subsection (c) (aggravated sexual assault)” and inserting “subsection (b) (sexual assault)”.

(6) **REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120c.**—Subsections (k), (l), (m), and (n) are repealed.

(7) **PROOF OF THREAT.**—Subsection (p) is redesignated as subsection (e) and is amended—

(A) by striking “the accused made” and inserting “a person made”; and

(B) by striking “the accused actually” and inserting “the person actually”; and

(C) by inserting before the period at the end the following: “or had the ability to carry out the threat”.

(8) **DEFENSES.**—Subsection (q) is redesignated as subsection (f) and is amended to read as follows:

“(f) **DEFENSES.**—An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.”.

(9) **PROVISIONS RELATING TO AFFIRMATIVE DEFENSES.**—Subsections (r) and (s) are repealed.

(10) **DEFINITIONS.**—Subsection (t) is redesignated as subsection (g) and is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “or anus or mouth” after “vulva”; and

(ii) in subparagraph (B)—

(I) by striking “genital opening” and inserting “vulva or anus or mouth”; and

(II) by striking “a hand or finger” and inserting “any part of the body”; and

(B) by striking paragraph (2) and inserting the following:

“(2) **SEXUAL CONTACT.**—The term ‘sexual contact’ means—

“(A) touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or

“(B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.

Touching may be accomplished by any part of the body.”.

(C) by striking paragraph (4) and redesignating paragraph (3) as paragraph (4);

(D) by redesignating paragraph (8) as paragraph (3), transferring that paragraph so as to appear after paragraph (2), and amending that paragraph by inserting before the period at the end the following: “, including any nonconsensual sexual act or nonconsensual sexual contact”; and

(E) in paragraph (4), as redesignated by subparagraph (C), by striking the last sentence;

(F) by striking paragraphs (5) and (7);

(G) by redesignating paragraph (6) as paragraph (7);

(H) by inserting after paragraph (4), as redesignated by subparagraph (C), the following new paragraphs (5) and (6):

“(5) **FORCE.**—The term ‘force’ means—

“(A) the use of a weapon;

“(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or

“(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

“(6) UNLAWFUL FORCE.—The term ‘unlawful force’ means an act of force done without legal justification or excuse.”;

(I) in paragraph (7), as redesignated by subparagraph (G)—

(i) by striking “under paragraph (3)” and all that follows through “contact.”; and

(ii) by striking “death, grievous bodily harm, or kidnapping” and inserting “the wrongful action contemplated by the communication or action.”;

(J) by striking paragraphs (9) through (13);

(K) by redesignating paragraph (14) as paragraph (8) and in that paragraph—

(i) by inserting “(A)” before “The term”;

(ii) by striking “words or overt acts indicating” and “sexual” in the first sentence;

(iii) by striking “accused’s” in the third sentence;

(iv) by inserting “or social or sexual” before “relationship” in the fourth sentence;

(v) by striking “sexual” before “conduct” in the fourth sentence;

(vi) by striking “A person cannot consent” and all that follows through the period; and

(vii) by adding at the end the following new subparagraphs:

“(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (C) or (D) of subsection (b)(1).

“(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person’s actions.”; and

(L) by striking paragraphs (15) and (16).

(11) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

“§920. Art. 120. Rape and sexual assault generally”.

(b) RAPE AND SEXUAL ASSAULT OF A CHILD.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after section 920a (article 120a), as amended by subsection (a), the following new section (article):

“§920b. Art. 120b. Rape and sexual assault of a child

“(a) RAPE OF A CHILD.—Any person subject to this chapter who—

“(1) commits a sexual act upon a child who has not attained the age of 12 years; or

“(2) commits a sexual act upon a child who has attained the age of 12 years by—

“(A) using force against any person;

“(B) threatening or placing that child in fear;

“(C) rendering that child unconscious; or

“(D) administering to that child a drug, intoxicant, or other similar substance; is guilty of rape of a child and shall be punished as a court-martial may direct.

“(b) SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who commits a sexual act upon a child who has attained the age of 12 years is guilty of sexual assault of a child and shall be punished as a court-martial may direct.

“(c) SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

“(d) AGE OF CHILD.—

“(1) UNDER 12 YEARS.—In a prosecution under this section, it need not be proven that the accused knew the age of the other person engag-

ing in the sexual act or lewd act. It is not a defense that the accused reasonably believed that the child had attained the age of 12 years.

“(2) UNDER 16 YEARS.—In a prosecution under this section, it need not be proven that the accused knew that the other person engaging in the sexual act or lewd act had not attained the age of 16 years, but it is a defense in a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), which the accused must prove by a preponderance of the evidence, that the accused reasonably believed that the child had attained the age of 16 years, if the child had in fact attained at least the age of 12 years.

“(e) PROOF OF THREAT.—In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

“(f) MARRIAGE.—In a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), it is a defense, which the accused must prove by a preponderance of the evidence, that the persons engaging in the sexual act or lewd act were at that time married to each other, except where the accused commits a sexual act upon the person when the accused knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring or when the other person is incapable of consenting to the sexual act due to impairment by any drug, intoxicant, or other similar substance, and that condition was known or reasonably should have been known by the accused.

“(g) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this section. A child not legally married to the person committing the sexual act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

“(h) DEFINITIONS.—In this section:

“(1) SEXUAL ACT AND SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given those terms in section 920(g) of this title (article 120(g)).

“(2) FORCE.—The term ‘force’ means—

“(A) the use of a weapon;

“(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a child; or

“(C) inflicting physical harm.

In the case of a parent-child or similar relationship, the use or abuse of parental or similar authority is sufficient to constitute the use of force.

“(3) THREATENING OR PLACING THAT CHILD IN FEAR.—The term ‘threatening or placing that child in fear’ means a communication or action that is of sufficient consequence to cause the child to fear that non-compliance will result in the child or another person being subjected to the action contemplated by the communication or action.

“(4) CHILD.—The term ‘child’ means any person who has not attained the age of 16 years.

“(5) LEWD ACT.—The term ‘lewd act’ means—

“(A) any sexual contact with a child;

“(B) intentionally exposing one’s genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;

“(C) intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

“(D) any indecent conduct, intentionally done with or in the presence of a child, includ-

ing via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.”.

(c) OTHER SEXUAL MISCONDUCT.—Such chapter (the Uniform Code of Military Justice) is further amended by inserting after section 920b (article 120b), as added by subsection (b), the following new section:

“§920c. Art. 120c. Other sexual misconduct

“(a) INDECENT VIEWING, VISUAL RECORDING, OR BROADCASTING.—Any person subject to this chapter who, without legal justification or lawful authorization—

“(1) knowingly and wrongfully views the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy;

“(2) knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy; or

“(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2);

is guilty of an offense under this section and shall be punished as a court-martial may direct.

“(b) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.

“(c) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.

“(d) DEFINITIONS.—In this section:

“(1) ACT OF PROSTITUTION.—The term ‘act of prostitution’ means a sexual act or sexual contact (as defined in section 920(g) of this title (article 120(g))) on account of which anything of value is given to, or received by, any person.

“(2) PRIVATE AREA.—The term ‘private area’ means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

“(3) REASONABLE EXPECTATION OF PRIVACY.—The term ‘under circumstances in which that other person has a reasonable expectation of privacy’ means—

“(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured; or

“(B) circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.

“(4) BROADCAST.—The term ‘broadcast’ means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

“(5) DISTRIBUTE.—The term ‘distribute’ means delivering to the actual or constructive possession of another, including transmission by electronic means.

“(6) INDECENT MANNER.—The term ‘indecent manner’ means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.”.

(d) REPEAL OF SODOMY ARTICLE.—Section 925 of such title (article 125 of the Uniform Code of Military Justice) is repealed.

(e) **CONFORMING AMENDMENTS.**—Chapter 47 of such title (the Uniform Code of Military Justice) is further amended as follows:

(1) **STATUTE OF LIMITATIONS.**—Subparagraph (B) of section 843(b)(2) (article 43(b)(2)) is amended—

(A) in clause (i), by striking “section 920 of this title (article 120)” and inserting “section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)”;

(B) by striking clause (iii); and

(C) in clause (v)—

(i) by striking “indecent assault”;

(ii) by striking “rape, or sodomy,” and inserting “or rape,”; and

(iii) by striking “or liberties with a child”.

(2) **MURDER.**—Paragraph (4) of section 918 (article 118) is amended—

(A) by striking “sodomy,”; and

(B) by striking “aggravated sexual assault,” and all that follows through “with a child,” and inserting “sexual assault, sexual assault of a child, aggravated sexual contact, sexual abuse of a child,”.

(f) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of subchapter X of such chapter (the Uniform Code of Military Justice) is amended—

(1) by striking the items relating to sections 920 and 920a (articles 120 and 120a) and inserting the following new items:

“920. 120. Rape and sexual assault generally.

“920a. 120a. Stalking.

“920b. 120b. Rape and sexual assault of a child.

“920c. 120c. Other sexual misconduct.”;

and

(2) by striking the item relating to section 925 (article 125).

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to offenses committed on or after such date.

SEC. 552. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY EVIDENCE.

(a) **SUBPOENA DUCES TECUM.**—Section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking “board,” and inserting “board, or has been duly issued a subpoena duces tecum for an investigation, including an investigation pursuant to section 832(b) of this title (article 32(b)); and”;

(2) in subsection (c), by striking “or board” and inserting “board, trial counsel, or convening authority”.

(b) **REPEAL OF OBSOLETE PROVISIONS RELATING TO FEES AND MILEAGE PAYABLE TO WITNESSES.**—Such section is further amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2); and

(2) by striking subsection (d).

(c) **TECHNICAL AMENDMENTS.**—Subsection (a) of such section is further amended by striking “subpoenaed” in paragraphs (1) and (2), as redesignated by subsection (b)(1)(B), and inserting “subpoenaed”.

(d) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to subpoenas issued after the date of the enactment of this Act.

SEC. 553. PROCEDURES FOR JUDICIAL REVIEW OF CERTAIN MILITARY PERSONNEL DECISIONS.

(a) **PROHIBITED PERSONNEL ACTIONS.**—Section 1034 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

“(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of

the member or former member’s record, the member or former member shall be provided a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.”;

(2) in subsection (g)—

(A) by inserting “(1)” before “Upon the completion of all”; and

(B) by adding at the end the following new paragraph:

“(2) A submittal to the Secretary of Defense under paragraph (1) must be made within 90 days of the receipt of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the member or former member’s record, the member or former member shall be provided a concise written statement of the basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.”;

(3) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(4) by inserting after subsection (g) the following new subsection (h):

“(h) **JUDICIAL REVIEW.**—A decision of the Secretary of Defense under subsection (g) or, in a case in which review by the Secretary of Defense under subsection (g) was not sought or in a case arising out of the Coast Guard when the Coast Guard is not operating as a service in the Navy, a decision of the Secretary of a military department or the Secretary of Homeland Security under subsection (f) shall be subject to judicial review only as provided in section 1560 of this title.”.

(b) **CORRECTION OF MILITARY RECORDS.**—Section 1552 of such title is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections:

“(g) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction, the claimant shall be provided a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.

“(h) If an application for correction of military records involves a historically significant military event (as defined by the Secretary concerned), or would, if the application is approved, substantially modify the results of any disciplinary action or promotion decision regarding a general or flag officer which includes in the remedy a promotion by and with the advice and consent of the Senate, the Secretary concerned shall ensure that an advisory opinion is included in the record of the decision that includes a detailed chronology of the events in question and, at a minimum, considers the following information:

“(1) A thorough compilation of the information available in the historical record, including testimony, contemporary written statements, and all available records which formed the basis for the military records in question.

“(2) The testimony or written views of contemporary decision makers, if available, regarding the matters raised in the application for relief regarding the military records in question.

“(3) A summary of the available evidence for and against the position taken by the applicant.

“(i) A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1560 of this title.”.

(c) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Chapter 79 of such title is amended by adding at the end the following new section:

“§ 1560. Judicial review of decisions

“(a) After a final decision is issued pursuant to section 1552 of this title, or is issued by the Secretary of a military department or the Secretary of Homeland Security pursuant to section 1034(f) of this title or the Secretary of Defense pursuant to section 1034(g) of this title, any person aggrieved by the decision may obtain judicial review.

“(b) In exercising its authority under this section, the reviewing court shall review the record and may hold unlawful and set aside any decision demonstrated by the petitioner in the record to be—

“(1) arbitrary or capricious;

“(2) not based on substantial evidence;

“(3) a result of material error of fact or material administrative error, but only if the petitioner identified to the correction board how the failure to follow procedures substantially prejudiced the petitioner’s right to relief, and shows to the reviewing court by a preponderance of the evidence that the error was harmful; or

“(4) otherwise contrary to law.

“(c) Upon review under this section, the reviewing court shall affirm, modify, vacate, or reverse the decision, or remand the matter, as appropriate.

“(d) No judicial review may be made under this section unless the petitioner shall first have requested a correction under section 1552 of this title, and the Secretary concerned shall have rendered a final decision denying that correction in whole or in part. In a case in which the final decision of the Secretary concerned is subject to review by the Secretary of Defense under section 1034(g) of this title, the petitioner is not required to seek such review by the Secretary of Defense before obtaining judicial review under this section. If the petitioner seeks review by the Secretary of Defense under section 1034(g) of this title, no judicial review may be made until the Secretary of Defense shall have rendered a final decision denying that request in whole or in part.

“(e) In the case of a final decision described in subsection (a) made on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, a petition for judicial review under this section must be filed within three years of the date on which the final decision was actually received by the petitioner.

“(f) Notwithstanding subsections (a), (b), and (c), a reviewing court does not have jurisdiction to entertain any matter or issue raised in a petition of review under this section that is not justiciable.

“(g)(1) In the case of a cause of action arising after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, no court shall have jurisdiction to entertain any request for correction of records cognizable under section 1552 of this title, except as provided in this section.

“(2) In the case of a cause of action arising after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, except as provided by chapter 153 of title 28 and this chapter, no court shall have jurisdiction over any civil action or claim seeking, in whole or in part, to challenge any decision for which administrative review is available under section 1552 of this title.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 79 of such title is amended by adding at the end the following new item:

“1560. Judicial review of decisions.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect one year after

the date of the enactment of this Act. Such amendments shall apply to all final decisions of the Secretary of Defense under section 1034(g) of title 10, United States Code, and of the Secretary of a military department or the Secretary of Homeland Security under section 1034(f) or 1552 of title 10, United States Code, whether rendered before or after the date of the enactment of this Act. During the period between the date of the enactment of this Act and the date on which the amendments made by this section take effect, in any case in which the final decision of the Secretary of Defense under section 1034 of title 10, United States Code, or the Secretary concerned under section 1552 of title 10, United States Code, results in denial, in whole or in part, of any requested correction of a record of a member, former member, or claimant, the individual shall be informed in writing of the time for obtaining review of the decision pursuant to section 1560 of title 10, United States Code, as provided therein.

(e) **IMPLEMENTATION.**—The Secretaries concerned may prescribe appropriate regulations, and interim guidance before prescribing such regulations, to implement the amendments made by this section. In the case of the Secretary of a military department, such regulations may not take effect until approved by the Secretary of Defense.

(f) **CONSTRUCTION.**—This section does not affect the authority of any court to exercise jurisdiction over any case which was properly before it before the effective date specified in subsection (d).

(g) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 554. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL REPRESENTATION FOR MEMBERS OF THE ARMED FORCES.

(a) **SUPPORT AUTHORIZED.**—The Secretary of Defense may provide support to one or more public or private programs designed to facilitate representation by attorneys who provide pro bono legal assistance of members of the Armed Forces who are in need of such representation.

(b) **FINANCIAL SUPPORT.**—

(1) **IN GENERAL.**—The support provided a program under subsection (a) may include financial support of the program.

(2) **LIMITATION ON AMOUNT.**—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed \$500,000.

(3) **DETERMINATION.**—The Secretary may not provide financial support under subsection (a) unless the Secretary determines that services available at no cost to the Department of Defense or individual members of the Armed Forces that facilitate representation by attorneys who provide pro bono legal assistance to members of the Armed Forces who are in need of such assistance are not available.

(4) **FUNDING.**—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

Subtitle F—Sexual Assault Prevention and Response

SEC. 561. DIRECTOR OF THE SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4431; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: “, who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position”.

SEC. 562. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) **GUIDANCE REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the appropriate recommendations of the Report of the Defense Task Force on Sexual Assault in the Military Services (December 2009). Such guidance shall—

(1) require the Secretary of each military department to determine (which determination shall be based on the unique mission, military population, and force structure of the applicable Armed Force) the appropriate number of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates to be assigned to deployed and non-deployed military units under the jurisdiction of such Secretary;

(2) require that each installation or similar organizational level have at least one Sexual Assault Response Coordinator;

(3) establish, or require the Secretary of each military department to establish, credentialing programs for Sexual Assault Response Coordinators and for Sexual Assault Victim Advocates; and

(4) ensure that, after October 1, 2013, only members of the Armed Forces on active duty or full-time civilian employees of the Department of Defense who have obtained the appropriate credentials under a program under paragraph (3) may be assigned to duty as a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit Congress a report on the status of the implementation of the recommendations of the Defense Task Force on Sexual Assault in the Military Services. The report shall set forth the anticipated date of the completion of the implementation by each military department of the guidance issued under subsection (a).

SEC. 563. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL ASSISTANCE AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) **LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT.**—Not later than 60 days after the date of the enactment of this Act, the Secretaries of the military departments shall prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel pursuant to section 1044 of title 10, United States Code.

(b) **ASSISTANCE AND REPORTING.**—

(1) **IN GENERAL.**—Chapter 80 of title 10, United States Code, is amended by inserting after section 1565a the following new section:

“§1565b. **Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates**

“(a) **AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.**—(1) A member of the armed forces who is the victim of a sexual assault may be provided the following:

“(A) Legal assistance provided by military or civilian legal assistance counsel pursuant to section 1044 of this title.

“(B) Assistance provided by a Sexual Assault Response Coordinator.

“(C) Assistance provided by a Sexual Assault Victim Advocate.

“(2) A member of the armed forces who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member seeks assistance from a Sexual Assault Response Coordinator, a Sexual As-

sault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.

“(3) **Legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates** under paragraph (1) shall be available to a member regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

“(b) **RESTRICTED REPORTING.**—(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces who is the victim of a sexual assault may elect to confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance under section 1044 of this title, or counseling, without initiating an official investigation of the allegations.

“(2) The individuals specified in this paragraph are the following:

“(A) A military legal assistance counsel.

“(B) A Sexual Assault Response Coordinator.

“(C) A Sexual Assault Victim Advocate.

“(D) Healthcare personnel specifically identified in the regulations required by paragraph (1).

“(E) A chaplain.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1565a the following new item:

“1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.”.

SEC. 564. REQUIREMENT FOR PRIVILEGE IN CASES ARISING UNDER UNIFORM CODE OF MILITARY JUSTICE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE COORDINATORS, SEXUAL ASSAULT VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.

Not later than 60 days after the date of the enactment of this Act, the President shall establish in the Manual for Courts-Martial an evidentiary privilege against disclosure of certain communications by victims of sexual assault with Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, and such other persons as the President shall specify for purposes of the privilege.

SEC. 565. EXPEDITED CONSIDERATION AND DECISION-MAKING ON REQUESTS FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER OF VICTIMS OF SEXUAL ASSAULT.

(a) **EXPEDITED CONSIDERATION AND PRIORITY FOR DECISION-MAKING.**—The Secretaries of the military departments shall provide guidance on expedited consideration and decision-making, to the maximum extent practicable, on requests for a permanent change of station or unit transfer submitted by a member of the Armed Forces serving on active duty who was a victim of a sexual assault.

(b) **REGULATIONS.**—The Secretaries of the military departments shall prescribe regulations to carry out this section.

SEC. 566. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON RETENTION AND ACCESS TO EVIDENCE AND RECORDS RELATING TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) **COMPREHENSIVE POLICY ON RETENTION AND ACCESS TO RECORDS.**—Not later than February 1, 2013, the Secretary of Defense shall, in

consultation with the Secretary of Veterans Affairs, develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

(b) **OBJECTIVES.**—The comprehensive policy required by subsection (a) shall include policies and procedures (including systems of records) necessary to ensure preservation of records and evidence for periods of time that ensure that members of the Armed Forces and veterans of military service who were the victims of sexual assault during military service are able to substantiate claims for veterans benefits, to support criminal or civil prosecutions by military or civil authorities, and for such purposes relating to the documentation of the incidence of sexual assault in the Armed Forces as the Secretary of Defense considers appropriate.

(c) **ELEMENTS.**—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall consider, at a minimum, the following matters:

(1) Identification of records, including non-Department of Defense records, relating to an incident of sexual assault, that must be retained.

(2) Criteria for collection and retention of records.

(3) Identification of physical evidence and non-documentary forms of evidence relating to sexual assaults that must be retained.

(4) Length of time records and evidence must be retained, except that the length of time documentary evidence, physical evidence and forensic evidence must be retained shall be not less than five years.

(5) Locations where records must be stored.

(6) Media which may be used to preserve records and assure access, including an electronic systems of records.

(7) Protection of privacy of individuals named in records and status of records under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), section 552a of title 5, United States Code (commonly referred to as the “Privacy Act”), and laws related to privilege.

(8) Access to records by victims of sexual assault, the Department of Veterans Affairs, and others, including alleged assailants and law enforcement authorities.

(9) Responsibilities for record retention by the military departments.

(10) Education and training on record retention requirements.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(d) **UNIFORM APPLICATION TO MILITARY DEPARTMENTS.**—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

Subtitle G—Defense Dependents’ Education

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2012 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

SEC. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF AUTHORITIES ON TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

(a) **ADDITIONAL AUTHORITIES.**—Paragraph (2)(B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended—

(1) by inserting “grant assistance” after “To provide”; and

(2) by striking “including—” and all that follows and inserting “including programs on the following:

“(i) Access to virtual and distance learning capabilities and related applications.

“(ii) Training for teachers.

“(iii) Academic strategies to increase academic achievement.

“(iv) Curriculum development.

“(v) Support for practices that minimize the impact of transition and deployment.

“(vi) Other appropriate services to improve the academic achievement of such students.”.

(b) **THREE-YEAR EXTENSION.**—Paragraph (3) of such section is amended by striking “September 30, 2013” and inserting “September 30, 2016”.

Subtitle H—Military Family Readiness

SEC. 576. MODIFICATION OF MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Subsection (b) of section 1781a of title 10, United States Code, is amended to read as follows:

“(b) **MEMBERS.**—(1) The Council shall consist of the following members:

“(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary’s absence.

“(B) The following, who shall be appointed or designated by the Secretary of Defense:

“(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom may be a member of the armed force to be represented, the spouse of such a member, or the parent of such a member, and may represent either the regular component or a reserve component of that armed force.

“(ii) One representative of the Army National Guard or Air National Guard, who may be a member of the National Guard, the spouse of such a member, or the parent of such a member.

“(iii) One spouse of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse of a regular component member and two of whom shall be the spouse of a reserve component member.

“(iv) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

“(v) The senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.

“(C) The Director of the Office of Community Support for Military Families with Special Needs.

“(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of paragraph (1)(B) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that paragraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

“(B) The term on the Council of the members appointed under clause (iv) of paragraph (1)(B) shall be three years.”.

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) **ELEMENTS.**—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) **DEPARTMENT OF DEFENSE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate)

for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

Subtitle I—Other Matters

SEC. 581. COLD WAR SERVICE MEDAL.

(a) **MEDAL AUTHORIZED.**—The Secretary of Defense may authorize the issuance by the Secretaries concerned of a service medal, to be known as the “Cold War Service Medal”, to persons eligible to receive the medal under the regulations under subsection (b).

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—The issuance of a Cold War Service Medal under this section shall be subject to regulations prescribed by Secretary of Defense.

(2) **ELEMENTS.**—The regulations shall—

(A) provide for an appropriate design for the Cold War Service Medal; and

(B) specify the persons eligible to receive the medal.

(c) **SECRETARIES CONCERNED DEFINED.**—In this section, the term “Secretaries concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 582. ENHANCEMENT AND IMPROVEMENT OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) **INCLUSION OF PROGRAMS OF OUTREACH IN PROGRAM.**—Subsection (b) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended by inserting “(including programs of outreach)” after “informational events and activities”.

(b) **RESTATEMENT OF FUNCTIONS OF CENTER FOR EXCELLENCE IN REINTEGRATION AND INCLUSION IN FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN PROGRAMS OF OUTREACH.**—Subsection (d)(2) of such section is amended by striking the second, third, and fourth sentences and inserting the following: “The Center shall have the following functions:

“(A) To collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs.

“(B) To assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

“(C) To develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).

“(D) To develop and implement a process for identifying best practices in the delivery of information and services in programs of outreach as described in subsection (j).”.

(c) **STATE-LED PROGRAMS OF OUTREACH.**—Such section is further amended by adding at the end the following new subsection:

“(j) **STATE-LED PROGRAMS OF OUTREACH.**—The Office for Reintegration Programs may work with the States, whether acting through or in coordination with their National Guard and Reserve organizations, to assist the States and such organizations in developing and carrying out programs of outreach for members of the Armed Forces and their families to inform and educate them on the assistance and services available to them under the Yellow Ribbon Reintegration Program, including the assistance and services described in subsection (h).”.

(d) **SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.**—Such section is further amended by adding at the end the following new subsection:

“(k) **SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.**—For purposes of this section, the activities and services provided under programs of outreach may include personalized and substantive care coordination services targeted specifically to individual members of the Armed Forces and their families.”.

SEC. 583. REPORT ON PROCESS FOR EXPEDITED DETERMINATION OF DISABILITY OF MEMBERS OF THE ARMED FORCES WITH CERTAIN DISABLING CONDITIONS.

(a) **IN GENERAL.**—Not later than September 1, 2012, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect members of the Armed Forces, including regular members and members of the reserve components, who suffer from certain disabling diseases or conditions. If the establishment of such a process is considered feasible and advisable, the report shall set forth such recommendations for legislative and administrative action as the Secretary consider appropriate for the establishment of such process.

(b) **REQUIREMENTS FOR STUDY FOR REPORT.**—

(1) **EVALUATION OF APPROPRIATE ELEMENTS OF SIMILAR FEDERAL PROGRAMS.**—In conducting the study required for purposes of the preparation of the report required by subsection (a), the Secretary of Defense shall evaluate elements of programs for expedited determinations of disability that are currently carried out by other departments and agencies of the Federal Government, including the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration.

(2) **CONSULTATION.**—The Secretary of Defense shall conduct the study in consultation with the Secretary of Veterans Affairs.

SEC. 584. REPORT ON THE ACHIEVEMENT OF DIVERSITY GOALS FOR THE LEADERSHIP OF THE ARMED FORCES.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the achievement of diversity goals for the leadership of the Armed Forces.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment by each Secretary of a military department of progress towards the achievement of diversity goals for the leadership within each Armed Force under the jurisdiction of such Secretary, including the reserve components of such Armed Force.

(2) A discussion of the findings and recommendations included in the final report of the Military Leadership Diversity Commission entitled “From Representation to Inclusion: Diversity Leadership for the 21st Century Military”, and in other relevant policies, studies, reports, evaluations, and assessments.

SEC. 585. SPECIFICATION OF PERIOD IN WHICH APPLICATION FOR VOTER REGISTRATION OR ABSENTEE BALLOT FROM AN OVERSEAS VOTER IS VALID.

Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-3) is amended—

(1) by inserting “or overseas voter” after “absent uniformed services voter”; and

(2) by striking “members of the uniformed services” and inserting “uniformed services voters or overseas voters”.

SEC. 586. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

SEC. 587. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) **AUTHORITIES RELATING TO RESERVE FORCES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

(b) **TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) **TITLE 37 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(9) Section 335(k), relating to bonus and incentive pay authorities for officers in health professions.

(d) **AUTHORITIES RELATING TO NUCLEAR OFFICERS.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

(4) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(e) **AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 351(h), relating to hazardous duty pay.

(5) Section 352(g), relating to assignment pay or special duty pay.

(6) Section 353(i), relating to skill incentive pay or proficiency bonus.

(7) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(f) **OTHER TITLE 37 BONUS AND SPECIAL PAY AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between the Armed Forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

(g) **INCREASED BAH FOR AREAS EXPERIENCING DISASTERS OR SUDDEN INCREASES IN PERSONNEL.**—Section 403(b)(7)(E) of title 37, United States Code, is amended by inserting before the period at the end the following: “, except that such an increase may be prescribed for the period beginning on January 1, 2012, and ending on December 31, 2012”.

SEC. 612. MODIFICATION OF QUALIFYING PERIOD FOR PAYMENT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND HAZARDOUS DUTY SPECIAL PAY.

(a) **HOSTILE FIRE AND IMMINENT DANGER PAY.**—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a), by striking “for any month or portion of a month” and inserting “for any day or portion of a day”;

(2) by striking subsection (b) and inserting the following new subsection (b):

“(b) **SPECIAL PAY AMOUNT.**—The amount of special pay authorized by subsection (a) for a day or portion of a day may not exceed an amount equal to \$225 divided by the number of days of the month in which such day falls.”;

(3) in subsection (c)(1), by inserting “for any day (or portion of a day) of” before “not more than three additional months”; and

(4) in subsection (d)(2), by striking “any month” and inserting “any day”.

(b) **HAZARDOUS DUTY PAY.**—Section 351(c)(2) of such title is amended by striking “receipt of hazardous duty pay,” and all that follows and inserting “receipt of hazardous duty pay—

“(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned shall prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month; and

“(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2011, and shall apply with respect to duty performed on or after that date.

Subtitle B—Consolidation and Reform of Travel and Transportation Authorities

SEC. 621. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.

(a) **PURPOSE.**—This section establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.

(b) **CONSOLIDATED AUTHORITIES.**—Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

“CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

“Sec.

“SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

“451. Definitions.

“452. Allowable travel and transportation: general authorities.

“453. Allowable travel and transportation: specific authorities.

“454. Travel and transportation: pilot programs.

“455. Appropriations for travel: may not be used for attendance at certain meetings.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

“461. Relationship to other travel and transportation authorities.

“462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.

“463. Program of compliance; electronic processing of travel claims.

“464. Regulations.

“SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

“471. Travel authorities transition expiration date.

“472. Definitions and other incorporated provisions of chapter 7.

“474. Travel and transportation allowances: general.

“474a. Travel and transportation allowances: temporary lodging expenses.

“474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.

“475. Travel and transportation allowances: per diem while on duty outside the continental United States.

“475a. Travel and transportation allowances: departure allowances.

“476. Travel and transportation allowances: dependents; baggage and household effects.

“476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.

“476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.

“476c. Travel and transportation allowances: members assigned to a vessel under construction.

“477. Travel and transportation allowances: dislocation allowance.

“478. Travel and transportation allowances: travel within limits of duty station.

“478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.

“479. Travel and transportation allowances: house trailers and mobile homes.

“480. Travel and transportation allowances: miscellaneous categories.

“481. Travel and transportation allowances: administrative provisions.

“481a. Travel and transportation allowances: travel performed in connection with convalescent leave.

“481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.

“481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.

“481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.

“481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.

“481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies.

“481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.

“481i. Travel and transportation allowances: parking expenses.

“481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.

“481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.

“481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.

“484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.

“488. Allowance for recruiting expenses.

“489. Travel and transportation allowances: minor dependent schooling.

“490. Travel and transportation: dependent children of members stationed overseas.

“491. Benefits for certain members assigned to the Defense Intelligence Agency.

“492. Travel and transportation: members escorting certain dependents.

“494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.

“495. Funeral honors duty: allowance.

“SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

“§ 451. Definitions

“(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

“(1) The term ‘administering Secretary’ or ‘administering Secretaries’ means the following:

“(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

“(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

“(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

“(2) The term ‘authorized traveler’ means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

“(A) A member of the uniformed services.

“(B) A family member of a member of the uniformed services.

“(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

“(D) A person who participates in a military funeral honors detail.

“(E) A Senior Reserve Officers’ Training Corps cadet or midshipman.

“(F) An applicant or rejected applicant for enlistment.

“(G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.

“(H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of a particular travel incident.

“(3) The term ‘family member’, with respect to a member of the uniformed services, means the following:

“(A) A dependent.

“(B) A child, as defined in section 401(b)(1) of this title.

“(C) A parent, as defined in section 401(b)(2) of this title.

“(D) A sibling of the member.

“(E) A former spouse of the member.

“(F) Any person not covered by subparagraphs (A) through (E) who is in a category specified in regulations prescribed under section 464 of this title as having an association, connection, or affiliation with a member or the family of a member, including any person specifically designated by a member to receive travel benefits for a particular purpose.

“(4) The term ‘dependent’, with respect to a member of the uniformed services, has the meaning given that term in section 401(a) of this title.

“(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

“(1) The term ‘official travel’ means the following:

“(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

“(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

“(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

“(D) Local travel in or around the temporary duty or permanent duty station.

“(E) Other travel as authorized or ordered by the administering Secretary.

“(2) The term ‘actual and necessary expenses’ means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

“(3) The term ‘travel allowances’ means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

“(4) The term ‘transportation allowances’ means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

“(5) The term ‘transportation-, lodging-, or meals-in-kind’ means transportation, lodging, or meals provided by the Government without cost to an authorized traveler.

“(6) The term ‘miscellaneous expenses’ means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

“(7) The term ‘personal property’, with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

“(8) The term ‘relocation allowances’ means the costs associated with relocating a member of the uniformed services and the member’s dependents between an old and new temporary or permanent duty assignment location or other authorized location.

“(9) The term ‘dislocation allowances’ means the costs associated with relocation of the household of a member of the uniformed services and the member’s dependents in relation to a change in the member’s permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

“§ 452. Allowable travel and transportation: general authorities

“(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

“(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

“(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

“(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

“(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

“(4) Recruiting duties for the armed forces.

“(5) Assignment or detail to another Government department or agency.

“(6) Rest and recuperative leave.

“(7) Convalescent leave.

“(8) Reenlistment leave.

“(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member’s permanent residence.

“(10) Ready Reserve muster duty.

“(11) Unusual, extraordinary, hardship, or emergency circumstances.

“(12) Presence of family members at a military medical facility incident to the illness or injury of members.

“(13) Presence of family members at the repatriation of members held captive.

“(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

“(15) Attendance at Yellow Ribbon Reintegration Program events.

“(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

“(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

“(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

“(1) Allowances for transportation, lodging, and meals.

“(2) Dislocation or relocation allowances paid in connection with a change in a member’s temporary or permanent duty assignment location.

“(3) Other related miscellaneous expenses.

“(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

“(1) as an actual expense;

“(2) as an authorized allowance;

“(3) in-kind; or

“(4) using a combination of the authorities under paragraphs (1), (2), and (3).

“(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization before such order or authorization is cancelled, revoked, or modified.

“(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

“(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

“(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for

which payment may be provided from any other appropriate Government or non-Government entity.

“§453. Allowable travel and transportation: specific authorities

“(a) **IN GENERAL.**—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

“(b) **AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.**—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

“(c) **MOVEMENT OF PERSONAL PROPERTY.**—(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

“(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

“(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

“(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

“(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

“(d) **UNUSUAL OR EMERGENCY CIRCUMSTANCES.**—An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

“(e) **PARTICULAR SEPARATION PROVISIONS.**—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

“(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

“(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

“(3) A member who is discharged under section 1173 of title 10.

“(f) **ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.**—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

“§454. Travel and transportation: pilot programs

“(a) **PILOT PROGRAMS.**—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be conducted so as to evaluate one or more of the following:

“(1) Alternative methods for performing and reimbursing travel.

“(2) Means for limiting the need for travel.

“(3) Means for reducing the environmental impact of travel.

“(b) **LIMITATIONS.**—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

“(2) The duration of a pilot program may not exceed four years.

“(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

“(c) **REPORTS.**—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

“(A) The purpose of the pilot program.

“(B) The duration of the pilot program.

“(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

“(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

“(A) A description of results of the pilot program.

“(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

“(d) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—In this section, the term ‘congressional defense committees’ has the meaning given that term in section 101(a)(16) of title 10.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

“§461. Relationship to other travel and transportation authorities

“An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

“§462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

“(a) **REPAYMENT REQUIRED.**—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

“(b) **EXCEPTION.**—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

“(c) **EFFECT OF BANKRUPTCY.**—An obligation to repay the United States under this section is,

for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

“§463. Programs of compliance; electronic processing of travel claims

“(a) **PROGRAMS OF COMPLIANCE.**—The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

“(b) **ELEMENTS.**—The programs of compliance under subsection (a) shall—

“(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other means as the administering Secretaries may establish for purposes of the programs of compliance; and

“(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

“(c) **ELECTRONIC PROCESSING OF TRAVEL CLAIMS.**—(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

“(2) The administering Secretary, or the Secretary's designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

“(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

“§464. Regulations

“This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.

“SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

“§471. Travel authorities transition expiration date

“In this subchapter, the term ‘travel authorities transition expiration date’ means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“§472. Definitions and other incorporated provisions of chapter 7

“(a) **DEFINITIONS.**—The provisions of section 401 of this title apply to this subchapter.

“(b) **OTHER PROVISIONS.**—The provisions of sections 421 and 423 of this title apply to this subchapter.”

(c) **REPEAL OF OBSOLETE AUTHORITY.**—Section 411g of title 37, United States Code, is repealed.

(d) **TRANSFER OF SECTIONS.**—

(1) **TRANSFER TO SUBCHAPTER I.**—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 454, and redesignated as section 455.

(2) **TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.**—Sections 404, 404a,

404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a, 409, 410, 411, 411a through 411f, 411h through 411l, 428 through 432, 434, and 435 of such title are transferred (in that order) to chapter 8 of such title, as added by subsection (b), inserted after section 472, and redesignated as follows:

Section:	Redesignated Section:
404	474
404a	474a
404b	474b
405	475
405a	475a
406	476
406a	476a
406b	476b
406c	476c
407	477
408	478
408a	478a
409	479
410	480
411	481
411a	481a
411b	481b
411c	481c
411d	481d
411e	481e
411f	481f
411h	481h
411i	481i
411j	481j
411k	481k
411l	481l
428	488
429	489
430	490
432	492
434	494
435	495

(3) **TRANSFER OF SECTION 554.**—Section 554 of such title is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 481l (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

(e) **SUNSET OF OLD-LAW AUTHORITIES.**—Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by paragraphs (2) and (3) of subsection (c), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

“(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(2) Section 474a is amended by adding at the end the following new subsection:

“(f) **TERMINATION.**—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.”.

(3) Section 474b is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.”.

(4) Section 475 is amended by adding at the end the following new subsection:

“(f) **TERMINATION.**—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.”.

(5) Section 475a is amended by adding at the end the following new subsection:

“(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.”.

(6) Section 476 is amended by adding at the end the following new subsection:

“(n) No transportation, reimbursement, allowance, or per diem may be provided under this section—

“(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

“(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.”.

(7) Section 476a is amended—

(A) by inserting “(a) **AUTHORITY.**—” before “Under uniform regulations”; and

(B) by adding at the end the following new subsection:

“(b) **TERMINATION.**—No transportation or travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(8) Section 476b is amended by adding at the end the following new subsection:

“(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(9) Section 476c is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(10) Section 477 is amended by adding at the end the following new subsection:

“(i) **TERMINATION.**—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.”.

(11) Section 478 is amended by adding at the end the following new subsection:

“(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(12) Section 478a(e) is amended by striking “December 31, 2011” and inserting “the travel authorities transition expiration date”.

(13) Section 479 is amended by adding at the end the following new subsection:

“(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.”.

(14) Section 480 is amended by adding at the end the following new subsection:

“(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(15) Section 481 is amended by adding at the end the following new subsection:

“(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.”.

(16) Section 481a is amended by adding at the end the following new subsection:

“(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(17) Section 481b is amended by adding at the end the following new subsection:

“(d) **TERMINATION.**—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(18) Section 481c is amended by adding at the end the following new subsection:

“(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be

made under this section for transportation that begins after that date.”.

(19) Section 481d is amended by adding at the end the following new subsection:

“(d) No transportation may be provided under this section after the travel authorities transition expiration date.”.

(20) Section 481e is amended by adding at the end the following new subsection:

“(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(21) Section 481f is amended by adding at the end the following new subsection:

“(h) **TERMINATION.**—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(22) Section 481h is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(23) Section 481i is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(24) Section 481j is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(25) Section 481k is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(26) Section 481l is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(27) Section 484 is amended by adding at the end the following new subsection:

“(k) No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.”.

(28) Section 488 is amended—

(A) by inserting “(a) **AUTHORITY.**—” before “In addition”; and

(B) by adding at the end the following new subsection:

“(b) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(29) Section 489 is amended—

(A) by inserting “(a) **AUTHORITY.**—” before “In addition”; and

(B) by adding at the end the following new subsection:

“(b) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(30) Section 490 is amended by adding at the end the following new subsection:

“(g) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(31) Section 492 is amended by adding at the end the following new subsection:

“(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(32) Section 494 is amended by adding at the end the following new subsection:

“(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(33) Section 495 is amended by adding at the end the following new subsection:

“(c) TERMINATION.—No allowance may be paid under this section for any day after the travel authorities transition expiration date.”.

(f) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 7 of such title is amended to read as follows: “CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES”.

(2) TABLE OF CHAPTERS.—The table of chapter preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following:

“7. Allowances Other Than Travel and Transportation Allowances 401
“8. Travel and Transportation Allowances 451”.

(3) TABLES OF SECTIONS.—

(A) The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(B) The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 554.

(4) CROSS-REFERENCES.—

(A) Any section of title 10 or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by subsection (c) is amended so as to conform the reference to the section number of the section as so redesignated.

(B) Any reference in a provision of law other than a section of title 10 or 37, United States Code, to a section of title 37 that is transferred and redesignated by subsection (c) is deemed to refer to the section as so redesignated.

SEC. 622. TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 621(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act.

(e) TRANSITION PERIOD.—In this section, the term “transition period” means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle C—Disability, Retired Pay, and Survivor Benefits

SEC. 631. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARIED TO OTHER MEMBERS.

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”;

(2) in subparagraph (C)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”.

SEC. 632. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT ON PROVISION OF SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH INJURY OR ILLNESS REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) LIMITATION ON FUNDS FOR TRAVEL OF USD(PR).—Of the amount authorized to be appropriated for fiscal year 2012 for the Department of Defense for operation and maintenance for defense-wide activities as specified in the funding table in section 4301 and available for purposes of travel of the Office of the Under Secretary of Defense for Personnel and Readiness, not more than 50 percent of such amount may be obligated or expended for such purposes until the Under Secretary of Defense for Personnel and Readiness submits to the congressional defense committees a report on the implementation by the Department of Defense of the authorities in section 439 of title 37, United States Code, for payment of special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.

(b) ELEMENTS.—The report described in subsection (a) shall include a detailed description of the implementation by the Department of the authorities in section 439 of title 37, United States Code, including the following:

(1) A description of the criteria established pursuant to such section for the payment of special compensation under that section.

(2) An assessment of the training needs of caregivers of members paid special compensation under that section, including—

(A) a description of the types of training currently provided;

(B) a description of additional types of training that could be provided; and

(C) an assessment whether current Department programs are adequate to meet such training needs.

SEC. 633. REPEAL OF SENSE OF CONGRESS ON AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

Section 635 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4241) is repealed.

SEC. 634. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: “or while staying at the Reserve's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training”.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person's residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.”.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

SEC. 635. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2),”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in

effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) **REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.**—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),” and

(B) by striking subparagraph (B).

(e) **RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.**—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) **EFFECTIVE DATE.**—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty under title 10, United States Code, to full-time National Guard duty under title 32, United States Code, or from full-time National Guard duty under title 32, United States Code, to active duty under title 10, United States Code, when the transition occurs without a break in active service of at least one calendar day”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. ANNUAL COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEES IN TRICARE PRIME.

(a) **IN GENERAL.**—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.**—(1) Whenever after September 30, 2012, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subsection, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title. The increase in such fee shall be effective as of January 1 following the date of the increase in such retired pay.

“(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.”.

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

“§ 1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment options”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1097a and inserting the following new item:

“1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment options.”.

SEC. 702. MAINTENANCE OF THE ADEQUACY OF PROVIDER NETWORKS UNDER THE TRICARE PROGRAM.

Section 1097b(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall to the extent practicable maintain adequate networks of providers, including institutional, professional, and pharmacy. Network providers under such provider network agreements are not considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.”.

SEC. 703. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 1073 note) is amended—

(1) by striking “If a covered beneficiary” and inserting “(1) Except as provided in paragraph (2), if a covered beneficiary”; and

(2) by adding at the end the following new paragraph:

“(2) After September 30, 2011, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2011.”.

SEC. 704. MODIFICATION OF AUTHORITIES ON SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) **SCOPE OF CERTAIN SURVEYS.**—Subsection (a)(3)(A) of section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 190; 10 U.S.C. 1073 note) by striking “2011” and inserting “2015”.

(b) **FREQUENCY OF SUBMITTAL OF GAO REVIEWS.**—Subsection (b)(2) of such section is

amended by striking “bi-annual basis” and inserting “biennial basis”.

SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking “not later than” and all that follows and inserting the following: “as follows:

“(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

“(2) In the case of any other services, by not later than one year after the services are provided.”.

Subtitle B—Other Health Care Benefits

SEC. 711. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR COMMAND-SPONSORED DEPENDENTS OF MEMBERS ASSIGNED TO REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2)(A) For purposes of paragraph (1), required medical attention of a dependent includes, in the case of a dependent authorized to accompany a member at a location described in that paragraph, obstetrical anesthesia services for childbirth equivalent to the obstetrical anesthesia services for childbirth available in a military treatment facility in the United States.

“(B) In the case of a dependent at a remote location outside the continental United States who elects services described in subparagraph (A) and for whom air transportation would be needed to travel under paragraph (1) to the nearest appropriate medical facility in which adequate medical care is available, the Secretary may authorize the dependent to receive transportation under that paragraph to the continental United States and be treated at the military treatment facility that can provide appropriate obstetrical services that is nearest to the closest port of entry into the continental United States from such remote location.

“(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation by reason of this paragraph.

“(D) The total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent by reason of this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to that dependent under paragraph (1) if the transportation and expenses were provided to that dependent without regard to this paragraph.

“(E) The authority under this paragraph shall expire on September 30, 2016.”.

SEC. 712. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS WITH EXTENSION OF ACTIVE DUTY FOLLOWING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C), or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.”.

SEC. 713. CODIFICATION AND IMPROVEMENT OF PROCEDURES FOR MENTAL HEALTH EVALUATIONS FOR MEMBERS OF THE ARMED FORCES.

(a) CODIFICATION AND IMPROVEMENT OF PROCEDURES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090 the following new section:

“§ 1090a. Commanding officer and supervisor referrals of members for mental health evaluations

“(a) REGULATIONS.—The Secretary of Defense shall prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations. The regulations shall incorporate the requirements set forth in subsections (b), (c), and (d) and such other matters as the Secretary considers appropriate.

“(b) REDUCTION OF PERCEIVED STIGMA.—The regulations required by subsection (a) shall, to the greatest extent possible—

“(1) seek to eliminate perceived stigma associated with seeking and receiving mental health services, promoting the use of mental health services on a basis comparable to the use of other medical and health services; and

“(2) clarify the appropriate action to be taken by commanders or supervisory personnel who, in good faith, believe that a subordinate may require a mental health evaluation.

“(c) PROCEDURES FOR INPATIENT EVALUATIONS.—The regulations required by subsection (a) shall provide that, when a commander or supervisor determines that it is necessary to refer a member of the armed forces for a mental health evaluation—

“(1) the mental health evaluation shall only be conducted on an inpatient basis if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

“(2) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit the member pursuant to the referral for a mental health evaluation to be conducted on an inpatient basis.

“(d) PROHIBITION ON USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—(1) The regulations required by subsection (a) shall provide that no person may refer a member of the armed forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of this title, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

“(2) Such regulations shall provide that a referral for a mental health evaluation by a commander or supervisor, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of this title (article 92 of the Uniform Code of Military Justice). Persons not subject to chapter 47 of this title (the Uniform Code of Military Justice) who fail to comply with the provisions of this section are subject to adverse administrative action.

“(3)(A) No person may restrict a member of the armed forces in communicating with an Inspector General, attorney, member of Congress, or others about the referral of a member of the armed forces for a mental health evaluation.

“(B) Subparagraph (A) does not apply to a communication that is unlawful.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘Inspector General’ means the following:

“(A) An Inspector General appointed under the Inspector General Act of 1978 (5 U.S.C. App.).

“(B) An officer of the armed forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the armed forces.

“(2) The term ‘mental health professional’ means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric clinical nurse specialist.

“(3) The term ‘mental health evaluation’ means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the state of mental health of a member of the armed forces.

“(4) The term ‘least restrictive alternative principle’ means a principle under which a member of the armed forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting—

“(A) that is no more restrictive than is conducive to the most effective form of treatment; and

“(B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090 the following new item:

“1090a. Commanding officer and supervisor referrals of members for mental health evaluations.”.

(b) CONFORMING REPEAL.—Section 546 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2416; 10 U.S.C. 1074 note) is repealed.

Subtitle C—Health Care Administration

SEC. 721. EXPANSION OF STATE LICENSURE EXCEPTIONS FOR CERTAIN MENTAL HEALTH-CARE PROFESSIONALS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

(B) by adding at the end the following new subparagraph:

“(B) Notwithstanding any law regarding the licensure of health care providers, a health-care professional described in paragraph (4) may perform the duties relating to mental health care specified in the regulations under subparagraph (B) of that paragraph at any location in any State, the District of Columbia, or a Commonwealth, territory or possession of the United States, regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties specified in that subparagraph.”;

(2) in paragraphs (2) and (3), by striking “paragraph (1)” and inserting “paragraph (1)(A)”; and

(3) by adding at the end the following new paragraph:

“(4) A health-care professional referred to in paragraph (1)(B) is a member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for purposes of that paragraph who—

“(A) has a current license to practice medicine, osteopathic medicine, or another health profession; and

“(B) is performing such authorized duties relating to mental health care for the Department of Defense as the Secretary shall prescribe in regulations for purposes of this paragraph.”.

SEC. 722. CLARIFICATION ON CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Section 1102(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “any activity carried out” and inserting “any peer review activity carried out”; and

(2) by adding at the end the following new paragraph:

“(4) The term ‘peer review’ means an assessment of professional performance by professionally-equivalent health care providers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2012.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. WAIVER OF REQUIREMENTS RELATING TO NEW MILESTONE APPROVAL FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The requirements of subparagraphs (B) and (C) of paragraph (1) shall not apply to a program or subprogram if—

“(i) the Milestone Decision Authority determines in writing, on the basis of a cost assessment and root cause analysis conducted pursuant to subsection (a), that—

“(I) but for a change in the quantity of items to be purchased under the program or subprogram, the program acquisition unit cost or procurement unit cost for the program or subprogram would not have increased by a percentage equal to or greater than the cost growth thresholds for the program or subprogram set forth in subparagraph (B); and

“(II) the change in quantity of items described in subclause (I) was not made as a result of an increase in program cost, a delay in the program, or a problem meeting program requirements;

“(ii) the Secretary determines in writing that the cost to the Department of Defense of complying with such requirements is likely to exceed the benefits to the Department of complying with such requirements; and

“(iii) the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title—

“(I) a copy of the written determination under clause (i) and an explanation of the basis for the determination; and

“(II) a copy of the written determination under clause (ii) and an explanation of the basis for the determination.

“(B) The cost growth thresholds specified in this subparagraph are as follows:

“(i) In the case of a major defense acquisition program or designated major defense subprogram, a percentage increase in the program acquisition unit cost for the program or subprogram of—

“(I) 5 percent over the program acquisition unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

“(II) 10 percent over the program acquisition unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.

“(ii) In the case of a major defense acquisition program or designated major defense subprogram that is a procurement program, a percentage increase in the procurement unit cost for the program or subprogram of—

“(I) 5 percent over the procurement unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

“(II) 10 percent over the procurement unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.”.

SEC. 802. MODIFICATION OF CERTAIN REQUIREMENTS OF THE WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.

(a) **REPEAL OF CERTIFICATION OF COMPLIANCE OF CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS WITH ACTIONS ON TREATMENT OF SYSTEMIC PROBLEMS BEFORE MILESTONE APPROVAL.**—Subsection (c) of section 204 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1723; 10 U.S.C. 2366a note) is repealed.

(b) **WAIVER OF REQUIREMENT TO REVIEW PROGRAMS RECEIVING WAIVER OR CERTAIN CERTIFICATION REQUIREMENTS.**—Section 2366b(d) of title 10, United States Code, is amended by adding the following new paragraph:

“(3) The requirement in paragraph (2)(B) shall not apply to a program for which a certification was required pursuant to section 2433a(c) of this title if the milestone decision authority—

“(A) determines in writing that—

“(i) the program has reached a stage in the acquisition process at which it would not be practicable to meet the certification component that was waived; and

“(ii) the milestone decision authority has taken appropriate alternative actions to address the underlying purposes of such certification component; and

“(B) submits the written determination, and an explanation of the basis for the determination, to the congressional defense committees.”.

SEC. 803. ASSESSMENT, MANAGEMENT, AND CONTROL OF OPERATING AND SUPPORT COSTS FOR MAJOR WEAPON SYSTEMS.

(a) **GUIDANCE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on actions to be taken to assess, manage, and control Department of Defense costs for the operation and support of major weapon systems.

(b) **ELEMENTS.**—The guidance required by subsection (a) shall, at a minimum—

(1) require the military departments to retain each estimate of operating and support costs that is developed at any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

(2) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

(3) establish standard requirements for the collection of data on operating and support costs for major weapon systems and require the military departments to revise their Visibility and Management of Operating and Support Costs (VAMOSC) systems to ensure that they collect complete and accurate data in compliance with such requirements and make such data available in a timely manner;

(4) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

(5) require the military departments—

(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

(6) require the military departments to ensure that sustainment factors are fully considered at key life cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

(7) require the military departments to conduct an independent logistics assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

(8) include—

(A) reliability metrics for major weapon systems; and

(B) requirements on the use of metrics under subparagraph (A) as triggers—

(i) to conduct further investigation and analysis into drivers of those metrics; and

(ii) to develop strategies for improving reliability, availability, and maintainability of such systems at an affordable cost; and

(9) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

(1) **IN GENERAL.**—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

(2) **SUPPORT.**—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

(C) with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, may direct the military departments to collect and retain information necessary to support the database.

(d) **MAJOR WEAPON SYSTEM DEFINED.**—In this section, the term “major weapon system” has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 804. CLARIFICATION OF RESPONSIBILITY FOR COST ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.

Section 2334(e) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (1)—

(A) by striking “shall provide that—” and all that follows through “cost estimates” and inserting “shall provide that cost estimates”; and

(B) by striking “; and” and inserting a period;

(3) by redesignating subparagraph (B) as paragraph (2) and indenting such paragraph two ems from the left margin;

(4) in paragraph (2) as redesignated by paragraph (3) of this section, by striking “cost anal-

yses and targets” and inserting “The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Director of Cost Assessment and Program Evaluation, develop policies, procedures, and guidance to ensure that cost analyses and targets”;

(5) in paragraph (3), as redesignated by paragraph (1) of this section, by striking “issued by the Director of Cost Assessment and Program Evaluation” and inserting “issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)”; and

(6) in paragraph (5), as redesignated by paragraph (1) of this section, by striking “paragraph (3)” and inserting “paragraph (4)”.

SEC. 805. MODIFICATION OF REQUIREMENTS FOR GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 812(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4264; 10 U.S.C. 2430 note) is amended—

(1) by striking “manufacturing readiness levels” each place it appears and inserting “manufacturing readiness levels or other manufacturing readiness standards”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) provide for the tailoring of manufacturing readiness levels or other manufacturing readiness standards to address the unique characteristics of specific industry sectors or weapon system portfolios”;

SEC. 806. MANAGEMENT OF DEVELOPMENTAL TEST AND EVALUATION FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **CHIEF DEVELOPMENTAL TESTER.**—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2330), as amended by section 805(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–181; 123 Stat. 2403), is further amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6) Chief developmental tester.”.

(b) **RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.**—Section 139b of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **SUPPORT OF MDAPS BY CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.**—

“(1) **SUPPORT.**—The Secretary of Defense shall require that each major defense acquisition program be supported by—

“(A) a chief developmental tester; and

“(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

“(2) **RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER.**—The chief developmental tester for a major defense acquisition program shall be responsible for—

“(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

“(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and

“(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

“(3) RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

“(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

“(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

“(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.”.

SEC. 807. ASSESSMENT OF RISK ASSOCIATED WITH DEVELOPMENT OF MAJOR WEAPON SYSTEMS TO BE PROCURED UNDER COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.

(a) ASSESSMENT OF RISK REQUIRED.—

(1) IN GENERAL.—Not later than two days after the President transmits a certification to Congress pursuant to section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)) regarding a proposed cooperative project agreement that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system, the Secretary of Defense shall submit to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a risk assessment of the proposed cooperative project.

(2) PREPARATION.—The Secretary shall prepare each report required by paragraph (1) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering, and the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(b) ELEMENTS.—The risk assessment on a cooperative project under subsection (a) shall include the following:

(1) An assessment of the design, technical, manufacturing, and integration risks associated with developing and procuring the weapon system to be procured under the cooperative project.

(2) A statement identifying any termination liability that would be incurred under the development contract to be entered into under subsection (a)(1), and a statement of the extent to which such termination liability would not be fully funded by appropriations available or sought in the fiscal year in which the agreement for the cooperative project is signed on behalf of the United States.

(3) An assessment of the advisability of incurring any unfunded termination liability identified under paragraph (2) given the risks identified in the assessment under paragraph (1).

(4) A listing of which, if any, requirements associated with the oversight and management of a major defense acquisition program (as prescribed under Department of Defense Instruction 5000.02 or related authorities) will be waived, or in any way modified, in carrying out the development contract to be entered into under (a)(1), and a full explanation why such requirements need to be waived or modified.

(c) DEFINITIONS.—In this section:

(1) The term “engineering and manufacturing development” has the meaning given that term in Department of Defense Instruction 5000.02.

(2) The term “major weapon system” has the meaning given that term in section 2379(f) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 821. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR SOURCE SELECTION DECISIONS.

(a) STRATEGY ON INCLUSION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used for making source selection decisions.

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to require the following:

(1) That agency evaluations of contractor past performance are included in the relevant past performance database as soon as such evaluations are completed.

(2) That affected contractors are notified in a timely manner when such agency evaluations are entered into such database.

(3) That such contractors are afforded a reasonable opportunity to submit comments, rebutting statements, or additional information pertaining to such agency evaluations for inclusion in such database.

(d) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to this section, including an assessment of the extent to which such actions have achieved the objectives of this section.

SEC. 822. IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON SERVICE CONTRACTING.

(a) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, acting pursuant to the Under Secretary’s responsibility under section 2330 of title 10, United States Code, develop a plan for implementing the recommendations of the Defense Science Board Task Force on Improvements to Service Contracting.

(b) ELEMENTS.—The plan developed pursuant to subsection (a) shall include, to the extent determined appropriate by the Under Secretary for Acquisition, Technology, and Logistics, the following:

(1) A meaningful taxonomy to track services, which can be built into the inventory of contract services required by section 2330a(c) of title 10, United States Code.

(2) Standards, definitions, and performance measures for each portfolio of contract services which can be used for the purposes of performance assessments conducted pursuant to section 2548 of title 10, United States Code, and independent management reviews conducted pursu-

ant to section 808 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 215; 10 U.S.C. 2330 note).

(3) Meaningful incentives to service contractors for high performance at low cost, consistent with the objectives of the Better Buying Power Initiative established by the Under Secretary.

(4) Improved means of communication between the Government and the services contracting industry in the process of developing requirements for services contracts.

(5) Clear guidance for defense acquisition personnel on the use of appropriate contract types for particular categories of services contracts.

(6) Formal certification and training requirements for services acquisition personnel, consistent with the requirements of sections 1723 and 1724 of title 10, United States Code.

(7) Appropriate emphasis on the recruiting and training of services acquisition personnel, consistent with the strategic workforce plan developed pursuant to section 115b of title 10, United States Code, and the funds available through the Department of Defense Acquisition Workforce Development Fund established pursuant to section 1705 of title 10, United States Code.

(8) Policies and guidance on career development for services acquisition personnel, consistent with the requirements of sections 1722a and 1722b of title 10, United States Code.

(9) Actions to ensure that the military departments dedicate portfolio-specific commodity managers to coordinate the procurement of key categories of contract services, as required by section 2330(b)(3)(C) of title 10, United States Code.

(10) Actions to ensure that the Department of Defense conducts realistic exercises and training that account for services contracting during contingency operations, as required by section 2333(e) of title 10, United States Code.

(c) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the following:

(1) The actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics to carry out the requirements of this section.

(2) The actions taken by the Under Secretary to carry out the requirements of section 2330 of title 10, United States Code.

(3) The actions taken by the military departments to carry out the requirements of section 2330 of title 10, United States Code.

(4) The extent to which the actions described in paragraphs (1), (2), and (3) have resulted in the improved acquisition and management of contract services.

SEC. 823. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2012 or 2013 may not exceed the total amount requested for the Department for contract services in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105(b) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) EXCEPTION.—Notwithstanding the limitation in subsection (a), the total amount obligated by the Department for contract services in fiscal year 2012 or 2013 may exceed the amount otherwise provided pursuant to subsection (a) by an amount elected by the Secretary that is not greater than the cost of any increase in such fiscal year in the number of civilian billets at the Department that has been approved by the Secretary over the number of such billets at the Department in fiscal year 2010.

(c) **GUIDANCE.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance to the military departments and the Defense Agencies on implementation of this section during fiscal years 2012 and 2013. The guidance shall, at a minimum—

(1) establish a negotiation objective that labor rates and overhead rates in any contract or task order for contract services with an estimated value in excess of \$10,000,000 awarded to a contractor in fiscal year 2012 or 2013 shall not exceed labor rates and overhead rates paid to the contractor for contract services in fiscal year 2010;

(2) require the Secretaries of the military departments and the heads of the Defense Agencies to approve in writing any contract or task order for contract services with an estimated value in excess of \$10,000,000 awarded to a contractor in fiscal year 2012 or 2013 that provides for continuing services at an annual cost that exceeds the annual cost paid by the military department or Defense Agency concerned for the same or similar services in fiscal year 2010;

(3) require the Secretaries of the military departments and the heads of the Defense Agencies to eliminate any contractor positions identified by the military department or Defense Agency concerned as being responsible for the performance of inherently governmental functions;

(4) require the Secretaries of the military departments and the heads of the Defense Agencies to reduce by 10 percent per fiscal year in each of fiscal years 2012 and 2013 the funding of the military department or Defense Agency concerned for—

(A) staff augmentation contracts; and

(B) contracts for the performance of functions closely associated with inherently governmental functions; and

(5) assign responsibility to the management officials designated pursuant to section 2330 of title 10, United States Code, and section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3378; 10 U.S.C. 2330 note) to provide oversight and ensure the implementation of the requirements of this section during fiscal years 2012 and 2013.

(d) **DEFINITIONS.**—In this section:

(1) The term “contract services” has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) The term “function closely associated with inherently governmental functions” has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term “staff augmentation contracts” means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including, but not limited to, contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(4) The term “transfers from funding for overseas contingency operations” means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2012 or 2013.

SEC. 824. ANNUAL REPORT ON SINGLE-AWARD TASK AND DELIVERY ORDER CONTRACTS.

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Paragraph (2) of section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2611; 10 U.S.C. 2306a note) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) with respect to any determination pursuant to section 2304a(d)(3)(D) of title 10, United States Code, that because of exceptional circumstances it is necessary in the public interest to award a task or delivery order contract with an estimated value in excess of \$100,000,000 to a single source, an explanation of the basis for the determination.”.

(2) **CONFORMING AMENDMENT.**—The heading of such section is amended by striking “WITH PRICE OR VALUE GREATER THAN \$15,000,000”.

(b) **REPEAL OF CASE-BY-CASE REPORTING REQUIREMENT.**—Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) by striking subparagraph (B);

(2) by striking “(A)”;

(3) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively, of paragraph (1); and

(4) in subparagraph (B), as redesignated by paragraph (3), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 825. INCORPORATION OF CORROSION PREVENTION AND CONTROL INTO REQUIREMENTS APPLICABLE TO DEVELOPMENT AND ACQUISITION OF WEAPON SYSTEMS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Director of Corrosion Policy and Oversight, shall, for purposes of ensuring that corrosion prevention and control are addressed early in the development and acquisition of weapon systems—

(1) identify and disseminate throughout the Department of Defense recommendations from the 2010 Corrosion Evaluation of the F-22 Raptor and F-35 Lightning II Joint Strike Fighter that are applicable Department-wide;

(2) commence implementation of any modifications of policies and practices that the Under Secretary considers appropriate in light of such recommendations to improve corrosion prevention and control in new weapon systems; and

(3) establish a process for monitoring and assessing the effectiveness of the actions taken by the Department pursuant to paragraph (2) to improve corrosion prevention and control in new weapon systems.

(b) **PLAN.**—In carrying out subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan to achieve, to the extent and in a manner the Under Secretary determines to be feasible and appropriate, the following:

(1) Investment in research and development that increases the understanding of corrosion on materials and processes for weapon systems.

(2) Development and dissemination of expertise on corrosion in the acquisition programs for weapon systems and in the processes for developing requirements for weapon systems.

(3) Reestablishment of appropriate military specifications and standards regarding corrosion resistance in weapon systems.

(4) Establishment of new test protocols and methodologies with respect to corrosion in new materials and processes for weapon systems.

(5) Development of contract language, metrics, and incentives to improve the emphasis on corrosion prevention and control and the effects of corrosion on life cycle costs in weapon systems.

(6) Development of a corrosion-focused design decision methodology to support acquisition programs for weapon systems when required to evaluate alternative designs and help quantify future operation and sustainment costs.

(c) **CORROSION CONTROL IN CERTAIN FIGHTER AIRCRAFT PROGRAMS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) identify in the Corrosion Evaluation referred to in subsection (a) specific recommendations on corrosion prevention and control that are applicable to the F-22 Raptor aircraft and to the F-35 Lightning II Joint Strike Fighter aircraft;

(B) commence implementation of appropriate actions to put the recommendations described in subparagraph (A) into effect; and

(C) establish and implement processes for monitoring and assessing the effectiveness of the actions put into effect under subparagraph (B).

(2) **ACTIONS ON F-22 RAPTOR AIRCRAFT.**—The actions implemented under paragraph (1) with respect to the F-22 Raptor aircraft shall include a plan and actions to manage cumulative corrosion damage to F-22 Raptor aircraft in order to mitigate long-term structural risk to such aircraft.

(3) **ACTIONS ON F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.**—The actions implemented under paragraph (1) with respect to the F-35 Lightning II Joint Strike Fighter aircraft shall include actions as follows:

(A) The updating of the F-35 Corrosion Prevention and Control Plan with lessons learned from corrosion prevention and control for the F-22 Raptor aircraft, guidelines for conducting trade studies, and appropriate test and verification methods.

(B) Planning for a full climatic test earlier in the acquisition schedule, and ensuring that—

(i) such test robustly addresses the effects of severe wet weather, temperature extremes, and high humidity; and

(ii) enclosed areas of the aircraft are opened and inspected for water or moisture intrusion.

(C) Developing an appropriate corrosion risk mitigation follow-on plan, including the management of the corrosion risk of parts qualified by similarity.

(D) Expanding the involvement of the Naval Air Systems Command (NAVAIR) corrosion testing capability and the Air Force Reserve Laboratory (AFRL) low observable testing capability as a means to independently test and assess materials and components.

(E) Reconsidering the selection of materials and coating for corrosion risks.

(F) Specifying responsibility for management of the Autonomic Logistics Information System (ALIS) link with the Aircraft Structural Integrity Program (ASIP).

(G) Ensuring that the officials covered by subparagraph (F) are involved in the development of the Autonomic Logistics Information System and are capable of receiving and analyzing the information to support the Aircraft Structural Integrity Program sustainment activity.

(d) **CORROSION CERTIFICATION AND ASSESSMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.02 to ensure that the Milestone Decision Authority for a major defense acquisition program is required to consider issues of corrosion and materials degradation for the purpose of any certification under sections 2366a and 2366b of title 10, United States Code.

(2) **TEST AND EVALUATION.**—In carrying out section 2399 of title 10, United States Code, the Director of Operational Test and Evaluation shall—

(A) consider corrosion, environmental severity, and duration in the adequacy of operational test and evaluation plans;

(B) include in the annual report under subsection (g) of that section an assessment of the adequacy of the consideration of material degradation and corrosion in each major defense acquisition program.

SEC. 826. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS.

No amounts authorized to be appropriated by this Act may be obligated or expended to implement or carry out any program that creates a price evaluation adjustment as described in section 2323(e)(3) of title 10, United States Code, or any other authority, that is inconsistent with the holdings in the following:

(1) *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995).

(2) *Rothe Development Corporation. v. Department of Defense*, 545 F.3d 1023 (2008).

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) *IN GENERAL.*—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) *PROCUREMENT OF PHOTOVOLTAIC DEVICES.*—

“(1) *CONTRACT REQUIREMENT.*—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the ‘Buy American Act’), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

“(2) *CONTRACTS DESCRIBED.*—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are—

“(A) installed on property or in a facility owned by the Department of Defense; and

“(B) generate power consumed predominantly by the Department of Defense and counted toward federal renewable energy purchase requirements.

“(3) *CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.*—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) *DEFINITION OF PHOTOVOLTAIC DEVICES.*—In this subsection, the term ‘photovoltaic devices’ means devices that convert light directly into electricity.

“(5) *EFFECTIVE DATE.*—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into or after such date of enactment.”.

(b) *CONFORMING REPEAL.*—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 841. TREATMENT FOR TECHNICAL DATA PURPOSES OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS.

(a) *TREATMENT.*—Section 2320(a) of title 10, United States Code, is amended—

(1) in paragraph (2)(E), by striking “the respective rights” and inserting “the Government may use, modify, release, reproduce, perform, display, or disclose the data pertaining to such item or process within the Government without restriction, but may release or disclose the data

outside the Government only for Government purposes. The respective rights”;

(2) in paragraph (3), by striking “and shall specify that amounts spent for independent research and development and bid and proposal costs shall not be considered to be Federal funds for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)”;

(3) by adding at the end the following new paragraph:

“(4)(A) Except as provided in subparagraph (B), amounts spent for independent research and development and bid and proposal costs shall not be treated as Federal funds for the purposes of this section.

“(B) An item or process that is developed in whole or in part with amounts described in subparagraph (A) shall be treated as having been developed in part with Federal funds and in part at private expense in the following circumstances:

“(i) In the case of an item or process for which the total amount of costs referred to in subparagraph (A) allocable to contracts other than Federal contracts and any other contractor funds expended is less than 10 percent of the total funds provided for the development of such item or process (including all sources of Federal funding).

“(ii) In the case an item or process that is integrated into a major system for which the rights in technical data are otherwise described under paragraph (2)(A) or (2)(E) and for which—

“(I) the total amount of such costs allocable to contracts other than Federal contracts and any other contractor funds expended is less than 50 percent of the total funds provided for the development of such item or process (including all sources of Federal funding); or

“(II) such item or process cannot be segregated from other elements of the major system in a practicable manner in order to allow the system to be procured using competition.”.

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall take effect on January 7, 2011, immediately after the enactment of section 824(b)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4269), to which such amendments relate.

SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

“(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.”.

SEC. 843. COVERED CONTRACTS FOR PURPOSES OF REQUIREMENTS ON CONTRACTOR BUSINESS SYSTEMS.

Paragraph (3) of section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note) is amended to read as follows:

“(3) The term ‘covered contract’ means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.”.

SEC. 844. COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS FOR PURPOSES OF INTERNAL CONTROLS OF NON-DEFENSE AGENCIES FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by striking “with the re-

quirements” and all that follows and inserting “with the following:

“(1) The Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies.

“(2) Laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made by the Department of Defense through other Federal agencies.”.

SEC. 845. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

(a) *IN GENERAL.*—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

“§2335. Prohibition on collection of political information

“(a) *PROHIBITION ON REQUIRING SUBMISSION OF POLITICAL INFORMATION.*—The head of an agency may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

“(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with the award of a contract for procurement of property or services;

“(2) during the course of contract performance as part of the process associated with modifying a contract or exercising a contract option; or

“(3) any time prior to contract completion and final contract closeout.

“(b) *SCOPE.*—The prohibition under this section applies to the procurement of commercial items, the procurement of commercial-off-the-shelf-items, and the non-commercial procurement of supplies, property, services, and manufactured items, irrespective of contract vehicle, including contracts, purchase orders, task or deliver orders under indefinite delivery/indefinite quantity contracts, blanket purchase agreements, and basic ordering agreements.

“(c) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed as—

“(1) waiving, superseding, restricting, or limiting the application of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) or preventing Federal regulatory or law enforcement agencies from collecting or receiving information authorized by law; or

“(2) precluding the Defense Contract Audit Agency from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to section 2324 of this title.

“(d) *DEFINITIONS.*—In this section:

“(1) *CONTRACTOR.*—The term ‘contractor’ includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

“(2) *POLITICAL INFORMATION.*—The term ‘political information’ means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for Federal office, party affiliation, and voting history. Each of the terms

'contribution', 'expenditure', 'independent expenditure', 'candidate', 'election', 'electioneering communication', and 'Federal office' has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.)."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2334 the following new item:

"2335. Prohibition on collection of political information."

SEC. 846. WAIVER OF "BUY AMERICAN" REQUIREMENT FOR PROCUREMENT OF COMPONENTS OTHERWISE PRODUCIBLE OVERSEAS WITH SPECIALTY METAL NOT PRODUCED IN THE UNITED STATES.

Section 2533b of title 10, United States Code, is amended—

(1) by redesignating subsections (l) and (m) as subsections (n) and (o), respectively; and

(2) by inserting after subsection (k) the following new subsection (l):

"(l) **ADDITIONAL WAIVER AUTHORITY.**—(1) The Secretary of Defense may waive the requirement of subsection (a) with regard to the procurement of a component containing specialty metal if the Secretary determines that, in the absence of the waiver, the component will be produced overseas and will contain specialty metal not melted or produced in the United States.

"(2) The Secretary shall establish a process to review petitions for waivers under this subsection by interested persons. The process shall include an opportunity for comment by persons engaged in melting or producing specialty metals in the United States.

"(3) The authority to grant a waiver under paragraph (1) may be delegated to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate."

SEC. 847. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON NON-COMPETITIVE AND ONE-OFFER CONTRACTS AWARDED BY THE DEPARTMENT OF DEFENSE.

(a) **REPORTS REQUIRED.**—Not later than March 31 of each of 2013, 2014, and 2015, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review and assessment by the Comptroller General of the noncompetitive contracts and one-offer contracts awarded by the Department of Defense during the preceding fiscal year.

(b) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) The number of noncompetitive contracts awarded by the Department of Defense during the fiscal year covered by such report, and the percentage of such number to the total number of contracts awarded by the Department during such fiscal year.

(2) A description of the competition exceptions that served as the basis for the award of such noncompetitive contracts.

(3) An assessment of the adequacy of the justification and approvals issued under section 2304(f) of title 10, United States Code, in support of such noncompetitive contracts.

(4) The number of one-offer contracts awarded by the Department during the fiscal year covered by such report, and the percentage of such number to the total number of contracts awarded by the Department during such fiscal year.

(5) An assessment of the extent to which such one-offer contracts were awarded in compliance with applicable Department guidance on one-offer contracts.

(6) An assessment whether the contracting practices of the Department during the fiscal year covered by such report were in keeping

with the objective of promoting full and open competition in the award of contracts in excess of the simplified acquisition threshold.

(c) **DEFINITIONS.**—In this section:

(1) The term "competitive procedures" has the meaning given that term in section 2302(2) of title 10, United States Code.

(2) The term "noncompetitive contract" means a contract awarded through other than competitive procedures.

(3) The term "one-offer contract" means a contract awarded after receiving a bid from only one qualified vendor.

SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) **REVISED REGULATIONS REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) **CONTRACTOR RESPONSIBILITIES.**—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) **TRUSTED SUPPLIERS.**—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) **REPORTING REQUIREMENT.**—The revised regulations issued pursuant to paragraph (1)

shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor or subcontractor for delivery to, or on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) **INSPECTION OF IMPORTED ELECTRONIC PARTS.**—

(1) **INSPECTION PROGRAM.**—The Secretary of Homeland Security shall establish a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(2) **INFORMATION SHARING.**—If United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Treasury is authorized to share information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging and labels, with the rightsholders of the trademarks suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section.

(c) **CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) **ELEMENTS.**—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of

counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.—In this subsection, the terms “covered contractor” and “covered contract” have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) DEPARTMENT OF DEFENSE RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures.

(e) TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(3) MILITARY GOODS OR SERVICES.—

“(A) IN GENERAL.—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

“(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

“(I) serious bodily injury or death;

“(II) disclosure of classified information;

“(III) impairment of combat operations; or

“(IV) other significant harm to a member of the Armed Forces or to national security; and

“(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

“(B) PENALTIES.—

“(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) shall be fined not more than \$5,000,000, imprisoned for not more than 20 years, or both.

“(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than \$15,000,000.

“(C) SUBSEQUENT OFFENSES.—

“(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than \$15,000,000, imprisoned not more than 30 years, or both.

“(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than \$30,000,000.”; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(5) the term ‘falsely identified as meeting military standards’ relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

“(6) the term ‘use in a military or national security application’ means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

“(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

“(B) by the United States to perform or directly support—

“(i) combat operations; or

“(ii) critical national defense or national security functions.”.

(f) SENTENCING GUIDELINES.—

(1) DEFINITION.—In this subsection, the term “critical infrastructure” has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) DIRECTIVE.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) DEFINITIONS.—

(1) COUNTERFEIT ELECTRONIC PART.—The Secretary of Defense shall define the term “counterfeit electronic part” for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.—For the purposes of this section:

(A) A part is a “suspect counterfeit electronic part” if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An “electronic part” means an integrated circuit, a discrete electronic component (including but not limited to a transistor, capacitor, resistor, or diode), or a circuit assembly.

SEC. 849. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ADVANCED BIOFUELS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels (as defined by section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B))). The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of advanced biofuels of sufficient length to reduce the impact to the Department of future price or supply shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

SEC. 850. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the Department of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United

States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

Subtitle D—Provisions Relating to Wartime Contracting

SEC. 861. PROHIBITION ON CONTRACTING WITH THE ENEMY IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to authorize the head of a contracting activity, pursuant to a request from the Commander of the United States Central Command under subsection (c)(2)—

(A) to restrict the award of Department of Defense contracts, grants, or cooperative agreements that the head of the contracting activity determines in writing would provide funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations;

(B) to terminate for default any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contractor, or the recipient of the grant or cooperative agreement, has failed to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations;

(C) to void in whole or in part any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contract, grant, or cooperative agreement provides funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations.

(2) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(b) CONTRACT CLAUSE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before

the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation; and

(B) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (a).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT.—In this subsection, the term “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of \$100,000 that will be performed in the United States Central Command theater of operations.

(c) IDENTIFICATION OF CONTRACTS WITH SUPPORTERS OF THE ENEMY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, acting through the Commander of the United States Central Command, shall establish a program to use available intelligence to review persons and entities who receive United States funds through contracts, grants, and cooperative agreements performed in the United States Central Command theater of operations and identify any such persons and entities who are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(2) NOTICE TO CONTRACTING ACTIVITIES.—If the Commander of the United States Central Command, acting pursuant to the program required by paragraph (1), identifies a person or entity as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation, the Commander may notify the head of a contracting activity in writing of such identification and request that the head of the contracting activity exercise the authority provided in subsection (a) with regard to any contracts, grants, or cooperative agreements that provide funding directly or indirectly to the person or entity.

(3) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon by the Commander of the United States Central Command to make an identification in accordance with this subsection may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (a), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(4) NONDELEGATION OF RESPONSIBILITIES.—

(1) CONTRACT ACTIONS.—The authority provided by subsection (a) to restrict, terminate, or void contracts, grants, and cooperative agreements may not be delegated below the level of the head of a contracting activity.

(2) IDENTIFICATION OF SUPPORT OF ENEMY.—The authority to make an identification under subsection (c)(1) may not be delegated below the level of the Commander of the United States Central Command.

(e) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS OF OTHER FEDERAL AGENCIES.—

This section shall not be construed to preclude the issuance of a government-wide regulation—

(1) extending the authority in subsection (a) to the heads of contracting agencies outside the Department; or

(2) requiring the insertion of a contract clause similar to the clause described by subsection (b)(2) into contracts, grants, and cooperative agreements awarded by Federal agencies other than the Department.

(f) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) and explain the basis for the action taken. Any report under this subsection may be submitted in classified form.

(g) OTHER DEFINITION.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(h) SUNSET.—The authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) shall cease to be effective on the date that is three years after the date of the enactment of this Act.

SEC. 862. ADDITIONAL ACCESS TO CONTRACTOR AND SUBCONTRACTOR RECORDS IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) DEPARTMENT OF DEFENSE CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department of Defense that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the Secretary, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds available under the contract, grant, or cooperative agreement—

(A) are not subject to extortion or corruption; and

(B) are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the Commander of the United States Central Command, that there is reason to believe that funds available under the contract, grant, or cooperative agreement concerned may have been subject to extortion or corruption or may have been provided directly or indirectly to persons or entities that are actively supporting

an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(4) **FLOWDOWN.**—A clause described in paragraph (2) shall also be required in any sub-contract or subgrant under a covered contract, grant, or cooperative agreement if the sub-contract or subgrant has an estimated value in excess of \$100,000.

(b) **CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS OF OTHER FEDERAL AGENCIES.**—This section shall not be construed to preclude the issuance of a government-wide regulation requiring the insertion of a clause similar to the clause described by subsection (a)(2) into contracts, grants, and cooperative agreements awarded by Federal agencies other than the Department of Defense.

(c) **REPORTS.**—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken. Any report under this subsection may be submitted in classified form.

(d) **DEFINITIONS.**—In this section:

(1) The term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) The term “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of \$100,000 that will be performed in the United States Central Command theater of operations in support of a contingency operation.

(e) **SUNSET.**—

(1) **IN GENERAL.**—The clause described by subsection (a)(2) shall not be required in any contract, grant, or cooperative agreement that is awarded after the date that is three years after the date of the enactment of this Act.

(2) **CONTINUING EFFECT OF CLAUSES INCLUDED BEFORE SUNSET.**—Any clause described by subsection (a)(2) that is included in a contract, grant, or cooperative agreement pursuant to this section before the date specified in paragraph (1) shall remain in effect in accordance with its terms.

SEC. 863. JOINT URGENT OPERATIONAL NEEDS FUND TO RAPIDLY MEET URGENT OPERATIONAL NEEDS.

(a) **ESTABLISHMENT OF FUND.**—

(1) **IN GENERAL.**—Chapter 131 of title 10, United States Code, is amended by inserting after section 2216 the following new section:

“§2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund

“(a) **ESTABLISHMENT.**—There is established in the Treasury an account to be known as the ‘Joint Urgent Operational Needs Fund’ (in this section referred to as the ‘Fund’).

“(b) **ELEMENTS.**—The Fund shall consist of the following:

“(1) Amounts appropriated to the Fund.

“(2) Amounts transferred to the Fund.

“(3) Any other amounts made available to the Fund by law.

“(c) **USE OF FUNDS.**—(1) Amounts in the Fund shall be available to the Secretary of Defense for capabilities that are determined by the Secretary, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

“(2) The Secretary shall establish a merit-based process for identifying equipment, sup-

plies, services, training, and facilities suitable for funding through the Fund.

“(3) Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section pursuant to a congressional earmark, as defined in clause 9 of Rule XXI of the Rules of the House of Representatives, or a congressionally directed spending item, as defined in paragraph 5 of Rule XLIV of the Standing Rules of the Senate.

“(d) **TRANSFER AUTHORITY.**—(1) Amounts in the Fund may be transferred by the Secretary of Defense from the Fund to any of the following accounts of the Department of Defense to accomplish the purpose stated in subsection (c):

“(A) Operation and maintenance accounts.

“(B) Procurement accounts.

“(C) Research, development, test, and evaluation accounts.

“(2) Upon determination by the Secretary that all or part of the amounts transferred from the Fund under paragraph (1) are not necessary for the purpose for which transferred, such amounts may be transferred back to the Fund.

“(3) The transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount so transferred.

“(4) The transfer authority provided by paragraphs (1) and (2) is in addition to any other transfer authority available to the Department of Defense by law.

“(e) **SUNSET.**—The authority to make expenditures or transfers from the Fund shall expire on the last day of the third fiscal year that begins after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2216 the following new item:

“2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.”

(b) **LIMITATION ON COMMENCEMENT OF EXPENDITURES FROM FUND.**—No expenditure may be made from the Joint Urgent Operational Needs Fund established by section 2216a of title 10, United States Code (as added by subsection (a)), until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 864. INCLUSION OF ASSOCIATED SUPPORT SERVICES IN RAPID ACQUISITION AND DEPLOYMENT PROCEDURES FOR SUPPLIES.

(a) **INCLUSION.**—Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking “supplies” each place it appears (other than subsections (a)(1)(B) and (f)) and inserting “supplies and associated support services”.

(b) **DEFINITION.**—Such section is further amended by adding at the end the following new subsection:

“(g) **ASSOCIATED SUPPORT SERVICES DEFINED.**—In this section, the term ‘associated support services’ means training, operation, maintenance, and support services needed in connection with the deployment of supplies to be acquired pursuant to the authority of this section. The term does not include functions that are inherently governmental or otherwise exempted from private sector performance.”

(c) **LIMITATION ON AVAILABILITY OF AUTHORITY.**—The authority to acquire associated support services pursuant to section 806 of the Bob

Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, shall not take effect until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 865. REACH-BACK CONTRACTING AUTHORITY FOR OPERATION ENDURING FREEDOM AND OPERATION NEW DAWN.

(a) **AUTHORITY TO DESIGNATE LEAD CONTRACTING ACTIVITY.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics may designate a single contracting activity inside the United States to act as the lead contracting activity with authority for use of domestic capabilities in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn. The contracting activity so designated shall be known as the “lead reach-back contracting authority” for such operations.

(b) **LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-UNITED-STATES-THRESHOLDS.**—The head of the contracting authority designated pursuant to subsection (a) may, when awarding a contract inside the United States for performance in the theater of operations for Operation Enduring Freedom or Operation New Dawn, use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner and to the same extent as if the contract were to be awarded and performed outside the United States.

(c) **DEFINITIONS.**—In this section:

(1) The term “overseas increased micro-purchase threshold” means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(2) The term “overseas increased simplified acquisition threshold” means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

SEC. 866. INCLUSION OF CONTRACTOR SUPPORT REQUIREMENTS IN DEPARTMENT OF DEFENSE PLANNING DOCUMENTS.

(a) **ELEMENTS IN QDR REPORTS TO CONGRESS.**—Section 118(d) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(F) the roles and responsibilities that would be discharged by contractors.”

(2) in paragraph (6), by striking “manpower and sustainment” and inserting “manpower, sustainment, and contractor support”; and

(3) in paragraph (8), by inserting “, and the scope of contractor support,” after “Defense Agencies”.

(b) **CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESSMENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.**—

(1) **ASSESSMENTS UNDER CONTINGENCY PLANNING.**—Paragraph (3) of subsection (a) of section 153 of such title is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Identifying the support functions that are likely to require contractor performance under those contingency plans, and the risks associated with the assignment of such functions to contractors.”

(2) **ASSESSMENTS UNDER ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.**—Paragraph

(4)(E) of such subsection is amended by inserting “and contractor support” after “area of manpower”.

(3) ASSESSMENTS FOR BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—Subsection (d) of such section is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

“(I) Assessment of the requirements for contractor support of the armed forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.”; and

(B) in paragraph (3)(B), by striking “and the levels of support from allies and other friendly nations” and inserting “the levels of support from allies and other friendly nations, and the levels of contractor support”.

Subtitle E—Other Matters

SEC. 881. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) EXTENSION OF AVAILABILITY.—Section 1705(e)(6) of title 10, United States Code, is amended by striking “under subsection (d)(2)” and inserting “(whether by credit in accordance with subsection (d)(2), by transfer pursuant to subsection (d)(3), by direct appropriation, or by deposit)”.

(b) PROSPECTIVE APPLICABILITY.—The amendment made by subsection (a) shall not apply to funds appropriated before the date of the enactment of this Act.

(c) NATURE OF AVAILABILITY.—Such section is further amended by striking “expenditure” and inserting “obligation”.

SEC. 882. MODIFICATION OF DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS ON ENTRY INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO AND OTHER FRIENDLY ORGANIZATIONS AND COUNTRIES.

Section 2350a(b)(2) of title 10, United States Code, is amended by striking “and to one other official of the Department of Defense” and inserting “, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”.

SEC. 883. RATE OF PAYMENT FOR AIRLIFT SERVICES UNDER THE CIVIL RESERVE AIR FLEET PROGRAM.

(a) RATE OF PAYMENT.—

(1) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

“§9511a. Civil Reserve Air Fleet contracts: payment rate

“(a) AUTHORITY.—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program. Such rate of payment shall be determined in accordance with—

“(1) the methodology and ratemaking procedures in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012; and

“(2) such other procedures as the Secretary may prescribe by regulation.

“(b) REGULATIONS.—The Secretary shall prescribe regulations for purposes of subsection (a). Such regulations shall include a process for modifying the ratemaking methodology referred to in paragraph (1) of that subsection. The Secretary may exclude from the applicability of such regulations any airlift services contract made through the use of competitive procedures.

“(c) COMMITMENT OF AIRCRAFT AS BUSINESS FACTOR.—The Secretary may, in determining the quantity of business to be received under an

airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

“(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by inserting after the item relating to section 9511 the following new item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”.

(b) INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

SEC. 884. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDAN VEHICLES AND ADJUSTMENT OF THRESHOLD FOR INFLATION.

(a) CLARIFICATION OF AUTHORITY.—Section 2253(a)(2) of title 10, United States Code, is amended by striking “at a cost of not more than \$30,000 each” and inserting “, but at a cost of not more than \$40,000 each for passenger sedans”.

(b) ADJUSTMENT FOR INFLATION.—The Department of Defense representative to the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall ensure that the threshold established in section 2253 of title 10, United States Code, for the acquisition of right-hand drive passenger sedans is included on the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of section 1908 of title 41, United States Code, and is adjusted pursuant to such provision, as appropriate.

SEC. 885. EXTENSION AND EXPANSION OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF SBIR PROGRAM.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)) is amended by striking “September 30, 2010” and inserting “September 30, 2018”.

(b) EXTENSION OF STTR PROGRAM.—Section 9(n)(1)(A)(ii) of the Small Business Act (15 U.S.C. 638(n)(1)(A)(ii)) is amended by striking “2010” and inserting “2018”.

(c) EXTENSION AND EXPANSION OF COMMERCIALIZATION PILOT PROGRAM.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraphs (1), (2), and (4), by inserting “and the Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(2) in paragraph (6), by striking “2010” and inserting “2018”.

SEC. 886. THREE-YEAR EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) THREE-YEAR EXTENSION.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking “September 30, 2011” and inserting “September 30, 2014”.

(b) ADDITIONAL REPORT.—Subsection (f) of such section is amended by inserting “and March 1, 2012,” after “March 1, 1994,”.

SEC. 887. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking “September 30, 2010” and inserting “September 30, 2015”; and

(2) in paragraph (2), by striking “September 30, 2013” and inserting “September 30, 2018”.

SEC. 888. REPORT ON ALTERNATIVES FOR THE PROCUREMENT OF FIRE-RESISTANT AND FIRE-RETARDANT FIBER AND MATERIALS FOR THE PRODUCTION OF MILITARY PRODUCTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Vehicle and aircraft fires remain a significant force protection and safety threat for the members of the Armed Forces, whether deployed in support of ongoing military operations or while training for future deployment.

(2) Since 2003, the United States Army Institute of Surgical Research, the sole burn center within the Department of Defense, has admitted and treated more than 800 combat casualties with burn injuries. The probability of this type of injury remains extremely high with continued operations in Iraq and the surge of forces into Afghanistan and the associated increase in combat operations.

(3) Advanced fiber products currently in use to protect first responders such as fire fighters and factory and refinery personnel in the United States steel and fuel refinery industries may provide greater protection against burn injuries to members of the Armed Forces.

(b) REPORT.—Not later than February 28, 2012, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on fire-resistant and fire-retardant fibers and materials for the production of military products. The report shall include the following:

(1) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) currently used for the production of military products that require such properties or capabilities (including include uniforms, protective equipment, firefighting equipment, lifesaving equipment, and life support equipment), and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

(2) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) otherwise available in the United States that are suitable for use in the production of military products that require such properties or capabilities, and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program

life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

SEC. 890. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) **ASSESSMENT REQUIRED.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, sub-components, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

SEC. 891. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) **IN GENERAL.**—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an ex-

planation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

SEC. 892. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) **IN GENERAL.**—Not later than October 1, 2012, the Department of Defense shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) **ELEMENT.**—The report required by subsection (a) shall include a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act.

(c) **DEFINITIONS.**—In this section:

(1) **FOREIGN BOYCOTT.**—The term “foreign boycott” means any policy or practice adopted by a foreign government or foreign business enterprise intended to penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. QUALIFICATIONS FOR APPOINTMENTS TO THE POSITION OF DEPUTY SECRETARY OF DEFENSE.

Section 132(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience.”

SEC. 902. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.

SEC. 903. MEMORANDA OF AGREEMENT ON SYNCHRONIZATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES WITH THE REQUIREMENTS OF SPECIAL OPERATIONS FORCES.

By not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command establishing procedures by which the availability of the enabling capabilities of the general purpose forces of the Armed Forces under the jurisdiction of such Secretary will be synchronized with the training and deployment

cycle of special operations forces under the United States Special Operations Command.

SEC. 904. ENHANCEMENT OF ADMINISTRATION OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) **IN GENERAL.**—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

“§9314b. United States Air Force Institute of Technology: administration

“(a) **COMMANDANT.**—

“(1) **SELECTION.**—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

“(2) **ELIGIBILITY.**—The Commandant shall be one of the following:

“(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

“(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

“(3) **TERM FOR CIVILIAN COMMANDANT.**—An individual selected for the position of Commandant under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

“(b) **PROVOST AND ACADEMIC DEAN.**—

“(1) **IN GENERAL.**—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

“(2) **TERM.**—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

“(3) **COMPENSATION.**—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 901 of such title is amended by inserting after the item relating to section 9314a the following new item:

“9314b. United States Air Force Institute of Technology: administration.”

SEC. 905. DEFENSE LABORATORY MATTERS.

(a) **REPEAL OF SUNSET ON DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES.**—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 1580 prec. note) is amended by striking subsection (e).

(b) **REPEAL OF SUNSET ON MECHANISMS TO PROVIDE FUNDS FOR LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.**—Section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) **REPEAL OF SUNSET ON AUTHORITY FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR LABORATORY REVITALIZATION.**—Section 2805(d) of title 10, United States Code, is amended by striking paragraph (5).

(d) **ASSESSMENT OF MILITARY CONSTRUCTION REQUIRED FOR LABORATORY REVITALIZATION AND RECAPITALIZATION.**—

(1) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall conduct an assessment of the current requirements of the defense laboratories for

the revitalization and recapitalization of their infrastructure in order to identify required military construction.

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall—

(A) identify the military construction requirements of the defense laboratories described in paragraph (1) that cannot be met by current authorities for unspecified minor military construction; and

(B) establish for each Armed Force a prioritized list of military construction projects to meet the requirements described in subparagraph (A), and identify among the projects so listed each project previously submitted to a military construction review panel and the length of time such project has remained unaddressed.

(3) **REPORTS.**—

(A) **STATUS REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by paragraph (1).

(B) **FINAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(i) The results of the assessment.

(ii) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

(4) **DEFENSE LABORATORY DEFINED.**—In this subsection, the term “defense laboratory” means a laboratory (as that term is defined in section 2805(d)(4) of title 10, United States Code) that is owned by the United States and under the jurisdiction of the Secretary of a military department.

SEC. 906. ASSESSMENT OF DEPARTMENT OF DEFENSE ACCESS TO NON-UNITED STATES CITIZENS WITH SCIENTIFIC AND TECHNICAL EXPERTISE VITAL TO THE NATIONAL SECURITY INTERESTS.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall conduct an assessment of current and potential mechanisms to permit the Department of Defense to employ non-United States citizens with critical scientific and technical skills that are vital to the national security interests of the United States.

(b) **ELEMENTS.**—The assessment required by subsection (a) shall include the following:

(1) An identification of the critical scientific and technical skills that are vital to the national security interests of the United States and are anticipated to be in short supply over the next 10 years, and an identification of the military positions and civilian positions of the Department of Defense that require such skills.

(2) An identification of mechanisms and incentives for attracting persons who are non-United States citizens with such skills to such positions, including the expedited extension of United States citizenship.

(3) An identification and assessment of any concerns associated with the provision of security clearances to such persons.

(4) An identification and assessment of any concerns associated with the employment of such persons in civilian positions in the United States defense industrial base, including in positions in which United States citizenship, a security clearance, or both are a condition of employment.

(c) **REPORTS.**—

(1) **STATUS REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by subsection (a).

(2) **FINAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(A) The results of the assessment.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

SEC. 908. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

SEC. 909. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

Subtitle B—Space Activities

SEC. 911. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) **IN GENERAL.**—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

“§2275. Commercial space launch cooperation

“(a) **AUTHORITY.**—The Secretary of Defense may, to assist the Secretary of Transportation in carrying out responsibilities set forth in titles 49 and 51 with respect to private sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure, take such actions as the Secretary considers to be in the best interests of the Federal Government to do the following:

“(1) Maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States.

“(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense.

“(3) Reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities.

“(4) Encourage commercial space activities by enabling investment in the space transportation infrastructure of the Department of Defense by covered entities.

“(5) Foster cooperation between the Department of Defense and covered entities.

“(b) **AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.**—The Secretary of Defense—

“(1) may enter into a contract or other agreement with a covered entity to provide to the cov-

ered entity support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of that covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

“(A) the Secretary determines that the inclusion of such support and services in such requirements—

“(i) is in the best interests of the Federal Government;

“(ii) does not interfere with the requirements of the Department of Defense; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

“(B) any commercial requirement included in a contract or other agreement entered into under this subsection has full non-Federal funding before the execution of the contract or other agreement.

“(c) **CONTRIBUTIONS.**—

“(1) **IN GENERAL.**—The Secretary of Defense may enter into contracts or other agreements with covered entities on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

“(2) **USE OF CONTRIBUTIONS.**—Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the contract or other agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) **REQUIREMENTS WITH RESPECT TO AGREEMENTS.**—A contract or other agreement entered into under this subsection shall address terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement.

“(d) **DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.**—

“(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) **CREDITING OF FUNDS.**—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account and shall be available until expended without further authorization or appropriation only for the objectives specified in this section.

“(e) **ANNUAL REPORT.**—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the previous fiscal year.

“(f) **DEFINITIONS.**—In this section:

“(1) **COVERED ENTITY.**—The term ‘covered entity’ means a non-Federal entity that—

“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) **LAUNCH SUPPORT FACILITIES.**—The term ‘launch support facilities’ has the meaning given that term in section 50501(7) of title 51.

“(3) **SPACE RECOVERY SUPPORT FACILITIES.**—The term ‘space recovery support facilities’ has the meaning given that term in section 50501(11) of title 51.

“(4) **SPACE TRANSPORTATION INFRASTRUCTURE.**—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2275. Commercial space launch cooperation.”.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the activities of the Department of Defense under section 2275 of title 10, United States Code, as added by subsection (a).

SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF SPACE VEHICLES AS MAJOR SUBPROGRAMS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.

Section 2430a(a)(1) of title 10, United States Code, is amended—

(1) by inserting “(A)” before “If the Secretary of Defense determines”; and

(2) by adding at the end the following new subparagraph:

“(B) If the Secretary of Defense determines that a major defense acquisition program to purchase space vehicles requires the delivery of space vehicles in two or more increments or blocks, the Secretary may designate each such increment or block as a major subprogram for the purposes of acquisition reporting under this chapter.”.

SEC. 913. REVIEW TO IDENTIFY INTERFERENCE WITH NATIONAL SECURITY GLOBAL POSITIONING SYSTEM RECEIVERS BY COMMERCIAL COMMUNICATIONS SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the reliable provision of precision navigation and timing signals by Global Positioning System satellites owned and operated by the Department of Defense is critical to the economy, public health and safety, and the national security of the United States;

(2) any interference with the signals of the Global Positioning System satellites or the various receivers that use those signals would be extraordinarily disruptive; and

(3) the Federal Communications Commission should ensure that the signals of Global Positioning System satellites can be received without interruption or interference.

(b) REVIEW.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the termination date described in subsection (d), the Secretary of Defense shall conduct a review—

(1) to assess the ability of national security Global Positioning System receivers to receive the signals of Global Positioning System satellites without interruption or interference; and

(2) to determine if commercial communications services are causing or will cause widespread or harmful interference with national security Global Positioning System receivers.

(c) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—If the Secretary determines under subsection (b)(2) that commercial communications services are causing or will cause widespread or harmful interference with national security Global Positioning System receivers, the Secretary shall promptly submit to the congressional defense committees a report notifying those committees of the interference.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A list and description of the national security Global Positioning System receivers that are being or are expected to be interfered with by commercial communications services.

(B) A description of the source of, and the entity causing or expected to cause, the interference with those receivers.

(C) A description of the manner in which that source or entity is causing or is expected to cause the interference.

(D) A description of the magnitude of harm caused or expected to be caused by the interference.

(E) A description of the duration of and the conditions and circumstances under which the interference is occurring or is expected to occur.

(F) A description of the impact of the interference on the national security interests of the United States.

(G) A description of the plans of the Secretary to address, alleviate, or mitigate the interference or the harm caused or expected to be caused by the interference.

(d) TERMINATION DATE DESCRIBED.—The requirement that the Secretary conduct the review under subsection (b) and submit the report under subsection (c) shall terminate on the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) the date on which the Secretary—

(A) determines that there is no widespread or harmful interference with national security Global Positioning System receivers by commercial communication services; and

(B) notifies the congressional defense committees of that determination.

Subtitle C—Intelligence Matters

SEC. 921. EXPANSION OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.

(a) BROADENING OF AUTHORITY.—Section 454 of title 10, United States Code, is amended—

(1) by inserting “(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.—” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies, and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 22 of such title is amended by striking the item relating to section 454 and inserting the following new item:

“454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.”.

SEC. 922. FACILITIES FOR INTELLIGENCE COLLECTION OR SPECIAL OPERATIONS ACTIVITIES ABROAD.

Section 2682 of title 10, United States Code, is amended—

(1) by inserting “(a) MAINTENANCE AND REPAIR.—” before “The maintenance and repair”;

(2) by designating the second sentence as subsection (b), realigning such subsection so as to be indented two ems from the left margin, and inserting “JURISDICTION.—” before “A real property facility”; and

(3) by adding at the end the following new subsection:

“(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary of Defense may maintain and repair, and may exercise jurisdiction over, a real

property facility if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.”.

SEC. 923. OZONE WIDGET FRAMEWORK.

(a) MECHANISM FOR INTERNET PUBLICATION OF INFORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS AND APPLICATIONS.—The Director of the Defense Information Systems Agency shall implement a mechanism to publish and maintain on the public Internet the Application Programming Interface specifications, a developer's toolkit, source code, and such other information on, and resources for, the Ozone Widget Framework (OWF) as the Director considers necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications for use by the Department of Defense and the elements of the intelligence community.

(b) PROCESS FOR VOLUNTARY CONTRIBUTION OF IMPROVEMENTS BY PRIVATE SECTOR.—In addition to the requirement under subsection (a), the Director shall also establish a process by which private individuals and companies may voluntarily contribute the following:

(1) Improvements to the source code and documentation for the Ozone Widget Framework.

(2) Alternative or compatible implementations of the published Application Programming Interface specifications for the Framework.

(c) ENCOURAGEMENT OF USE AND DEVELOPMENT.—The Director shall, whenever practicable, encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework by the computer industry and commercial information technology vendors, including the development of tools that are compatible with the Framework.

SEC. 924. PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (D2IE).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprisewide query and correlation capability required pursuant to paragraph (1).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

(2) PURPOSE.—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.

(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

(C) To operate across multiple levels of security with data guards.

(D) To operate effectively on both unstructured data and structured data.

(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

(F) To control access to data by means of on-line electronic user credentials, profiles, and authentication.

(c) **REPORT.**—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Cybersecurity Matters

SEC. 931. STRATEGY TO ACQUIRE CAPABILITIES TO DETECT PREVIOUSLY UNKNOWN CYBER ATTACKS.

(a) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan to augment the cybersecurity strategy of the Department of Defense through the acquisition of advanced capabilities to discover and isolate penetrations and attacks that were previously unknown and for which signatures have not been developed for incorporation into computer intrusion detection and prevention systems and anti-virus software systems.

(b) **CAPABILITIES.**—

(1) **NATURE OF CAPABILITIES.**—The capabilities to be acquired under the plan required by subsection (a) shall—

(A) be adequate to enable well-trained analysts to discover the sophisticated attacks conducted by nation-state adversaries that are categorized as “advanced persistent threats”;

(B) be appropriate for—

(i) endpoints or hosts;

(ii) network-level gateways operated by the Defense Information Systems Agency where the Department of Defense network connects to the public Internet; and

(iii) global networks owned and operated by private sector Tier 1 Internet Service Providers;

(C) at the endpoints or hosts, add new discovery capabilities to the Host-Based Security System of the Department, including capabilities such as—

(i) automatic blocking of unauthorized software programs and accepting approved and vetted programs;

(ii) constant monitoring of all key computer attributes, settings, and operations (such as registry keys, operations running in memory, security settings, memory tables, event logs, and files); and

(iii) automatic baselining and remediation of altered computer settings and files;

(D) at the network-level gateways and internal network peering points, include the sustainment and enhancement of a system that is based on full-packet capture, session reconstruction, extended storage, and advanced analytic tools, by—

(i) increasing the number and skill level of the analysts assigned to query stored data, whether by contracting for security services, hiring and training Government personnel, or both; and

(ii) increasing the capacity of the system to handle the rates for data flow through the gateways and the storage requirements specified by the United States Cyber Command; and

(E) include the behavior-based threat detection capabilities of Tier 1 Internet Service Pro-

viders and other companies that operate on the global Internet.

(2) **SOURCE OF CAPABILITIES.**—The capabilities to be acquired shall, to the maximum extent practicable, be acquired from commercial sources. In making decisions on the procurement of such capabilities from among competing commercial and Government providers, the Secretary shall take into consideration the needs of other departments and agencies of the Federal Government, State and local governments, and critical infrastructure owned and operated by the private sector for unclassified, affordable, and sustainable commercial solutions.

(c) **INTEGRATION AND MANAGEMENT OF DISCOVERY CAPABILITIES.**—The plan required by subsection (a) shall include mechanisms for improving the standardization, organization, and management of the security information and event management systems that are widely deployed across the Department of Defense to improve the ability of United States Cyber Command to understand and control the status and condition of Department networks, including mechanisms to ensure that the security information and event management systems of the Department receive and correlate data collected and analyses conducted at the host or endpoint, at the network gateways, and by Internet Service Providers in order to discover new attacks reliably and rapidly.

(d) **PROVISION FOR CAPABILITY DEMONSTRATIONS.**—The plan required by subsection (a) shall provide for the conduct of demonstrations, pilot projects, and other tests on cyber test ranges and operational networks in order to determine and verify that the capabilities to be acquired pursuant to the plan are effective, practical, and affordable.

(e) **REPORT.**—Not later than April 1, 2012, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (a). The report shall set forth the plan and include a comprehensive description of the actions being undertaken by the Department to implement the plan.

SEC. 932. PROGRAM IN SUPPORT OF DEPARTMENT OF DEFENSE POLICY ON SUSTAINING AND EXPANDING INFORMATION SHARING.

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall carry out a program to support the policy of the Department of Defense on sustaining and expanding information sharing which program shall provide for the adoption and improvement of technical and procedural capabilities to detect and prevent personnel without authorization from acquiring and exporting information from classified networks.

(b) **CAPABILITIES.**—Options for the technical and procedural capabilities to be adopted and improved under the program required by subsection (a) shall include, but not be limited to, capabilities for the following:

(1) Disabling the removable media ports of computers, whether physically or electronically.

(2) In the case of computers authorized to write to removable media, requiring systems administrator approval for transfers of data.

(3) Electronic monitoring and reporting of compliance with policies on downloading of information to removable media, and of attempts to circumvent such policies.

(4) Using public-key infrastructure-based identity authentication and user profiles to control information access and use.

(5) Electronic auditing and reporting of user activities to deter and detect unauthorized activities.

(6) Using data-loss-prevention and data-rights management technology to prevent the unauthorized export of information from a network or to render the information unusable in the event of unauthorized export.

(7) Appropriately implementing and integrating such capabilities to enable efficient

management and operations, and effective protection of information, without impairing the work of analysts and users of networks.

(c) **PROGRAM WITHIN BROADER APPROACH TO CYBERSECURITY CHALLENGES.**—In developing the program required by subsection (a), the Secretary—

(1) shall take into account that the prevention of security breaches from personnel operating from inside Department networks substantially overlaps with the prevention of cyber attacks (including prevention of theft of information and intellectual property and the destruction of information and network functionality); and

(2) should make decisions about the utility and affordability of capabilities under subsection (b) for purposes of the program in full contemplation of the broad range of cybersecurity challenges facing the Department.

(d) **BUDGET MATTERS.**—The budget justification documents for the budget of the President for each fiscal year after fiscal year 2012, as submitted to Congress pursuant to section 1105 of title 31, United States Code, shall set forth information on the program required by subsection (a), including the following:

(1) The amount requested for such fiscal year for the program.

(2) A description of the objectives and scope of the program for such fiscal year, including management objectives and program milestones and performance metrics for such fiscal year.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$5,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. DEFENSE BUSINESS SYSTEMS.

(a) **AVAILABILITY OF FUNDS FOR DEFENSE BUSINESS SYSTEM PROGRAMS.**—

(1) **CONDITIONS FOR OBLIGATION.**—Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

“(a) **CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE BUSINESS SYSTEM PROGRAMS.**—Appropriated and nonappropriated

funds available to the Department of Defense may not be obligated for a covered defense business system program unless—

“(1) the appropriate chief management officer for the defense business system program has—

“(A) determined that—

“(i) the defense business system program is in compliance with the enterprise architecture developed under subsection (c); and

“(ii) appropriate business process re-engineering efforts have been undertaken to ensure that—

“(I) the business process to be supported by the defense business system program will be as streamlined and efficient as practicable; and

“(II) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable; or

“(B) waived the requirement in subparagraph (A) on the basis of a determination by the chief management officer that—

“(i) the defense business system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

“(ii) the defense business system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

“(2) the determination or waiver of the chief management officer under paragraph (1) has been reviewed, approved, and certified by an appropriate investment review board established under subsection (g); and

“(3) the certification by the investment review board under paragraph (2) has been approved by the Defense Business Systems Management Committee.”.

(2) **TREATMENT OF CERTAIN OBLIGATIONS OF FUNDS.**—Subsection (b) of such section is amended by striking “business system” and all that follows through “such subsection” and inserting “covered defense business system program that has not been certified or approved in accordance with subsection (a)”.

(b) **ENTERPRISE ARCHITECTURE.**—

(1) **IN GENERAL.**—Subsection (c) of such section is amended—

(A) in paragraph (1), by inserting “, known as the defense business enterprise architecture,” after “an enterprise architecture”; and

(B) in paragraph (2), by striking “the enterprise architecture for defense business systems” and inserting “the defense business enterprise architecture”.

(2) **COMPOSITION.**—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “all” and inserting “applicable law, including”; and

(ii) in subparagraph (B), by inserting “business and” before “financial information”;.

(B) in paragraph (2), by inserting “performance measures,” after “data standards.”; and

(C) by adding at the end the following new paragraph:

“(3) A target systems environment, aligned to the business enterprise architecture, for each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.”.

(3) **TRANSITION PLAN.**—Subsection (e) of such section is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “The acquisition strategy for” and inserting “A listing of the”; and

(ii) in subparagraph (B)—

(I) by striking “defense business systems as of December 2, 2002” and inserting “existing defense business systems”; and

(II) by striking the comma before “that will”; and

(B) in paragraph (2), by striking “Each of the strategies under paragraph (1)” and inserting “For each system listed under paragraph (1), the transition plan”.

(c) **RESPONSIBLE SENIOR OFFICIALS AND CHIEF MANAGEMENT OFFICERS.**—Subsection (f) of such section is amended—

(1) by striking all the matter preceding subparagraph (A) of paragraph (1) and inserting the following:

“(f) **DESIGNATION OF SENIOR OFFICIALS AND CHIEF MANAGEMENT OFFICERS.**—(1) For purposes of subsection (g), the appropriate senior Department of Defense official for the functions and activities supported by a covered defense business system is as follows:”.

(2) in such paragraph (1), as so amended—

(A) by striking “shall be responsible and accountable for” each place it appears and inserting “, in the case of”;.

(B) in subparagraph (D), by striking “Assistant Secretary of Defense for Networks and Information Integration and the”; and

(C) in subparagraph (E), by striking “Deputy Secretary of Defense” and all that follows through “responsible for” and inserting “Deputy Chief Management Officer of the Department of Defense, in the case of”; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “subsection (a)” and inserting “subsections (a) and (g)”; and

(ii) by striking “modernization” and inserting “program”;.

(B) in subparagraph (D), by inserting “the Director of such Defense Agency, unless otherwise approved by” before “the Deputy Chief Management Officer”; and

(C) in subparagraph (E), by inserting “the designee of” before “the Deputy Chief Management Officer”.

(d) **INVESTMENT REVIEW.**—Subsection (g) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall establish, by not later than March 15, 2012, an investment review board and investment management process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense business system programs. The investment review process so established shall specifically address the requirements of subsection (a).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “systems” and inserting “system programs”;.

(B) in subparagraph (A), by striking “defense business system” and all that follows through “as an investment” and inserting “covered defense business system program, in accordance with the requirements of subsection (a).”;.

(C) in subparagraph (B), by striking “every defense business system” and all that follows and inserting “covered defense business system programs, grouped in portfolios of defense business systems”;.

(D) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) Representation on each investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representatives of each of the following:

“(i) The appropriate chief management officer for the defense business system under review.

“(ii) The appropriate senior Department of Defense official for the functions and activities supported by the defense business system under review.

“(iii) The Chief Information Officer of the Department of Defense.”; and

(E) in subparagraph (D), by striking “investments” and inserting “programs”.

(e) **BUDGET INFORMATION.**—Subsection (h) of such section is amended—

(1) in paragraph (1), by inserting “program” after “defense business system”;.

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “such system” and inserting “such program”; and

(B) in subparagraph (A), by striking “the system” and inserting “the system covered by such program”;.

(3) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) For each such program, an identification of the appropriate chief management officer and senior Department of Defense official designated under subsection (f).”; and

(4) in paragraph (4), by striking “such system” both places it appears and inserting “such program”.

(f) **REPORTS TO CONGRESS.**—Subsection (i) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “2005 through 2013” and inserting “2012 through 2016”;.

(B) by striking the second sentence; and

(C) by striking “Subsequent reports” and inserting “Each report”;.

(2) by striking “modernizations” each place it appears in paragraphs (1) and (2) and inserting “programs”;.

(3) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) identify any covered defense business system program for which a waiver was granted under subsection (a)(1)(B) during the preceding fiscal year, and set forth the reasons for each such waiver; and”;.

(4) in paragraph (4), by striking “modernization efforts” and inserting “programs”.

(g) **DEFINITIONS.**—Subsection (j) of such section is amended—

(1) by striking paragraphs (1) and (3);

(2) by redesignating paragraphs (2), (4), (5), and (6) as paragraphs (1), (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1), as redesignated by paragraph (2) of this subsection, the following new paragraph (2):

“(2) The term ‘covered defense business system program’ means any program as follows:

“(A) A program for the acquisition or development of a new defense business system with a total cost in excess of \$1,000,000.

“(B) A program for any significant modification or enhancement of an existing defense business system with a total cost in excess of \$1,000,000.

“(C) A program for the operation and maintenance of an existing defense business system, if the estimated cost of operation and maintenance of such system exceeds \$1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.”.

SEC. 1003. MODIFICATION OF AUTHORITIES ON CERTIFICATION AND CREDENTIAL STANDARDS FOR FINANCIAL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Section 1599d of title 10, United States Code, is amended to read as follows:

“§ 1599d. Financial management positions: authority to prescribe professional certification and credential standards

“(a) **AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS.**—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

“(b) **WAIVER.**—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

“(c) **APPLICABILITY.**—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary's discretion—

“(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

“(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

“(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

“(d) **DISCHARGE OF AUTHORITY.**—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

“(e) **REPORTS.**—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

“(f) **FINANCIAL MANAGEMENT POSITION DEFINED.**—In this section, the term ‘financial management position’ means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost or budgetary nature, or that require the performance of financial management related work.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599d and inserting the following new item: “1599d. Financial management positions: authority to prescribe professional certification and credential standards.”.

SEC. 1004. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.

(a) **IN GENERAL.**—Section 5(b) of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d(b)), is amended to read as follows:

“(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of

availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting “, and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014” after “validated as ready for audit by not later than September 30, 2017”.

SEC. 1006. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.

(a) **PLANNING REQUIREMENT.**—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systemically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

(b) **SEMIANNUAL UPDATES.**—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

Subtitle B—Counter-Drug Activities

SEC. 1011. FIVE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) **FIVE-YEAR EXTENSION.**—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking “During fiscal years 2002 through 2011” and inserting “Until September 30, 2016”.

(b) **COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “tribal,” after “local,”; and

(ii) in paragraph (2), by striking “State or local” both places it appears and insert “State, local, or tribal”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “State or local” and inserting “State, local, or tribal”; and

(ii) in paragraph (4), by striking “State, or local” and inserting “State, local, or tribal”; and

(iii) in paragraph (5), by striking “State and local” and inserting “State, local, and tribal”.

(2) **TRIBAL GOVERNMENT DEFINED.**—Such section is further amended by adding at the end the following new subsection:

“(i) **DEFINITIONS RELATING TO TRIBAL GOVERNMENTS.**—In this section:

“(1) The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) The term ‘tribal government’ means the governing body of an Indian tribe.”.

SEC. 1012. FIVE-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) **IN GENERAL.**—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4337), is further amended by striking “2012” and inserting “2017”.

(b) **MAXIMUM AMOUNT OF SUPPORT.**—Section (e)(2) of such section, as so amended, is further amended—

(1) by striking “\$75,000,000” and inserting “\$100,000,000”; and

(2) by striking “2012” and inserting “2017”.

(c) **ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.**—Subsection (b) of such section, as most recently amended by section 1024(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by adding at the end the following new paragraphs:

“(23) Government of Benin.

“(24) Government of Cape Verde.

“(25) Government of The Gambia.

“(26) Government of Ghana.

“(27) Government of Guinea.

“(28) Government of Ivory Coast.

“(29) Government of Jamaica.

“(30) Government of Liberia.

“(31) Government of Mauritania.

“(32) Government of Nicaragua.

“(33) Government of Nigeria.

“(34) Government of Sierra Leone.

“(35) Government of Togo.”.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by the section 1013 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4347), is further amended by striking “February 15, 2011” and inserting “February 15, 2012”.

SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) **EXTENSION.**—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking “2011” and inserting “2012”.

(b) **LIMITATION ON EXERCISE OF AUTHORITY.**—The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004, as amended by subsection (a), may not be exercised after September 30, 2011, unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346).

SEC. 1015. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021(a)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal

Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346), is further amended by striking "2011" and inserting "2012".

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. LIMITATION ON AVAILABILITY OF FUNDS FOR PLACING MARITIME PREPOSITIONING SHIP SQUADRONS ON REDUCED OPERATING STATUS.

No amounts authorized to be appropriated by this Act may be obligated or expended to place a Maritime Prepositioning Ship squadron, or any component thereof, on reduced operating status until the later of the following:

(1) The date on which the Commandant of the Marine Corps submits to the congressional defense committees a report setting forth an assessment of the impact on military readiness of the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status.

(2) The date on which the Chief of Naval Operations submits to the congressional defense committees a report that—

(A) describes the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status; and

(B) sets forth comments of the Chief of Naval Operations on the assessment described in paragraph (1).

(3) The date on which the Secretary of Defense certifies to the congressional defense committees that the risks to readiness of placing such Maritime Prepositioning squadron, or component thereof, on reduced operating status are acceptable.

SEC. 1022. MODIFICATION OF CONDITIONS ON STATUS OF RETIRED AIRCRAFT CARRIER EX-JOHN F. KENNEDY.

Section 1011(c)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2374) is amended by striking "shall require" and all that follows and inserting "may, notwithstanding paragraph (1), demilitarize the vessel in preparation for the transfer."

SEC. 1023. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.

(a) **AUTHORITY.**—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 669—MARITIME SAFETY OF FORCES

"Sec.
"7921. Safety and effectiveness information; hydrographic information.

"§ 7921. Safety and effectiveness information; hydrographic information

"(a) **SAFETY AND EFFECTIVENESS INFORMATION.**—(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

"(A) marine data collection;

"(B) numerical weather and ocean prediction; and

"(C) forecasting of hazardous weather and ocean conditions.

"(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

"(b) **HYDROGRAPHIC INFORMATION.**—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency."

(b) **CLERICAL AMENDMENT.**—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item:

"669. Maritime Safety of Forces 7921".

SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) **ELEMENTS.**—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

SEC. 1025. ASSESSMENT OF STATIONING OF ADDITIONAL DDG-51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) **NAVY ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

(2) **ELEMENTS.**—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG-7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG-7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) **COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.**—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

SEC. 1026. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) **TRANSFER FROM MARAD AUTHORIZED.**—The Secretary of the Navy may, subject to ap-

propriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed \$35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUA KAI.

(2) M/V ALAKAI.

(b) **USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.**—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

Subtitle D—Detainee Matters

SEC. 1031. AFFIRMATION OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) **IN GENERAL.**—Congress affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (Public Law 107-40) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war.

(b) **COVERED PERSONS.**—A covered person under this section is any person as follows:

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.

(c) **DISPOSITION UNDER LAW OF WAR.**—The disposition of a person under the law of war as described in subsection (a) may include the following:

(1) Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force.

(2) Trial under chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)).

(3) Transfer for trial by an alternative court or competent tribunal having lawful jurisdiction.

(4) Transfer to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity.

(d) **CONSTRUCTION.**—Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

(e) **AUTHORITIES.**—Nothing in this section shall be construed to affect existing law or authorities, relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

(f) **REQUIREMENT FOR BRIEFINGS OF CONGRESS.**—The Secretary of Defense shall regularly brief Congress regarding the application of the authority described in this section, including the organizations, entities, and individuals considered to be "covered persons" for purposes of subsection (b)(2).

SEC. 1032. REQUIREMENT FOR MILITARY CUSTODY.

(a) **CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), the Armed Forces of the United States

shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40) in military custody pending disposition under the law of war.

(2) **COVERED PERSONS.**—The requirement in paragraph (1) shall apply to any person whose detention is authorized under section 1031 who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) **DISPOSITION UNDER LAW OF WAR.**—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1031(c), except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1033.

(4) **WAIVER FOR NATIONAL SECURITY.**—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive the requirement of paragraph (1) if the Secretary submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

(b) **APPLICABILITY TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.**—

(1) **UNITED STATES CITIZENS.**—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(2) **LAWFUL RESIDENT ALIENS.**—The requirement to detain a person in military custody under this section does not extend to a lawful resident alien of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States.

(c) **IMPLEMENTATION PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall issue, and submit to Congress, procedures for implementing this section.

(2) **ELEMENTS.**—The procedures for implementing this section shall include, but not be limited to, procedures as follows:

(A) Procedures designating the persons authorized to make determinations under subsection (a)(2) and the process by which such determinations are to be made.

(B) Procedures providing that the requirement for military custody under subsection (a)(1) does not require the interruption of ongoing surveillance or intelligence gathering with regard to persons not already in the custody or control of the United States.

(C) Procedures providing that a determination under subsection (a)(2) is not required to be implemented until after the conclusion of an interrogation session which is ongoing at the time the determination is made and does not require the interruption of any such ongoing session.

(D) Procedures providing that the requirement for military custody under subsection (a)(1) does not apply when intelligence, law enforcement, or other government officials of the United States are granted access to an individual who remains in the custody of a third country.

(E) Procedures providing that a certification of national security interests under subsection (a)(4) may be granted for the purpose of transferring a covered person from a third country if such a transfer is in the interest of the United States and could not otherwise be accomplished.

(d) **EFFECTIVE DATE.**—This section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply

with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after that effective date.

SEC. 1033. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) **CERTIFICATION REQUIRED PRIOR TO TRANSFER.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) **CERTIFICATION.**—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(6) has agreed to share with the United States any information that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) **PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.**—

(1) **PROHIBITION.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d) **NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in paragraph (4) or (5) of subsection (b) or the prohibition in subsection (c) if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of paragraph (4) or (5) of subsection (b), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) **REPORTS.**—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of paragraph (4) or (5) of subsection (b), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(e) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is repealed.

SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **IN GENERAL.**—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1033(e)(2).

(d) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 1034 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4353) is amended by striking subsections (a), (b), and (c).

SEC. 1035. PROCEDURES FOR PERIODIC DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **PROCEDURES REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures for implementing the periodic review process required by Executive Order No. 13567 for individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40).

(b) **COVERED MATTERS.**—The procedures submitted under subsection (a) shall, at a minimum—

(1) clarify that the purpose of the periodic review process is not to determine the legality of any detainee’s law of war detention, but to make discretionary determinations whether or not a detainee represents a continuing threat to the security of the United States;

(2) clarify that the Secretary of Defense is responsible for any final decision to release or transfer an individual detained in military custody at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Executive Order referred to in subsection (a), and that in making such a final decision, the Secretary shall consider the recommendation of a periodic review board or review committee established pursuant to such Executive Order, but shall not be bound by any such recommendation; and

(3) ensure that appropriate consideration is given to factors addressing the need for continued detention of the detainee, including—

(A) the likelihood the detainee will resume terrorist activity if transferred or released;

(B) the likelihood the detainee will reestablish ties with al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners if transferred or released;

(C) the likelihood of family, tribal, or government rehabilitation or support for the detainee if transferred or released;

(D) the likelihood the detainee may be subject to trial by military commission; and

(E) any law enforcement interest in the detainee.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1036. PROCEDURES FOR STATUS DETERMINATIONS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the procedures for determining the status of persons detained pursuant to the Authorization for Use of Military Force (Public Law 107–40) for purposes of section 1031.

(b) **ELEMENTS OF PROCEDURES.**—The procedures required by this section shall provide for the following in the case of any unprivileged enemy belligerent who will be held in long-term detention under the law of war pursuant to the Authorization for Use of Military Force:

(1) A military judge shall preside at proceedings for the determination of status of an unprivileged enemy belligerent.

(2) An unprivileged enemy belligerent may, at the election of the belligerent, be represented by military counsel at proceedings for the determination of status of the belligerent.

(c) **REPORT ON MODIFICATION OF PROCEDURES.**—The Secretary of Defense shall submit to the appropriate committees of Congress a report on any modification of the procedures submitted under this section. The report on any such modification shall be so submitted not later than 60 days before the date on which such modification goes into effect.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1037. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.

(a) **CLARIFICATION OF RIGHT.**—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: “, or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title”; and

(2) in subparagraph (D), by inserting “on the sentence” after “vote was taken”.

(b) **PRE-TRIAL AGREEMENTS.**—Section 949i of such title is amended by adding at the end the following new subsection:

“(c) **PRE-TRIAL AGREEMENTS.**—(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

“(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death

may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.”.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. MANAGEMENT OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) **SECRETARY OF DEFENSE AUTHORITY.**—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

“§2672. Protection of property

“(a) **IN GENERAL.**—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

“(b) **OFFICERS AND AGENTS.**—

“(1) **DESIGNATION.**—(A) The Secretary may designate military or civilian personnel of the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

“(B) A designation under subparagraph (A) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

“(C) In making a designation under subparagraph (A) with respect to any category of personnel, the Secretary shall specify each of the following:

“(i) The personnel or positions to be included in the category.

“(ii) Which authorities provided for in paragraph (2) may be exercised by personnel in that category.

“(iii) In the case of civilian personnel in that category—

“(I) which authorities provided for in paragraph (2), if any, are authorized to be exercised outside the property specified in subsection (a); and

“(II) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

“(D) The Secretary may make a designation under subparagraph (A) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

“(i) the exercise of each specific authority provided for in paragraph (2) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

“(ii) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

“(2) **POWERS.**—Subject to subsection (h) and to the extent specifically authorized by the Secretary, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under this subsection may—

“(A) enforce Federal laws and regulations for the protection of persons and property;

“(B) carry firearms;

“(C) make arrests—

“(i) without a warrant for any offense against the United States committed in the presence of the officer or agent; or

“(ii) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

“(D) serve warrants and subpoenas issued under the authority of the United States; and

“(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the Department of Defense or persons on such property.

“(c) REGULATIONS.—

“(1) IN GENERAL.—The Secretary may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

“(2) PENALTIES.—A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

“(d) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b) and (c) may be exercised only by the Secretary or Deputy Secretary of Defense.

“(e) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

“(f) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services.

“(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary may enter into agreements with Federal agencies and with State, tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, tribal, and local laws concurrently with other Federal law enforcement officers and with State, tribal, and local law enforcement officers.

“(h) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (b)(2) to officers and agents designated under subsection (b)(1) shall be exercised in accordance with guidelines approved by the Attorney General.

“(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to preclude or limit the authority of any Federal law enforcement agency;

“(2) to restrict the authority of the Secretary of Homeland Security or of the Administrator of General Services to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

“(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

“(4) to affect chapter 47 of this title; or

“(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2671 the following new item:

“2672. Protection of property.”.

SEC. 1042. AMENDMENTS RELATING TO THE MILITARY COMMISSIONS ACT OF 2009.

(a) REFERENCE TO HOW CHARGES ARE MADE.—Section 949a(b)(2)(C) of title 10, United States Code, is amended by striking “preferred” in clauses (i) and (ii) and inserting “sworn”.

(b) JUDGES OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 949b(b) of such title is amended—

(1) in paragraph (1)(A), by striking “a military appellate judge or other duly appointed judge under this chapter on” and inserting “a judge on”;

(2) in paragraph (2), by striking “a military appellate judge on” and inserting “a judge on”; and

(3) in paragraph (3)(B), by striking “an appellate military judge or a duly appointed appellate judge on” and inserting “a judge on”.

(c) PANELS OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 950f(a) of such title is amended by striking “appellate military judges” in the second sentence and inserting “judges on the Court”.

(d) REVIEW OF FINAL JUDGMENTS BY UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT.—

(1) CLARIFICATION OF MATTER SUBJECT TO REVIEW.—Subsection (a) of section 950g of such title is amended by inserting “as affirmed or set aside as incorrect in law by” after “where applicable,”.

(2) CLARIFICATION ON TIME FOR SEEKING REVIEW.—Subsection (c) of such section is amended—

(A) in the matter preceding paragraph (1), by striking “by the accused” and all that follows through “which—” and inserting “in the Court of Appeals—”;

(B) in paragraph (1)—

(i) by inserting “not later than 20 days after the date on which” after “(1)”; and

(ii) by striking “on the accused or on defense counsel” and inserting “on the parties”; and

(C) in paragraph (2)—

(i) by inserting “if” after “(2)”; and

(ii) by inserting before the period the following: “, not later than 20 days after the date on which such notice is submitted”.

SEC. 1043. DEPARTMENT OF DEFENSE AUTHORITY TO CARRY OUT PERSONNEL RECOVERY REINTEGRATION AND POST-ISOLATION SUPPORT ACTIVITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1056 the following new section:

“§1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel

“(a) REINTEGRATION AND SUPPORT AUTHORIZED.—The Secretary of Defense may carry out the following:

“(1) Reintegration activities for recovered persons who are Department of Defense personnel.

“(2) Post-isolation support activities for or on behalf of other recovered persons who are officers or employees of the United States Government, military or civilian officers or employees of an allied or coalition partner of the United States, or other United States or foreign nationals.

“(b) ACTIVITIES AUTHORIZED.—(1) The activities authorized by subsection (a) for or on behalf of a recovered person may include the following:

“(A) The provision of food, clothing, necessary medical support, and essential sundry items for the recovered person.

“(B) In accordance with regulations prescribed by the Secretary of Defense, travel and transportation allowances for not more than three family members, or other designated individuals, determined by the commander or head of a military medical treatment facility to be

beneficial for the reintegration of the recovered person and whose presence may contribute to improving the physical and mental health of the recovered person.

“(C) Transportation or reimbursement for transportation in connection with the attendance of the recovered person at events or functions determined by the commander or head of a military medical treatment facility to contribute to the physical and mental health of the recovered person.

“(2) Medical support may be provided under paragraph (1)(A) to a recovered person who is not a member of the armed forces for not more than 20 days.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘post-isolation support’, in the case of a recovered person, means—

“(A) the debriefing of the recovered person following a separation as described in paragraph (2);

“(B) activities to promote or support the physical and mental health of the recovered person following such a separation; and

“(C) other activities to facilitate return of the recovered person to military or civilian life as expeditiously as possible following such a separation.

“(2) The term ‘recovered person’ means an individual who is returned alive from separation (whether as an individual or a group) while participating in or in association with a United States-sponsored military activity or mission in which the individual was detained in isolation or held in captivity by a hostile entity.

“(3) The term ‘reintegration’, in the case of a recovered person, means—

“(A) the debriefing of the recovered person following a separation as described in paragraph (2);

“(B) activities to promote or support for the physical and mental health of the recovered person following such a separation; and

“(C) other activities to facilitate return of the recovered person to military duty or employment with the Department of Defense as expeditiously as possible following such a separation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1056 the following new item:

“1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.”.

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt certain Department of Defense information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the information is Department of Defense critical infrastructure security information; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data

file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) **DELEGATION.**—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) **TRANSPARENCY.**—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) **DEFINITIONS.**—In this section:

(1) The term "Department of Defense critical infrastructure security information" means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term "data file" means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

SEC. 1045. CLARIFICATION OF AIRLIFT SERVICE DEFINITIONS RELATING TO THE CIVIL RESERVE AIR FLEET.

(a) **CLARIFICATION.**—Section 41106 of title 49, United States Code, is amended—

(1) by striking "transport category aircraft" in subsections (a)(1), (b), and (c) and inserting "CRAF-eligible aircraft"; and

(2) in subsection (c), by striking "that has aircraft in the civil reserve air fleet" and inserting "referred to in subsection (a)".

(b) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—Such section is further amended by adding at the end the following new subsection:

"(e) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—In this section, the term 'CRAF-eligible aircraft' means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the Civil Reserve Air Fleet."

SEC. 1046. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND INTERNATIONAL PEACE AND SECURITY ORGANIZATIONS.

(a) **AUTHORITY.**—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries and international peace and security organizations in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry or organization to which assigned in support of stabilization or post-conflict activities; or

(2) assist such ministry or organization in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) **TERMINATION OF AUTHORITY.**—

(1) **IN GENERAL.**—The authority of the Secretary of Defense to assign civilian employees under the program under subsection (a) terminates at the close of September 30, 2014.

(2) **CONTINUATION OF ASSIGNMENTS.**—Any assignment of a civilian employee under subsection (a) before the date specified in paragraph (1) may continue after that date, but only using funds available for fiscal year 2012, 2013, or 2014.

(c) **ANNUAL REPORT.**—Not later than December 30 each year through 2014, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on activities under the program under subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A list of the defense ministries and international peace and security organizations to which civilian employees were assigned under the program.

(2) A statement of the number of such employees so assigned.

(3) A statement of the duration of the various assignments of such employees.

(4) A brief description of the activities carried out such by such employees pursuant to such assignments.

(5) A statement of the cost of each such assignment.

(d) **COMPTROLLER GENERAL REPORT.**—Not later than December 30, 2013, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report setting forth an assessment of the effectiveness of the advisory services provided by civilian employees assigned under the program under subsection (a) as of the date of the report in meeting the purposes of the program.

SEC. 1047. NET ASSESSMENT OF NUCLEAR FORCE LEVELS REQUIRED WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

(a) **IN GENERAL.**—If, on or after the date of the enactment of this Act, the President makes a proposal described in subsection (b), the President shall—

(1) conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries that possess nuclear weapons to determine whether the nuclear forces of the United States are anticipated to be capable of meeting the objectives of the United States with respect to nuclear deterrence, extended deterrence, assurance of allies, and defense; and

(2) as soon as practicable after the date on which the President makes such a proposal, submit that assessment to the congressional defense committees.

(b) **PROPOSAL DESCRIBED.**—

(1) **IN GENERAL.**—A proposal described in this subsection is a proposal—

(A) to reduce the number of deployed nuclear weapons of the United States to a level that is lower than the level described in the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010; or

(B) except as provided in paragraph (2), to reduce, in a calendar year before 2022, the number of non-deployed nuclear weapons held by the United States as a hedge.

(2) **EXCEPTION FOR ROUTINE STOCKPILE STEWARDSHIP ACTIVITIES.**—The requirement to conduct the net assessment under subsection (a) does not apply with respect to a proposal described in paragraph (1)(B) to reduce the number of non-deployed nuclear weapons held by the United States if that reduction is associated with routine stockpile stewardship activities.

(3) **HEDGE DEFINED.**—For purposes of paragraph (1)(B), the term "hedge" means the retention of non-deployed nuclear weapons in both the active and inactive nuclear weapons stockpiles to respond to a technical failure in the stockpile or a change in the geopolitical environment.

SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION AND REPORT ON THE TROOPS-TO-TEACHERS PROGRAM.

(a) **FISCAL YEAR 2012 ADMINISTRATION.**—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) **REPORT.**—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(1) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(2) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(3) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(4) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(5) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(6) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(7) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and Labor of the House of Representatives.

(2) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program authorized by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

“(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

“(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.”.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”; and

(3) by striking “the carrier” and inserting “the business entity”.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“**§2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.**”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.”.

Subtitle F—Repeal and Modification of Reporting Requirements

PART I—REPEAL OF REPORTING REQUIREMENTS

SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 127a(a) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 184 is amended by striking subsection (h).

(3)(A) Section 427 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking the item relating to section 427.

(4) Section 437 is amended by striking subsection (c).

(5)(A) Section 483 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 483.

(6)(A) Section 484 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 484.

(7)(A) Section 485 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 485.

(8)(A) Section 486 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 486.

(9)(A) Section 487 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 487.

(10) Section 983(e)(1) is amended—

(A) by striking the comma after “Secretary of Education” and inserting “and”; and

(B) by striking “, and to Congress”.

(11) Section 1781b is amended by striking subsection (d).

(12) Section 2010 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(13) Section 2244a(c) is amended by striking the second sentence.

(14)(A) Section 2282 is repealed.

(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(15) Section 2350a(g) is amended by striking paragraph (3).

(16) Section 2410m is amended by striking subsection (c).

(17) Section 2485(a) is amended—

(A) by striking “(1)”; and

(B) by striking paragraph (2).

(18) Section 2493 is amended by striking subsection (g).

(19) Section 2515 is amended by striking subsection (d).

(20)(A) Section 2582 is repealed.

(B) the table of sections at the beginning of chapter 153 is amended by striking the item relating to section 2582.

(21) Section 2583 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(22) Section 2688 is amended—

(A) in subsection (a)—

(i) by striking “(1)” before “The Secretary of a military department”; and

(ii) by striking paragraphs (2) and (3);

(B) in subsection (d)(2), by striking the second sentence;

(C) by striking subsection (f); and

(D) in subsection (h), by striking the last sentence.

(23)(A) Section 2706 is repealed.

(B) The table of sections at the beginning of chapter 160 is amended by striking the item relating to section 2706.

(24)(A) Section 2815 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 169 is amended by striking the item relating to section 2815.

(25) Section 2825(c)(1) is amended—

(A) by inserting “and” at the end of subparagraph (A);

(B) by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraphs (C) and (D).

(26) Section 2826 is amended—

(A) by striking “(a) LOCAL COMPARABILITY.”; and

(B) by striking subsection (b).

(27) Section 2827 is amended—

(A) by striking “(a) Subject to subsection (b), the Secretary” and inserting “The Secretary”; and

(B) by striking subsection (b).

(28) Section 2836 is amended—

(A) in subsection (b)—

(i) by striking “(1)” before “The Secretary of a military department”; and

(ii) by striking paragraph (2);

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(29) Section 2837(c) is amended—

(A) by striking “(1)” after “OPPORTUNITIES.”; and

(B) by striking paragraph (2).

(30) Section 2854a is amended by striking subsection (c).

(31) Section 2861 is amended by striking subsection (d).

(32)(A) Section 7296 is repealed.

(B) The table of sections at the beginning of chapter 633 is amended by striking the item relating to section 7296.

(33)(A) Section 10504 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking the item relating to section 10504.

(34) Section 12302(b) is amended by striking the last sentence.

(35)(A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.

SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 219 (123 Stat. 2228) is amended by striking subsection (c).

(2) Section 1113(e)(1) (123 Stat. 2502) is amended by striking “, which information shall be” and all that follows through “semiannual basis”.

(3) Section 1245 (123 Stat. 2542) is repealed.

(b) FISCAL YEAR 2009.—Section 1504 of The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 885 (10 U.S.C. 2304 note) is amended—

(A) in subsection (a), by striking the last sentence of paragraph (2); and

(B) in subsection (b), by striking “the date of the enactment of this Act” both places it appears and inserting “January 28, 2008”.

(2) Section 2864 (10 U.S.C. 2911 note) is repealed.

(d) FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 347 (10 U.S.C. 221 note) is repealed.

(2) Section 731 (10 U.S.C. 1095c note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) Section 732 (10 U.S.C. 1073 note) is amended by striking subsection (d).

(4) Section 1231 (22 U.S.C. 2776a) is repealed.

(5) Section 1402 (10 U.S.C. 113 note) is repealed.

(e) FISCAL YEAR 2006.—Section 716 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 1073 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(f) **FISCAL YEAR 2005.**—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) is amended as follows:

(1) Section 731 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 1041 (10 U.S.C. 229 note) is repealed.

(g) **FISCAL YEAR 2004.**—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) is amended as follows:

(1) Section 586 (117 Stat. 1493) is repealed.

(2) Section 812 (117 Stat. 1542) is amended by striking subsection (c).

(3) Section 1601(d) (10 U.S.C. 2358 note) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(h) **FISCAL YEAR 2003.**—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2431 note) is repealed.

(i) **FISCAL YEAR 2002.**—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsections (c) and (d).

(j) **FISCAL YEAR 2001.**—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is amended as follows:

(1) Section 374 (10 U.S.C. 2851 note) is repealed.

(2) Section 1212 (114 Stat. 1654A-326) is amended by striking subsections (c) and (d).

(3) Section 1213 (114 Stat. 1654A-327) is repealed.

(k) **FISCAL YEAR 2000.**—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 723 (10 U.S.C. 1071 note) is amended—

(A) in subsection (d)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) by striking subsection (e).

(2) Section 1025 (10 U.S.C. 113 note) is repealed.

(3) Section 1035 (113 Stat. 753), as amended by section 1211 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-325), is repealed.

(l) **FISCAL YEAR 1999.**—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking subsection (g).

(m) **FISCAL YEAR 1998.**—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended as follows:

(1) Section 234 (50 U.S.C. 2367) is repealed.

(2) Section 349 (10 U.S.C. 2702 note) is amended by striking subsection (e).

(3) Section 743 (111 Stat. 1817) is amended by striking subsection (f).

(n) **FISCAL YEAR 1997.**—Section 218 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2455) is repealed.

(o) **FISCAL YEARS 1992 AND 1993.**—Section 2868 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2802 note) is repealed.

(p) **FISCAL YEAR 1991.**—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) **TITLE 37.**—Section 402a of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) **TITLE 38.**—Section 3020 of title 38, United States Code, is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

(c) **NATIONAL AND COMMUNITY SERVICE ACT OF 1990.**—Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended by striking subsection (c).

PART II—MODIFICATION OF EXISTING REPORTING REQUIREMENTS

SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 113(j) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by inserting after subparagraph (A), as redesignated by clause (ii), the following new subparagraph (B):

“(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2)(A) Section 115b is amended—

(i) in subsection (a)—

(I) in the subsection caption, by striking “ANNUAL” and inserting “BIENNIAL”; and

(II) by striking “on an annual basis” and inserting “in every even-numbered year”; and

(ii) in subsection (b)(1)(A), by striking “during the seven-year period following the year in which the plan is submitted” and inserting “during the five-year period corresponding to the current future-years defense plan under section 221 of this title”.

(B)(i) The heading of such section is amended to read as follows:

“§115b. Biennial strategic workforce plan”.

(ii) The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 115b and inserting the following new item:

“115b. Biennial strategic workforce plan.”.

(3) Section 116 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.”.

(4) Section 127b(f) is amended by striking “December 1” and inserting “February 1”.

(5) Section 138c(e)(4) is amended—

(A) by striking “Not later than 10 days” and all that follows through “title 31,” and inserting “Not later than March 31 in any year.”; and

(B) by striking “that fiscal year” and inserting “the fiscal year beginning in the year in which such report is submitted”.

(6)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking “QUARTERLY REPORT.” and inserting “BIENNIAL REPORT.”;

(II) by striking “a quarterly report” and inserting “a biannual report”; and

(III) by striking “fiscal-year quarter” and inserting “two fiscal-year quarters”; and

(ii) in subsection (c)—

(I) by striking “(1)”;

(II) by striking “a quarter of a fiscal year after the first quarter of that fiscal year” and inserting “the second two fiscal-year quarters of a fiscal year”;

(III) by striking “the first quarter of that fiscal year” and inserting “the first two fiscal-year quarters of that fiscal year”; and

(IV) by striking paragraph (2).

(B)(i) The heading of such section is amended to read as follows:

“§228. Biannual reports on allocation of funds within operation and maintenance budget subactivities”.

(ii) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 228 and inserting the following new item:

“228. Biannual reports on allocation of funds within operation and maintenance budget subactivities.”.

(7) Subsection (f) of section 408 is amended to read as follows:

“(f) **CONGRESSIONAL OVERSIGHT.**—Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.”.

(8)(A) Section 488—

(i) in subsection (a), by striking “Every other year” and inserting “Every fourth year”;

(ii) in subsection (b), by striking “an even-numbered fiscal year” and inserting “every other even-numbered fiscal year beginning with fiscal year 2012”; and

(iii) by adding at the end the following new subsection:

“(c) **BIENNIAL NOTICE ON CHANGES TO STRATEGIC PLAN.**—If the Secretary modifies a strategic plan under subsection (a) during the two-year period beginning on the date of its submittal to Congress under subsection (b), the Secretary shall submit to Congress a written notice on the modifications at the end of such two-year period.”.

(B)(i) The heading of such section is amended to read as follows:

“§488. Management of electromagnetic spectrum: quadrennial strategic plan”.

(ii) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 488 and inserting the following new item:

“488. Management of electromagnetic spectrum: quadrennial strategic plan.”.

(9) Section 490(b)(1) is amended by inserting “through 2014” after “every even-numbered year”.

(10) Section 2401(h) is amended—

(A) by striking “only if—” and all that follows through “of the proposed” and inserting “only if the Secretary has notified the congressional defense committees of the proposed”;

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and realigning those paragraphs so as to be indented two ems from the left margin; and

(D) by striking “; and” at the end of paragraph (3), as so redesignated, and inserting a period.

(11) Section 2482(d)(1) is amended by inserting “in the United States” after “commissary store”.

(12) Section 2608(e)(1) is amended—

(A) by striking “each quarter” and inserting “the second quarter and the fourth quarter”; and

(B) by striking “the preceding quarter” and inserting “the preceding two quarters”.

(13) Section 2645(d) is amended by striking “\$1,000,000” and inserting “\$10,000,000”.

(14) Section 2803(b) is amended by striking “21-day period” and inserting “seven-day period”.

(15) Section 2811(d) is amended by striking “\$7,500,000” and inserting “\$10,000,000”.

(16) Section 9514(c) is amended by striking “\$1,000,000” and inserting “\$10,000,000”.

(17) Section 10541(a) is amended by striking “February 15” and inserting “April 15”.

(18) Section 10543(c)(3) is amended by striking “15 days” and inserting “90 days”.

SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER TITLES OF THE UNITED STATES CODE.

(a) TITLE 32.—Section 908(a) of title 32, United States Code, is amended by striking “After the end of each fiscal year,” and inserting “After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter.”.

(b) TITLE 37.—Section 316a(f) of title 37, United States Code, is amended by striking “January 1, 2010” and inserting “April 1, 2012”.

SEC. 1068. MODIFICATION OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 121(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking paragraph (5).

(b) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 958 (122 Stat. 297) is amended—
(A) in subsection (a), by striking “240 days after the date of the enactment of this Act” and inserting “June 30, 2012”; and

(B) in subsection (d), by striking “December 31, 2013” and inserting “June 30, 2014”.

(2) Section 1107 (10 U.S.C. 2358 note) is amended—

(A) in subsection (d)—
(i) by striking “beginning with March 1, 2008,”; and

(ii) by inserting “a report containing” after “to Congress”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking “Not later than” and all that follows through “the information” and inserting “The Secretary shall include in each report under subsection (d) the information”; and

(ii) in paragraph (2), by striking “under this subsection” and inserting “under subsection (d)”.

(3) Section 1674(c) (122 Stat. 483) is amended—

(A) by striking “After submission” and all the words through “that patients,” and inserting “Patients,”; and

(B) by striking “have not been moved or disestablished until” and inserting “may not be moved or disestablished until the Secretary of Defense has certified to the congressional defense committees that”.

(c) FISCAL YEAR 2007.—Subsection (a) of section 1104 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is amended to read as follows:

“(a) **REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.**—Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.”.

(d) FISCAL YEAR 2001.—Section 1308(c) of the Floyd D. Spence National Defense Authoriza-

tion Act for Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(e) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 1202(b)(11) (10 U.S.C. 113 note) is amended by adding at the end the following new subparagraph:

“(G) The Secretary’s certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).”.

(2) Section 1201 (10 U.S.C. 168 note) is amended by striking subsection (d).

SEC. 1069. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) SMALL BUSINESS ACT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7), by inserting “and including an accounting of funds, initiatives, and outcomes under the Commercialization Pilot Program” after “and (o)(15),”; and

(2) in subsection (y), by striking paragraph (5).

(b) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—Section 105A(b) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a(b)) is amended—

(1) in the subsection heading, by striking “ANNUAL REPORT” and inserting “BIENNIAL REPORT”;

(2) in the matter preceding paragraph (1)—

(A) by striking “March 31 of each year” and inserting “September 30 of each odd-numbered year”; and

(B) by striking “the following information” and inserting “the following information with respect to the Federal election held during the preceding calendar year”; and

(3) in paragraph (3), by striking “In the case of” and all that follows through “a description” and inserting “A description”.

(c) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 1821(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the first sentence by striking “of each year” and inserting “of each even-numbered year”.

Subtitle G—Other Study and Report Matters

SEC. 1071. MODIFICATION OF DATES OF CONTROLLER GENERAL OF THE UNITED STATES REVIEW OF EXECUTIVE AGREEMENT ON JOINT MEDICAL FACILITY DEMONSTRATION PROJECT, NORTH CHICAGO AND GREAT LAKES, ILLINOIS.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2568) is amended by striking “and annually thereafter” and inserting “not later than two years after the execution of the executive agreement, and not later than September 30, 2015”.

SEC. 1072. REPORT ON PLAN TO IMPLEMENT ORGANIZATIONAL GOALS RECOMMENDED IN THE NATIONAL SECURITY STRATEGY–2010.

(a) FINDINGS.—Congress makes the following findings:

(1) An urgent need exists to transform the United States national security system in order to employ all elements of national power effectively and efficiently to meet the challenges of the 21st century security environment.

(2) The Quadrennial Defense Review Independent Panel emphasized this need in its July 2010 report, writing that “the Panel notes with extreme concern that our current Federal Government structures—both executive and legislative, and in particular those related to security—were fashioned in the 1940s and, at best,

they work imperfectly today. . . . A new approach is needed”.

(3) The National Security Strategy–May 2010 calls for such a transformation of the United States national security system through its identification of organizational changes already underway, its recommendation of additional organizational changes to be undertaken, and its commitment to strengthening national capacity through a whole-of-government approach.

(4) The realization of these organizational goals can best be assured by the preparation of a report by the President on progress being made on organizational changes already underway and on an implementation plan for the organizational changes newly recommended in the National Security Strategy.

(b) PLAN TO IMPLEMENT RECOMMENDATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth a plan to implement the organizational goals recommended in the National Security Strategy–May 2010.

(2) ELEMENTS.—The report required under this subsection shall include the following:

(A) A progress report identifying each organizational change identified by the National Security Strategy as already underway, including for each such change the following:

(i) The goal such organizational change seeks to achieve.

(ii) The actions required of the Executive Branch to achieve such goal.

(iii) The actions required of Congress to achieve such goal.

(iv) The preferred sequencing of the executive and legislative actions specified under clauses (ii) and (iii).

(v) The preferred timetable for such executive and legislative actions and for achievement of such goal.

(vi) The progress that has already been achieved toward such goal, and the obstacles that have been encountered.

(B) An implementation plan addressing each organizational change newly recommended by the National Security Strategy, including for each such change the following:

(i) The goal such organizational change seeks to achieve.

(ii) The actions required of the Executive Branch to achieve such goal.

(iii) The actions required of Congress to achieve such goal.

(iv) The preferred sequencing of the executive and legislative actions specified under clauses (ii) and (iii).

(v) The preferred timetable for such executive and legislative actions and for achievement of such goal.

(c) ANNUAL UPDATE.—Not later than December 1 in each year following the year in which the report required by subsection (b) is submitted, the President shall submit to the appropriate committees of Congress an update of the report setting forth a description of the following:

(1) The progress made in achieving each organizational goal covered by the report required by subsection (b).

(2) The modifications necessary to the plan required by subsection (b) in light of the experience of the Executive Branch in implementing the plan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, Committee on Foreign Relations, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, Committee on Appropriations, and Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, Committee on Foreign Affairs, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, Committee on Appropriations, and Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1073. BIENNIAL ASSESSMENT OF AND REPORT ON DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) **IN GENERAL.**—The Secretary of Defense shall, in each odd-numbered year beginning with calendar year 2013, conduct an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness of each type of platform for the delivery of nuclear weapons and of the nuclear command and control system of the United States.

(b) **REPORT REQUIRED.**—Not later than March 1 of each odd-numbered year beginning with calendar year 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the assessment conducted under subsection (a) that includes the following:

- (1) The results of the assessment.
- (2) An identification and assessment of any gaps or shortfalls in the capabilities of the platforms or the system described in subsection (a).
- (3) An identification and assessment of any risks with respect to whether any of those platforms or that system will meet the mission or capability requirements of those platforms or that system, as the case may be.
- (4) Recommendations of the Secretary of Defense with respect to measures to mitigate any gaps or shortfalls identified under paragraph (2) and any risks identified under paragraph (3).

(c) **CONSULTATIONS.**—The Secretary of Defense shall consult with the Commander of the United States Strategic Command in conducting assessments under subsection (a) and preparing reports under subsection (b).

SEC. 1074. ANNUAL REPORT ON THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) In response to a question for the record from a March 29, 2011, hearing of the Committee on Armed Services of the Senate, General C. Robert Kehler stated, “The stockpile under New START is appropriately sized to meet our deterrence requirements and manage risk associated with our aging systems and infrastructure. A recapitalized nuclear infrastructure could also support potential reductions in the future non-deployed stockpile.”.

(2) In response to an additional question for the record from that hearing, General Kehler stated, “Completion of critical stockpile sustainment activities and restoration of [the National Nuclear Security Administration’s] production infrastructure could enable future reductions in the quantity of non-deployed warheads currently held to mitigate weapon and infrastructure risk.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a reliable nuclear deterrent; and

(2) such investments could enable additional future reductions in the hedge stockpile.

(c) **REPORT REQUIRED.**—Not later than March 1, 2012, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the nuclear weapons stockpile of the United States that includes the following:

(1) An accounting of the weapons in the stockpile as of the end of the fiscal year preceding the submission of the report that includes

deployed and non-deployed weapons, including each category of non-deployed weapon.

(2) The planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for the fiscal year following the fiscal year in which the report is submitted.

SEC. 1075. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that any future modification to the nuclear employment strategy of the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States.

(b) **REPORTS ON MODIFICATION OF STRATEGY.**—

(1) **IN GENERAL.**—Chapter 23 title 10, United States Code, is amended by adding at the end the following new section:

“§491. Nuclear employment strategy of the United States: reports on modification of strategy

“Not later than 30 days after the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

“(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

“(2) An assessment of effects of such modification for the nuclear posture of the United States.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

“491. Nuclear employment strategy of the United States: reports on modification of strategy.”.

SEC. 1076. STUDY ON THE RECRUITMENT, RETENTION, AND DEVELOPMENT OF CYBERSPACE EXPERTS.

(a) **STUDY.**—The Secretary of Defense shall conduct an independent study examining the availability of military and civilian personnel for Department of Defense defensive and offensive cyberspace operations, identifying any gaps in meeting personnel needs, and recommending available mechanisms to fill such gaps, including permanent and temporary positions.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

(2) **MATTERS TO BE COVERED.**—The report required under paragraph (1) shall include the following elements:

(A) A statement of capabilities and number of cyberspace operations personnel required to meet the defensive and offensive cyberspace operation requirements of the Department of Defense.

(B) An assessment of the sufficiency of the numbers and types of personnel available for cyberspace operations, including an assessment of the balance of military personnel, Department of Defense civilian employees, and contractor positions, and the availability of personnel with expertise in matters related to cyberspace operations from outside of the Department of Defense.

(C) A description of the obstacles to adequate recruitment and retention of such personnel.

(D) An exploration of the various recruiting, training, and affiliation mechanisms, such as the reserve components, including the individual ready reserves, the civilian expeditionary workforce, corporate and university partnerships, the Reserve Officers’ Training Corps, and civilian auxiliaries to address challenges to recruitment, retention, and training.

(E) A description of incentives that enable and encourage individuals with cyber skills from outside the Department of Defense to affiliate with the Armed Forces and civilian employees of the Department of Defense through other types of service agreements, as well as obstacles that discourage cyberspace experts and the Department of Defense from implementing new organizational constructs.

(F) Identification of legal, policy, or administrative impediments to attracting and retaining cyberspace operations personnel.

(G) Recommendations for legislative or policy changes necessary to increase the availability of cyberspace operations personnel.

(3) **SUBMISSION OF COMMENTS.**—The Secretary of Defense shall include with the report submitted under paragraph (1) comments on the findings and recommendations contained in the report, including comments from the Secretaries of each of the military departments.

(c) **CYBERSPACE OPERATIONS PERSONNEL DEFINED.**—In this section, the term “cyberspace operations personnel” refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 1077. REPORTS ON RESOLUTION RESTRICTIONS ON THE COMMERCIAL SALE OR DISSEMINATION OF ELECTRO-OPTICAL IMAGERY COLLECTED BY SATELLITES.

(a) **SECRETARY OF COMMERCE REPORT.**—

(1) **REPORT REQUIRED.**—Not later than April 15, 2012, the Secretary of Commerce shall submit to Congress a report setting forth the results of a comprehensive review of current restrictions on the resolution of electro-optical (EO) imagery collected from satellites that commercial companies may sell or disseminate. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the review.

(2) **CONSIDERATIONS.**—In conducting the review required for purposes of the report under paragraph (1), the Secretary shall take into consideration the following:

(A) Increases in sales of commercial satellite imagery that would result from a relaxation of resolution restrictions, and the ensuing benefit to the United States Government, commerce, and academia from an expanding market in satellite imagery.

(B) Current and anticipated deployments of satellites built in foreign countries that can or will be able to collect imagery at a resolution greater than .5 meter resolution, and the sale or dissemination of such imagery.

(C) The lead-time involved in securing financing, designing, building, and launching the new satellite imagery collection capabilities that would be required to enable United States commercial satellite companies to match current and anticipated foreign satellite imagery collection capabilities.

(D) Inconsistencies between the current resolution restrictions on the sale or dissemination of imagery collected by United States commercial companies, the availability of higher resolution imagery from foreign sources, and the National Space Policy of the United States, released by the President on June 28, 2010.

(E) The lack of restrictions on the sale or dissemination of high-resolution imagery collected by aircraft.

(F) The utility that higher resolution imagery would bring to the United States Armed Forces, the production of military geo-spatial information, intelligence analysis, cooperation with allies, scientific research efforts, and domestic disaster monitoring and relief.

(b) INTELLIGENCE ASSESSMENT.—

(1) ASSESSMENT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate committees of Congress a report setting forth an assessment of the benefits and risks of relaxing current resolution restrictions on the electro-optical imagery from satellites that commercial United States companies may sell or disseminate, together with recommendations for means of protecting national security related information in the event of the relaxation of such resolution restrictions.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1078. REPORT ON INTEGRATION OF UNMANNED AERIAL SYSTEMS INTO THE NATIONAL AIRSPACE SYSTEM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and on behalf of the UAS Executive Committee, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description and assessment of the rate of progress in integrating unmanned aircraft systems into the national airspace system.

(2) An assessment of the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SEC. 1079. STUDY ON UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives, shall commission an independent assessment of America’s security interests in East Asia and the Pacific region. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the designated private entity shall provide an unclassified report, with a classified annex, containing its findings to the Secretary of Defense. Not later than 90 days after the date of receipt of the report, the Secretary of Defense shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 301 for operation and maintenance for Defense-wide activities, up to \$1,000,000, shall be made available for the completion of the study required under this section.

SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the “Decker-Wagner Report”) that the Army agreed to implement.

SEC. 1080A. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

SEC. 1080B. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for

combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

SEC. 1080C. REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the early 1960s, the United States has developed and maintained a triad of strategic nuclear weapons delivery systems.

(2) The triad includes sea-based, land-based, and air-based strategic nuclear weapons delivery systems.

(b) REPORT ON MODIFICATION.—Whenever after the date of the enactment of this Act the President proposes a modification of the force structure for the strategic nuclear weapons delivery systems of the United States, the President shall submit to Congress a report on the modification. The report shall include a description of the manner in which such modification will maintain for the United States a range of strategic nuclear weapons delivery systems appropriate for the current and anticipated threats faced by the United States when compared with the current force structure of strategic nuclear weapons delivery systems.

SEC. 1080D. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of

information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) **PRELIMINARY REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) **BRIEFINGS.**—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “major automated information system program” has the meaning given that term in section 2445a of title 10, United States Code.

SEC. 1080E. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1–6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SEC. 1080F. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SEC. 1080G. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1080H. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) **FORM.**—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SEC. 1080I. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIAL COMMAND.

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

(1) The effect on the weapons testing mission of AFMC.

(2) The potential for lack of oversight if flag positions are reduced or eliminated.

(3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

(4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) **COMPTROLLER GENERAL ASSESSMENT.**—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

Subtitle H—Other Matters

SEC. 1081. REDESIGNATION OF PSYCHOLOGICAL OPERATIONS AS MILITARY INFORMATION SUPPORT OPERATIONS IN TITLE 10, UNITED STATES CODE, TO CONFORM TO DEPARTMENT OF DEFENSE USAGE.

Title 10, United States Code, is amended as follows:

(1) In section 167(j), by striking paragraph (6) and inserting the following new paragraph:

“(6) Military information support operations.”

(2) Section 2011(d)(1) is amended by striking “psychological operations” and inserting “military information support operations”.

SEC. 1082. TERMINATION OF REQUIREMENT FOR APPOINTMENT OF CIVILIAN MEMBERS OF NATIONAL SECURITY EDUCATION BOARD BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(a) **TERMINATION.**—Subsection (b)(7) of section 803 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903) is amended by striking “by and with the advice and consent of the Senate.”

(b) **TECHNICAL AMENDMENT.**—Subsection (c) of such section is amended by striking “subsection (b)(6)” and inserting “subsection (b)(7)”.

SEC. 1083. REDESIGNATION OF INDUSTRIAL COLLEGE OF THE ARMED FORCES AS THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) **REDESIGNATION.**—The Industrial College of the Armed Forces is hereby renamed the “Dwight D. Eisenhower School for National Security and Resource Strategy”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 2165(b) of title 10, United States Code, is amended to read as follows:

“(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.”

(c) **REFERENCES.**—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be

a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

SEC. 1084. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is hereby designated as a Fisher House for purposes of section 2493 of title 10, United States Code.

SEC. 1085. SENSE OF SENATE ON APPLICATION OF MORATORIUM ON EARMARKS TO THIS ACT.

It is the sense of the Senate that the moratorium on congressionally-directed spending items in the Senate, and on congressional earmarks in the House of Representatives, should be fully enforced in this Act.

SEC. 1086. TECHNICAL AMENDMENT RELATING TO RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY.

Section 139e(b)(12) of title 10, United States Code, is amended by striking “titles I and II” and inserting “titles I and III”.

SEC. 1087. TECHNICAL AMENDMENT.

Section 382 of title 10, United States Code, is amended by striking “biological or chemical” each place it appears in subsections (a) and (b).

SEC. 1088. IMPROVING THE TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE IN THE OPERATION OF CERTAIN MOTOR VEHICLES INTO CAREERS OPERATING COMMERCIAL MOTOR VEHICLES IN THE PRIVATE SECTOR.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver's licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) IMPLEMENTATION.—Upon completion of the study required by subsection (a), the Secretary

of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) REPORT.—

(1) IN GENERAL.—Upon completion of the study required by subsection (a)(1), the Secretary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) DEFINITIONS.—In this section:

(1) MOTOR VEHICLE.—The term “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) QUALIFYING MOTOR VEHICLE.—The term “qualifying motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

SEC. 1089. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”

SEC. 1090. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India to increase mutual understanding regarding best practices in defense acquisition.

SEC. 1091. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a

long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

SEC. 1092. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

SEC. 1093. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(F) ordered to full-time National Guard duty (other than for training) under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.”

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO EMPLOY UP TO 10 PERSONS WITHOUT PAY.

Section 1583 of title 10, United States Code, is amended in the first sentence—

(1) by inserting “and the Secretaries of the military departments” after “the Secretary of Defense”; and

(2) by inserting “each” after “may”.

SEC. 1102. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) EXTENSION FOR DEPARTMENT OF DEFENSE.—Subparagraph (B) of section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in clause (i), by striking “December 31, 2011” and inserting “October 1, 2015”; and

(2) in clause (ii)—

(A) by striking “February 1, 2012” and inserting “February 1, 2016”; and

(B) by striking “December 31, 2011” and inserting “the date specified in clause (i)”.

(b) **TECHNICAL AMENDMENT TO DELETE OBSOLETE AUTHORITY APPLICABLE TO DEPARTMENT OF ENERGY.**—Subparagraph (A) of such section is amended by striking “, or the Department of Energy due to a reduction in force resulting from the establishment of the National Nuclear Security Administration”.

SEC. 1103. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) **AUTHORITY FOR WAIVER.**—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of that section in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) **PERSONS COVERED.**—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster during the period beginning on June 1, 2004, and ending on March 1, 2008; and

(3) with respect to whom the Secretary determines—

(A) that the employee or former employee, before accepting the reappointment referred to in paragraph (2), received a representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) that the employee or former employee reasonably relied on that representation when accepting reappointment.

(c) **REQUIRED DETERMINATION.**—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment otherwise required would be against equity and good conscience because of the circumstances of that individual’s reemployment after receiving a voluntary separation incentive payment.

(d) **TREATMENT OF PRIOR REPAYMENTS.**—The Secretary of Defense may, pursuant to a determination under subsection (c) specific to an individual, provide for reimbursement to that individual for any amount the individual has previously repaid to the United States for a voluntary separation incentive payment covered by this section. The reimbursement shall be paid either from the appropriations into which the repayment was deposited, if such appropriations remain available, or from appropriations currently available for the purposes of the appropriation into which the repayment was deposited.

(e) **EXPIRATION OF AUTHORITY.**—The authority to grant a waiver under this section shall expire on December 31, 2012.

SEC. 1104. PERMANENT EXTENSION AND EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) **PERMANENT EXTENSION.**—Section 1101 of the Strom Thurmond National Defense Author-

ization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subsection (a), by striking “During the program period” and all that follows through “use of the” and inserting “The Secretary of Defense may carry out a program to use the”; and

(2) by striking subsections (e), (f), and (g).

(b) **EXPANSION OF AVAILABILITY OF PERSONNEL MANAGEMENT AUTHORITY.**—Subsection

(b)(1) of such section is amended—

(1) in subparagraph (A), by striking “40” and inserting “50”; and

(2) in subparagraph (C), by striking “and” at the end;

(3) in subparagraph (D), by adding “and” at the end; and

(4) by adding at the end the following new subparagraph:

“(E) not more than a total of 10 scientific and engineering positions in the Office of the Director of Operational Test and Evaluation.”.

SEC. 1105. MODIFICATION OF BENEFICIARY DESIGNATION AUTHORITIES FOR DEATH GRATUITY PAYABLE UPON DEATH OF A UNITED STATES GOVERNMENT EMPLOYEE IN SERVICE WITH THE ARMED FORCES.

(a) **AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.**—

(1) **IN GENERAL.**—Paragraph (4) of section 8102a(d) of title 5, United States Code, is amended—

(A) by striking the first sentence and inserting “A person covered by this section may designate another person to receive an amount payable under this section.”; and

(B) in the second sentence, by striking “up to the maximum of 50 percent”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply to the payment of a death gratuity based on any death occurring on or after that date.

(b) **NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF DEATH GRATUITY.**—Such section is further amended by adding at the end the following new paragraph:

“(6) If a person covered by this section has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.”.

SEC. 1106. TWO-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616), is amended by striking “fiscal years 2009, 2010, and 2011” and inserting “fiscal years 2009 through 2013”.

SEC. 1107. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2012, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1103 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4382), is further amended by striking “through 2011” and inserting “through 2012”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE AUTHORITY TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS.

(a) **EXPANSION.**—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(B) in paragraph (2), by inserting “and stockpiled conventional munitions assistance” after “Humanitarian demining assistance”; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(ii) in subparagraph (A), by inserting “, or stockpiled conventional munitions, as applicable,” after “explosive remnants of war”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “and stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(B) in paragraph (2), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(B) in paragraph (2)(B)—

(i) by inserting “or stockpiled conventional munitions activities” after “humanitarian demining activities”; and

(ii) by inserting “, or stockpiled conventional munitions, as applicable,” after “explosive remnants of war”; and

(4) in subsection (d), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance” each place it appears.

(b) **DEFINITIONS.**—Subsection (e) of such section is amended to read as follows:

“(e) **DEFINITIONS.**—In this section:

“(1) **HUMANITARIAN DEMINING ASSISTANCE.**—The term ‘humanitarian demining assistance’, as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war.

“(2) **STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.**—The term ‘stockpiled conventional munitions assistance’, as it relates to support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.”.

“(3) **INCLUDED ACTIVITIES.**—The terms in paragraphs (1) and (2) include activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.”.

(c) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§407. **Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.**”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 407 and inserting the following new item:

“407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.”.

SEC. 1202. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITIES APPLICABLE TO COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), is further amended—

(A) in the subsection heading, by striking “FISCAL YEAR 2011” and inserting “FISCAL YEAR 2012”;

(B) by striking “fiscal year 2011, from” and inserting “fiscal year 2012”; and

(C) by striking “operation and maintenance” and all that follows and inserting “operation and maintenance, not to exceed \$400,000,000 may be used by the Secretary of Defense to provide funds for the Commanders' Emergency Response Program in Afghanistan.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS TO CONGRESS.—Subsection (b)(1) of such section, as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518), is further amended by striking “30 days” and inserting “45 days”.

(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Such section, as so amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept cash contributions from any person, foreign government, or international organization for the purposes specified in subsection (a). Funds received by the Secretary may be credited to the operation and maintenance account from which funds are made available to carry out the authority in subsection (a), and may be used for such purposes until expended in addition to the funds specified in that subsection.”

SEC. 1203. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2413), as most recently amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), is further amended by striking “September 30, 2011” and inserting “September 30, 2014”.

SEC. 1204. CONDITIONAL EXTENSION AND MODIFICATION OF AUTHORITY TO BUILD THE CAPACITY OF COUNTER TERRORISM FORCES OF YEMEN.

(a) EXTENSION.—Subsection (a) of section 1205 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4387) is amended by striking “fiscal year 2011” and inserting “fiscal years 2011 and 2012”.

(b) ASSISTANCE THROUGH MINOR MILITARY CONSTRUCTION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “and minor military construction” before the period at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—Minor military construction may be provided under subsection (a) only after September 30, 2011. The total amount that may be obligated and expended on such construction in any fiscal year may not exceed \$10,000,000. Minor military construction may not be provided under subsection (a) in the city of Sana'a or in the Sana'a Governorate, Yemen.”

(c) FUNDING.—Subsection (c) of that section is amended by striking “by section 301” and all that follows through “for fiscal year 2011” and inserting “for the fiscal year concerned for operation and maintenance (other than operation and maintenance for overseas contingency operations)”.

(d) CONDITION ON USE OF AUTHORITIES.—

(1) NOTICE AND WAIT.—An authority specified in paragraph (2) may not be used until 60 days after the date on which the Secretary of Defense and the Secretary of State jointly certify, in writing, to the appropriate committees of Congress that the use of such authority is important to the national security interests of the United States. The certification on an authority shall include the following:

(A) The reasons why the use of such authority is important to the national security interests of the United States.

(B) A justification for the provision of assistance pursuant to such authority.

(C) An acknowledgment by the Secretary of Defense and the Secretary of State that they have received assurance from the Government of Yemen that any assistance provided pursuant to such authority will be utilized in manner consistent with subsection (b)(2) of the applicable section.

(2) COVERED AUTHORITIES.—The authorities referred to in this paragraph are the following:

(A) The authority in section 1205 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as amended by this section.

(B) The authority in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 2456), as amended.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means the committees of Congress specified in section 1205(d)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 1205. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) EXTENSION.—Subsection (h) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended by striking “2013” and inserting “2017”.

(b) CLARIFICATION OF LIMITATION ON FUNDING.—Subsection (g) of such section, as amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 364), is further amended—

(1) by striking “each fiscal year” and inserting “any fiscal year”; and

(2) by striking “pursuant to title XV of this Act” and inserting “for that fiscal year”.

SEC. 1206. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

Of the funds available for fiscal year 2012 for building the capacity of foreign military forces under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as most recently amended by section 1207 of the Ike Skelton National

Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), not more than \$100,000,000 may be obligated and expended until the Secretary of Defense and the Secretary of State submit the report required by section 1237 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4642).

SEC. 1207. GLOBAL SECURITY CONTINGENCY FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States an account to be known as the “Global Security Contingency Fund”.

(b) AUTHORITY.—Amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense, notwithstanding any other provision of law, to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) Assistance under this section may be provided to enhance the capabilities of a foreign country's national military forces, and other national security forces that conduct border and maritime security, internal security, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, and counterterrorism operations; and

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) Assistance may be provided for the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in those cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

(c) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—A program to provide the assistance under subsection (b)(1) may include the provision of equipment, supplies, and training.

(2) REQUIRED ELEMENTS.—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within that country.

(d) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense and the Secretary of State may not use the authority provided under subsection (b) to provide any type of assistance that is otherwise prohibited by any provision of law.

(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense and the Secretary of State may not use the authority provided under subsection (b) to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(e) FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.—

(1) SECURITY PROGRAMS.—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, prior to implementation.

(2) JUSTICE SECTOR AND STABILIZATION PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the

authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, prior to implementation.

(f) **RELATION TO OTHER AUTHORITIES.**—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds made available to carry out this section.

(g) **TRANSFER AUTHORITY.**—

(1) **FOREIGN ASSISTANCE AND OTHER FUNDS.**—Funds available to the Department of State for foreign assistance may be transferred to the Fund by the Secretary of State. Funds available to the Department of Defense may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) **LIMITATION.**—The total amount of funds appropriated and transferred to the Fund in any fiscal year shall not exceed \$300,000,000. This limitation does not apply to amounts contributed to the Fund under subsection (h).

(3) **TRANSFERS TO OTHER ACCOUNTS.**—Funds made available to carry out assistance activities approved pursuant to subsection (c) may be transferred to accounts under the following authorities:

(A) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces).

(B) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).

(C) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).

(D) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training program).

(E) Chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance).

(F) Complex Crises Fund of the Foreign Assistance Act of 1961 (title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117; 123 Stat. 3327)).

(4) **ADDITIONAL AUTHORITIES.**—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of State or the Department of Defense.

(5) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer of an amount to an account under the authority provided in paragraph (3) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(h) **AUTHORITY TO ACCEPT GIFTS.**—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 635(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(i) **AVAILABILITY OF FUNDS.**—Amounts in the Fund shall remain available until September 30, 2015.

(j) **CONGRESSIONAL NOTIFICATION.**—

(1) **SECURITY PROGRAMS.**—Not less than 15 days before initiating activities under a program of assistance under subsection (b)(1), the Secretary of Defense, with the concurrence of the

Secretary of State, shall notify the specified congressional committees of the program to be initiated.

(2) **JUSTICE SECTOR AND STABILIZATION PROGRAMS.**—Not less than 15 days before initiating activities under a program of assistance under subsection (b)(2), the Secretary of State, with the concurrence of the Secretary of Defense, shall notify the specified congressional committees of the program to be initiated.

(3) **EXERCISE OF TRANSFER AUTHORITY.**—Not less than 15 days before a transfer under the authority of subsection (g), the Secretary of State and the Secretary of Defense shall jointly notify the specified congressional committees of the transfer of funds into the Fund.

(k) **REPORTING REQUIREMENT.**—The Secretary of State and the Secretary of Defense jointly shall provide a report quarterly to the specified congressional committees on obligations of funds or transfers into the Fund made during the preceding quarter.

(l) **SPECIFIED CONGRESSIONAL COMMITTEES.**—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(m) **EXPIRATION.**—The authority provided under this section may not be exercised after September 30, 2014, except with respect to amounts appropriated or transferred to the Fund prior to such date, which can continue to be obligated and expended as provided in subsection (i).

(n) **ADMINISTRATIVE EXPENSES.**—Amounts in the Fund may be used for necessary administrative expenses.

SEC. 1208. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES OF EAST AFRICAN COUNTRIES.

(a) **AUTHORITY.**—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance during fiscal years 2012 and 2013 as follows:

(1) To enhance the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(2) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations described in paragraph (1).

(b) **TYPES OF ASSISTANCE.**—

(1) **AUTHORIZED ELEMENTS.**—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) **REQUIRED ELEMENTS.**—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) **FUNDING.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated for each of fiscal years 2012 and 2103 for the Department of Defense for operation and maintenance (other than operation and maintenance for overseas contingency operations), \$75,000,000 may be utilized to provide assistance under subsection (a).

(2) **AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.**—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) **NOTICE TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) **COMMITTEES OF CONGRESS.**—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1209. SUPPORT OF FORCES PARTICIPATING IN OPERATIONS TO DISARM THE LORD'S RESISTANCE ARMY.

(a) **AUTHORITY.**—Pursuant to the policy established by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172; 124 Stat. 1209), the Secretary of Defense may, with the concurrence of Secretary of State, provide logistic support, supplies, and services and intelligence support for forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army as follows:

(1) The national military forces of Uganda.

(2) The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.

(b) **PARTICIPATION OF UNITED STATES PERSONNEL.**—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor).

(c) **FUNDING.**—Of the amount authorized to be appropriated for the Department of Defense for each of fiscal years 2012 and 2013 for operation and maintenance, not more than \$35,000,000 may be utilized in each such fiscal year to provide support under subsection (a).

(d) **LIMITATIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any provision of law.

(2) **ELIGIBLE COUNTRIES.**—The Secretary of Defense may not use the authority in subsection (a) to provide support to any foreign country that is otherwise prohibited from receiving such type of support under any other provision of law.

(e) **NOTICE TO CONGRESS ON ELIGIBLE COUNTRIES.**—The Secretary of Defense may not provide support under subsection (a) for the national military forces of a country determined to be eligible for such support under that subsection until the Secretary notifies the appropriate committees of Congress of the eligibility of the country for such support.

(f) **NOTICE TO CONGRESS ON SUPPORT TO BE PROVIDED.**—Not later than 5 days after the date on which funds are obligated to provide support under subsection (a), the Secretary of Defense

shall submit to the appropriate committees of Congress a notice setting forth the following:

- (1) The type of support to be provided.
- (2) The national military forces to be supported.
- (3) The objectives of such support.
- (4) The estimated cost of such support.
- (5) The intended duration of such support.
- (g) **QUARTERLY REPORTS TO CONGRESS.**—The Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress on a quarterly basis a report on the obligation of funds under this section during the preceding quarter.

(h) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term “logistic support, supplies, and services” means the meaning given that term in section 2350(1) of title 10, United States Code.

(i) **EXPIRATION.**—The authority provided under this section may not be exercised after September 30, 2013.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1221. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) **EXTENSION.**—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as amended by section 1218 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4394), is further amended by striking “fiscal year 2011” each place it appears and inserting “fiscal year 2012”.

(b) **AMOUNT OF FUNDS AVAILABLE.**—Subsection (d) of such section is amended by striking “\$400,000,000” and inserting “\$450,000,000”.

(c) **ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS.**—Of the funds available for logistical support under such section during fiscal year 2012, not more than \$200,000,000 may be obligated and expended until the Secretary of Defense submits the report required by section 1234 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4397).

SEC. 1222. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) **EXTENSION OF AUTHORITY.**—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532), as amended by section 1214 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **QUARTERLY REPORTS.**—Subsection (f)(1) of such section, as so amended, is further amended by striking “and every 90 days thereafter through March 31, 2012” and inserting “every 90 days thereafter through March 31, 2012, and at the end of each calendar quarter, if any, thereafter through March 31, 2013, in which the authority in subsection (a) is implemented”.

SEC. 1223. ONE-YEAR EXTENSION OF AUTHORITIES APPLICABLE TO THE PAKISTAN COUNTERINSURGENCY FUND.

(a) **ONE-YEAR EXTENSION.**—Subsection (h) of section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84;

123 Stat. 2521), as amended by section 1220(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking “September 30, 2011” both places it appears and inserting “September 30, 2012”.

(b) **CLARIFICATION OF SOURCE OF FUNDS FOR FUND.**—Subsection (a)(1)(A) of such section is amended by striking “for fiscal year 2009”.

SEC. 1224. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392) is amended—

(1) in subsection (a), by striking “fiscal year 2011” and inserting “in each of fiscal years 2011 and 2012”; and

(2) in subsection (e), by striking “December 31, 2011” and inserting “December 31, 2012”.

SEC. 1225. MODIFICATION OF AUTHORITY ON PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) **FUNDING.**—Subsection (f) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1), by inserting “or 2012” after “fiscal year 2011”; and

(2) in paragraph (2), by striking “until September 30, 2012.” and inserting “as follows:

“(A) In the case of funds for fiscal year 2011, until September 30, 2012.

“(B) In the case of funds for fiscal year 2012, until September 30, 2013.”.

(b) **NOTICE TO CONGRESS.**—Subsection (g) of such section is amended by striking “30 days” and inserting “15 days”.

SEC. 1226. ONE-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) **EXTENSION.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519) and section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking “by section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “for fiscal year 2012 for overseas contingency operations”.

(b) **LIMITATION ON AMOUNT AVAILABLE.**—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking “fiscal year 2010 or 2011” and inserting “fiscal year 2012”; and

(2) by striking “\$1,600,000,000” and inserting “\$1,750,000,000”.

(c) **TECHNICAL AMENDMENT.**—Subsection (c)(2) of such section, as so amended, is further amended by inserting a comma after “Budget”.

(d) **EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.**—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking “September 30, 2012” and inserting “September 30, 2013”.

SEC. 1227. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON AFGHANISTAN.

(a) **REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by sec-

tion 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking “2012” and inserting “2014”.

(b) **REPORT ON UNITED STATES PLAN FOR SUSTAINING AFGHANISTAN NATIONAL SECURITY FORCES.**—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 390), as amended by section 1232 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4395), is further amended by striking “2012” and inserting “2014”.

SEC. 1228. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) **AUTHORITY.**—The Secretary of Defense may support United States Government transition activities in Iraq by providing funds for the following:

(1) Operations and activities of the Office of Security Cooperation in Iraq.

(2) Operations and activities of security assistance teams in Iraq.

(b) **TYPES OF SUPPORT.**—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support, transportation and personal security, and minor construction and renovation of facilities.

(c) **LIMITATION ON AMOUNT.**—The total amount of funds provided under the authority in subsection (a) in fiscal year 2012 may not exceed \$524,000,000.

(d) **SOURCE OF FUNDS.**—Funds for purposes of subsection (a) for fiscal year 2012 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

(e) **COVERAGE OF COSTS OF OSCI IN CONNECTION WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERVICES TO IRAQ.**—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act includes, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), charges for administrative services sufficient to recover the pro rata costs of operations and activities of the Office of Security Cooperation in Iraq and associated security assistance teams in Iraq in connection with such sale.

SEC. 1229. BENCHMARKS TO EVALUATE THE PROGRESS BEING MADE TOWARD THE TRANSITION OF SECURITY RESPONSIBILITIES FOR AFGHANISTAN TO THE GOVERNMENT OF AFGHANISTAN.

(a) **FINDINGS.**—Congress makes the following findings:

(1) October 7, 2011, will mark the 10-year anniversary of the start of Operation Enduring Freedom in Afghanistan.

(2) Military operations in Afghanistan have cost United States taxpayers more than \$300,000,000,000 to date.

(3) As of June 6, 2011, 1,599 members of the United States Armed Forces have lost their lives in support of Operation Enduring Freedom in Afghanistan and more than 11,000 have been wounded.

(4) On December 1, 2009, at a speech at the United States Military Academy at West Point, New York, President Barack Obama stated that the United States would begin the transfer of United States Armed Forces out of Afghanistan in July 2011 with the pace of reductions to be based upon conditions on the ground.

(5) In the December 2010 Afghanistan-Pakistan Annual Review, President Obama reaffirmed that the core goal of the United States strategy in Afghanistan is to disrupt, dismantle, and defeat al Qaeda.

(6) In January 2010, participants at the London Conference pledged to develop a plan for

phased transition to Afghan security lead. The North Atlantic Treaty Organization (NATO) and foreign ministers of the constituent elements of the International Security Assistance Force (ISAF) endorsed the Joint Framework for Transition in April 2010, and President Obama and President Karzai of Afghanistan committed to the process in a May 2010 joint statement.

(7) At the Kabul Conference in July 2010, the international community expressed its support for the objective of President Karzai that the Afghanistan National Security Forces (ANSF) should lead and conduct all military operations in all provinces in Afghanistan by the end of 2014, support that was later re-affirmed by North Atlantic Treaty Organization and International Security Assistance Force member nations at the Lisbon Summit in November 2010.

(8) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a "game changer" in a speech on May 6, 2011.

(b) **BENCHMARKS REQUIRED.**—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) **TRANSITION PLAN.**—The President shall devise a plan based on inputs from military commanders, NATO and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) **SUBMITTAL TO CONGRESS.**—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390).

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) **CERTIFICATION REQUIREMENT.**—

(1) **IN GENERAL.**—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund or transferred to the Pakistan Counterinsurgency Fund from the Pakistan Counterinsurgency Capability Fund should be made available for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) **SIGNIFICANT IMPLEMENTATION EFFORTS.**—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) **WAIVER.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

SEC. 1231. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the effectiveness of Coalition Support Fund reimbursements in supporting operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations, if any, relative to potential alternatives to or termination of reimbursements from the Coalition Support Fund to the Government of Pakistan taking into account the transition plan for Afghanistan.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Reports and Other Matters

SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION IN OPERATIONALIZING THE AFRICAN STANDBY FORCE.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the African Union in operationalizing the African Standby Force.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the existing personnel strengths and capabilities of each of the five regional brigades of the African Standby Force and their brigade-level headquarters.

(2) An assessment of the specific capacity-building needs of the African Standby Force, including with respect to supply management, information management, strategic planning, and other critical components.

(3) A description of the functionality of the supply depots of each brigade referred to in paragraph (1), and current information on existing stocks of each such brigade.

(4) An assessment of the capacity of the African Union to manage the African Standby Force.

(5) An assessment of inter-organizational coordination on assistance to the African Union and the African Standby Force between multilateral donors, including the United Nations, the European Union, and the North Atlantic Treaty Organization.

(6) An assessment of the capacity of the African Union to absorb additional international assistance toward the development of a fully functional African Standby Force.

SEC. 1242. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) **REPORT REQUIRED.**—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the National Guard State Partnership Program.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A summary of the sources of funds for the State Partnership Program over the last five years.

(2) An analysis of the types and frequency of activities performed by participants in the State Partnership Program.

(3) A description of the objectives of the State Partnership Program and the manner in which objectives under the program are established and coordinated with the Office of the Secretary of Defense, the geographic combatant commands, United States Country Teams, and other departments and agencies of the United States Government.

(4) A description of the manner in which the Department of Defense selects and designates particular State and foreign country partnerships under the State Partnership Program.

(5) A description of the manner in which the Department measures the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

(6) An assessment by the Comptroller General of the United States of the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) **STATEMENT OF POLICY.**—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) **INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.**—

(1) **IN GENERAL.**—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) **ELEMENTS.**—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any

other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1244. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to par-

ticipate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, “The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.”.

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, “Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.”.

(b) DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.—The financial sector of Iran, including the Central Bank of Iran, is designated as of primary money laundering concern for purposes of section 5318A of title 31, United States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if

such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of food, medicine, or medical devices to Iran.

(3) APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a foreign financial institution owned or controlled by the government of a foreign country, including a central bank of a foreign country, only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.—

(A) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 60-day period preceding the submission of the report.

(B) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of the Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) APPLICATION OF SANCTIONS.—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) EXCEPTION.—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to

a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph.

(5) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver; and

(ii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) MULTILATERAL DIPLOMACY INITIATIVE.—

(1) IN GENERAL.—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”);

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran’s conventional, nuclear, chemical or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Account-

ability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or jurisdiction within the United States.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note).

(b) FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term “fiscal year 2012 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the \$508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$63,221,000.

(2) For chemical weapons destruction, \$9,804,000.

(3) For global nuclear security, \$121,143,000.

(4) For cooperative biological engagement, \$259,470,000.

(5) For proliferation prevention, \$28,080,000.

(6) For threat reduction engagement, \$2,500,000.

(7) For other assessments/administrative support, \$24,001,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of

subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than \$500,000 of the fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—
(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4401.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4401.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4401.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4401.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4401.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to \$50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4412), is further amended by striking “\$730,000,000 by the end of fiscal year 2013” in paragraph (5) and inserting “\$830,000,000 by the end of fiscal year 2016”.

Subtitle C—Armed Forces Retirement Home

PART I—AUTHORIZATION OF APPROPRIATIONS

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of \$67,700,000 for the operation of the Armed Forces Retirement Home.

PART II—ARMED FORCES RETIREMENT HOME AUTHORITIES

SEC. 1422. AMENDMENT OF ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.).

SEC. 1423. ANNUAL VALIDATION OF MULTIYEAR ACCREDITATION.

(a) IN GENERAL.—Section 1511(g) (24 U.S.C. 411(g)) is amended—

(1) by inserting “(1)” before “The Chief Operating Officer shall”; and

(2) by adding at the end the following new paragraph:

“(2)(A) If the Chief Operating Officer secures accreditation for a facility of the Retirement Home (or for any aspect of a facility of the Retirement Home) that is effective for a period of more than one year, for each year after the first year for which such accreditation is in effect, the Chief Operating Officer shall seek to obtain, from the organization that awarded the accreditation, a validation of the accreditation. The requirement in the preceding sentence shall not apply with respect to a facility of the Retirement Home for any year for which the Inspector General of the Department of Defense conducts an inspection of that facility under section 1518(b).

“(B) In carrying out subparagraph (A) with respect to validation of an accreditation, the Chief Operating Officer may substitute another nationally recognized civilian accrediting organization if the organization that awarded the accreditation is not available.”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by inserting “AND ANNUAL VALIDATION” after “ACCREDITATION”.

SEC. 1424. CLARIFICATION OF DUTIES OF SENIOR MEDICAL ADVISOR.

Section 1513A(c) (24 U.S.C. 413a(c)) is amended—

(1) in paragraph (3)—

(A) by striking “and inspect” after “Periodically visit”; and

(B) by inserting before the period the following: “and review medical reports, inspections, and records audits to make sure appropriate follow-up has been made”; and

(2) by striking paragraphs (4) and (5).

SEC. 1425. REPLACEMENT OF LOCAL BOARDS OF TRUSTEES FOR EACH FACILITY WITH SINGLE ADVISORY COUNCIL.

(a) ESTABLISHMENT OF AFRH ADVISORY COUNCIL.—Section 1516 (24 U.S.C. 416) is amended to read as follows:

“SEC. 1516. ADVISORY COUNCIL.

“(a) ESTABLISHMENT.—The Retirement Home shall have an Advisory Council, to be known as the ‘Armed Forces Retirement Home Advisory Council’. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

“(b) COMPOSITION; TERMS OF SERVICE.—(1) The Advisory Council shall consist of at least 11 members, each of whom shall be a full or part-time Federal employee and at least one of whom shall be from the Department of Veterans Affairs. Members of the Advisory Council shall be designated by the Secretary of Defense, except that a member who is an employee of a department or agency outside of the Department of Defense shall be designated by the head of such department or agency in consultation with the Secretary of Defense.

“(2)(A) Except as provided in subparagraphs (B) and (C), the term of service of a member of the Advisory Council shall be two years. A member may be designated to serve one additional term.

“(B) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member’s term until a successor is designated.

“(C) The Secretary of Defense may terminate the appointment of a member of the Advisory Council before the expiration of the member’s term for any reason that the Secretary determines appropriate.

“(3) The Secretary of Defense shall designate one member of the Advisory Council to serve as the chair of the Advisory Council.

“(c) DUTIES.—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such observations, advice, and recommendations regarding the Retirement Home as the Advisory Council considers appropriate.

“(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

“(3) In carrying out its duties, the Advisory Council shall provide for participation in its activities by a representative of the resident advisory committee of each facility of the Retirement Home.”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Paragraph (2) of section 1502 (24 U.S.C. 401) is amended to read as follows:

“(2) The term ‘Advisory Council’ means the Armed Forces Retirement Home Advisory Council established by section 1516.”.

(2) RESPONSIBILITIES AND DUTIES OF SENIOR MEDICAL ADVISOR.—Section 1513A(b) (24 U.S.C. 413a(b)) is amended—

(A) in paragraph (1), by striking “and the Chief Operating Officer” and inserting “, the Chief Operating Officer, and the Advisory Council”; and

(B) in paragraph (2), by striking “to the Local Board” and all that follows and inserting “to the Advisory Council regarding all medical and medical administrative matters of each facility of the Retirement Home.”.

(3) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) (24 U.S.C. 415(c)(2)) is amended by striking “, including the Local Boards of those facilities”.

(4) INSPECTION OF RETIREMENT HOME.—Section 1518 (24 U.S.C. 418) is amended by striking “Local Board for the facility” each place it appears and inserting “Advisory Council”.

SEC. 1426. ADMINISTRATORS AND OMBUDSMEN OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking “a Director, a Deputy Director, and an Associate Director” and inserting “an Administrator and an Ombudsman”; and

(2) in subsections (b) and (c), by striking “Director” each place it appears and inserting “Administrator”;

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated, by striking “Associate Director” each place it appears and inserting “Ombudsman”;

(5) in subsection (e), as so redesignated—

(A) by striking “Associate Director” and inserting “Ombudsman”;

(B) by striking “Director and Deputy Director” and inserting “Administrator”; and

(C) by striking “Director may” and inserting “Administrator may”;

(6) in subsection (f), as so redesignated, by striking “Director” each place it appears and inserting “Administrator”; and

(7) in subsection (g), as so redesignated—

(A) in paragraph (1), by striking “Directors” and inserting “Administrators”; and

(B) in paragraph (2), by striking “a Director” and inserting “an Administrator”.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in the headings of subsections (b) and (c), by striking “DIRECTOR” and inserting “ADMINISTRATOR”;

(2) in the headings of subsection (d) and (e), as redesignated by subsection (a)(3), by striking “ASSOCIATE DIRECTOR” and inserting “OMBUDSMAN”; and

(3) in the heading of subsection (g), as so redesignated, by striking “DIRECTORS” and inserting “ADMINISTRATORS”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are amended by striking “Director” each place it appears and inserting “Administrator”: sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) (24 U.S.C. 411(d)(2), 412(c), 414(a), 418(c), 418(d)(2), 420, 422, 423(b)).

(2) Sections 1514(b) and 1520(c) (24 U.S.C. 414(b), 420(c)) are amended by striking “Directors” and inserting “Administrators”.

SEC. 1427. INSPECTION REQUIREMENTS.

Section 1518 (24 U.S.C. 418) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,” and inserting “Not less often than every three years,”;

(ii) by striking “of that facility” and inserting “of each facility of the Retirement Home”;

(iii) by inserting “long-term care,” after “assisted living,”; and

(iv) by striking “or council”; and

(B) in paragraph (3), by striking “or council”;

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) by designating the second sentence as a new paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and

(C) in such paragraph (2), as so designated—

(i) by striking “45 days” and inserting “90 days”; and

(ii) by adding at the end the following new sentence: “The report shall include the plan of the Chief Operating Officer to address the recommendations and other matters set forth in the report.”; and

(3) in subsection (e)(1)—

(A) by striking “45 days” and inserting “60 days”;

(B) by striking “Director of the facility concerned” and inserting “Chief Operating Officer”; and

(C) by striking “, the Chief Operating Officer,” after “Secretary of Defense”.

SEC. 1428. REPEAL OF OBSOLETE PROVISIONS.

Part B, relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home, is repealed.

SEC. 1429. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) (24 U.S.C. 419(a)(2)) is amended by striking “Retirement Home Board” and inserting “Chief Operating Officer”.

(2) TITLE 10, USC.—Section 2772(b) of title 10, United States Code, is amended by striking “Armed Forces Retirement Home Board” and inserting “Chief Operating Officer of the Armed Forces Retirement Home”.

(b) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 is amended to read as follows:

“SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.”.

(2) SECTION 1513.—The heading of section 1513 is amended to read as follows:

“SEC. 1513. SERVICES PROVIDED TO RESIDENTS.”.

(3) SECTION 1513A.—The heading of section 1513A is amended to read as follows:

“SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.”.

(4) SECTION 1517.—The heading of section 1517 is amended to read as follows:

“SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.”.

(5) SECTION 1518.—The heading of section 1518 is amended to read as follows:

“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS.”.

(6) PUNCTUATION.—The headings of sections 1512 and 1520 are each amended by adding a period at the end.

(c) PART A HEADER.—The heading for part A is repealed.

(d) TABLE OF CONTENTS.—The table of contents in section 1501(b) is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

“Sec. 1513. Services provided to residents.

“Sec. 1513A. Oversight of health care provided to residents.”;

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following new items:

“Sec. 1516. Advisory Council.

“Sec. 1517. Administrators, Ombudsmen, and staff of facilities.

“Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors.”; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Funds authorized to be appropriated by section 1403 and available for Defense Health Program for operation and maintenance as specified in the funding table in section 4401 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated for the Department of Defense specifically for such transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 455).

TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine

Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Department of Defense for military personnel in the amount of \$10,228,566,000.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4402.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4402.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4402.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4402.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$4,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) **ENHANCEMENT OF AUTHORITY.**—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4426) is amended—

(1) in paragraph (3), by striking “may include projects” and all that follows and inserting “may include projects that facilitate private investment, mining sector development, industrial development, and other projects determined by the Secretary of Defense, with the concurrence of the Secretary of State, as strengthening stability or providing strategic support to the counterinsurgency campaign in Afghanistan.”;

(2) in paragraph (4), by striking “The” and inserting “During each of fiscal years 2011 and 2012, the”;

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(4) by inserting after paragraph (4) the following new paragraph (5):

“(5) **AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.**—Amounts available to carry out the authority in paragraph (1) shall be available for projects under that authority that begin in a fiscal year and end in the following fiscal year.”.

(b) **ONE-YEAR EXTENSION OF AUTHORITY.**—Paragraph (8) of such subsection, as redesignated by subsection (a)(3) of this section, is further amended to read as follows:

“(8) **EXPIRATION OF AUTHORITY.**—A project may not be commenced under the authority in paragraph (1) after September 30, 2012.”.

(c) **ANNUAL REPORTS.**—Paragraph (7) of such subsection, as so redesignated, is further amended—

(1) in the matter preceding subparagraph (A), by striking “, 2011” and inserting “of each year following a fiscal year in which the authority in paragraph (1) is exercised”;

(2) in subparagraph (A), by striking “during fiscal year 2011” and inserting “during that fiscal year”.

(d) **AUTHORITY FOR ADDITIONAL REPRESENTATIVES ON TASK FORCE.**—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **ADDITIONAL MEMBERS.**—The members of the Task Force for Business and Stability Operations in Afghanistan may include the following:

“(1) A representative of the Department of State, designated by the Secretary of State.

“(2) A representative of the United States Agency for International Development, designated by the Administrator of the United States Agency for International Development.”.

SEC. 1532. MODIFICATION OF AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) **LIMITATIONS.**—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

(b) **AVAILABILITY FOR LITERACY INSTRUCTION AND TRAINING.**—Assistance provided utilizing funds in the Afghanistan Security Forces Fund may include literacy instruction and training to

build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the North Atlantic Treaty Organization Training Mission in Afghanistan.

SEC. 1533. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANS REGIONAL WEB INITIATIVE.

None of the amounts authorized to be appropriated by this Act may be obligated or expended on any program under the Trans Regional Web Initiative of the Department of Defense, or any similar initiative, until the Secretary of Defense certifies, in writing, to the Committees on Armed Services of the Senate and the House of Representatives that such program—

- (1) appropriately defines its target audience;
- (2) is determined to be the most effective method to reach such target audience;
- (3) is the most cost-effective means of reaching such target audience; and
- (4) includes measurement mechanisms to ensure such target audience is being reached.

SEC. 1534. REPORT ON LESSONS LEARNED FROM DEPARTMENT OF DEFENSE PARTICIPATION ON INTERAGENCY TEAMS FOR COUNTERTERRORISM OPERATIONS IN AFGHANISTAN AND IRAQ.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the lessons learned from Department of Defense participation on interagency teams for counterterrorism operations on Afghanistan and Iraq.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

- (1) An assessment of the value of interagency teams in counterterrorism operations.
- (2) A description of the best practices of such interagency teams.
- (3) A description of efforts to codify the best practices of interagency teams described under paragraph (2) in military doctrine.
- (4) An assessment whether the lessons learned through Department of Defense participation on such interagency teams is applicable to other interagency teams in which Department personnel participate.
- (5) An assessment of the feasibility and advisability of adding a skill identifier to track Department civilian and military personnel who have successfully supported, participated on, or led an interagency team.
- (6) A description of the additional authorities, if any, needed to permit Department personnel to more effectively support, participate on, or lead an interagency team.

TITLE XVI—NATIONAL GUARD EMPOWERMENT

SEC. 1601. SHORT TITLE.

This title may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2011”.

SEC. 1602. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AND TERMINATION OF POSITION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) **REESTABLISHMENT AND TERMINATION OF POSITIONS.**—Section 10505 of title 10, United States Code, is amended to read as follows:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) **APPOINTMENT.**—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of

the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of brigadier general.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “and the Vice Chief of the National Guard Bureau”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

“§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

“10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”;

and

(B) by striking the item relating to section 10505 and inserting the following new item:

“10505. Vice Chief of the National Guard Bureau.”.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title, as amended by section 2(b)(1) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”.

SEC. 1604. CONTINUATION AS A PERMANENT PROGRAM AND ENHANCEMENT OF ACTIVITIES OF TASK FORCE FOR EMERGENCY READINESS PILOT PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) CONTINUATION.—

(1) CONTINUATION AS PERMANENT PROGRAM.—The Administrator of the Federal Emergency Management Agency shall continue the Task Force for Emergency Readiness (TFER) pilot program of the Federal Emergency Management Agency as a permanent program of the Agency.

(2) LIMITATION ON TERMINATION.—The Administrator may not terminate the Task Force for Emergency Readiness program, as so continued, until authorized or required to terminate the program by law.

(b) EXPANSION OF PROGRAM SCOPE.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall carry out the program in at least five States in addition to the five States in which the program is carried out as of the date of the enactment of this Act.

(c) ADDITIONAL FEMA ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall—

(1) establish guidelines and standards to be used by the States in strengthening the planning and planning capacities of the States with respect to responses to catastrophic disaster emergencies; and

(2) develop a methodology for implementing the Task Force for Emergency Readiness that includes goals and standards for assessing the performance of the Task Force.

(d) NATIONAL GUARD BUREAU ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Chief of the National Guard Bureau shall—

(1) assist the Administrator in the establishment of the guidelines and standards, implementation methodology, and performance goals and standards required by subsection (c);

(2) in coordination with the Administrator—

(A) identify, using catastrophic disaster response plans for each State developed under the program, any gaps in State civilian and military response capabilities that Federal military capabilities are unprepared to fill; and

(B) notify the Secretary of Defense, the Commander of the United States Northern Command, and the Commander of the United States Pacific Command of any gaps in capabilities identified under subparagraph (A); and

(3) acting through and in coordination with the Adjutants General of the States, assist the States in the development of State plans on responses to catastrophic disaster emergencies.

(e) ANNUAL REPORTS.—The Administrator and the Chief of the National Guard Bureau shall jointly submit to the appropriate committees of Congress each year a report on activities under the Task Force for Emergency Readiness program during the preceding year. Each report shall include a description of the activities under the program during the preceding year and a current assessment of the effectiveness of the program in meeting its purposes.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. REPORT ON COMPARATIVE ANALYSIS OF COSTS OF COMPARABLE UNITS OF THE RESERVE COMPONENTS AND THE REGULAR COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comparative analysis of the costs of units of the regular components of the Armed Forces with the costs of similar units of the reserve components of the Armed Forces. The analysis shall include a separate comparison of the costs of units in the aggregate and of the costs of units solely when on active duty.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the regular components and reserve components shall be treated as similar if such units have the same general structure, personnel, or function, or are substantially composed of personnel having identical or similar military occupational specialties (MOS).

(b) ASSESSMENT OF INCREASED RESERVE COMPONENT PRESENCE IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) an assessment of the advisability of increasing the number of units and members of the reserve components of the Armed Forces within the total force structure of the Armed Forces. The assessment shall take into account the comparative analysis conducted for purposes of subsection (a) and such other matters as the Secretary considers appropriate for purposes of the assessment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submission of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a review of such report by the Comptroller General. The report of the Comptroller General shall include an assessment of the comparative analysis contained in the report required by subsection (a) and of the assessment of the Secretary pursuant to subsection (b).

SEC. 1606. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

SEC. 1607. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United

States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) **MEMORANDUM OF UNDERSTANDING.**—

(1) **MEMORANDUM REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) **MODIFICATION.**—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) **AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.**—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1608. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) **COMMANDER OF ARMY NORTH COMMAND.**—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) **COMMANDER OF AIR FORCE NORTH COMMAND.**—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SEC. 1609. AVAILABILITY OF FUNDS UNDER STATE PARTNERSHIP PROGRAM FOR ADDITIONAL NATIONAL GUARD CONTACTS ON MATTERS WITHIN THE CORE COMPETENCIES OF THE NATIONAL GUARD.

The Secretary of Defense shall, in consultation with the Secretary of State, modify the regulations prescribed pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) to provide for the use of

funds available pursuant to such regulations for contacts between members of the National Guard and civilian personnel of foreign governments outside the ministry of defense on matters within the core competencies of the National Guard such as the following:

- (1) Disaster response and mitigation.
- (2) Defense support to civilian authorities.
- (3) Consequence management and installation protection.
- (4) Chemical, biological, radiological, or nuclear event (CBRNE) response.
- (5) Border and port security and cooperation with civilian law enforcement.
- (6) Search and rescue.
- (7) Medical matters.
- (8) Counterdrug and counternarcotics activities.
- (9) Public affairs.
- (10) Employer and family support of reserve forces.
- (11) Such other matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Secretary of Defense shall specify.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2012”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2014; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

- (1) October 1, 2014; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. FUNDING TABLES.

(a) **IN GENERAL.**—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2403, 2411, 2502, and 2606 shall be available in the amounts specified in the funding table in section 4501.

(b) **BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—The amounts authorized to be appropriated by section 2703 shall be available in the amounts specified in the funding table in section 4501.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(1), the

Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$11,600,000
Alaska	Fort Wainwright	\$114,000,000
	Joint Base Elmendorf-Richardson	\$103,600,000
California ..	Presidio of Monterey ...	\$3,000,000
	Fort Irwin	\$23,000,000
Colorado ...	Fort Carson	\$238,600,000
Georgia	Fort Benning	\$66,700,000
	Fort Gordon	\$1,450,000
	Fort Stewart	\$2,600,000
Hawaii	Fort Shafter	\$17,500,000
	Schofield Barracks	\$105,000,000
Kansas	Fort Riley	\$83,400,000
	Forbes Air Field	\$5,300,000
Kentucky ...	Fort Campbell	\$247,500,000
	Fort Knox	\$55,000,000
Louisiana ..	Fort Polk	\$70,100,000
Maryland ..	Aberdeen Proving Ground	\$78,500,000
	Fort Meade	\$79,000,000
Missouri	Fort Leonard Wood	\$49,000,000
New York ..	Fort Drum	\$13,300,000
North Carolina ..	Fort Bragg	\$186,000,000
Oklahoma ..	Fort Sill	\$184,600,000
	McAlester Army Ammunition Plant	\$8,000,000
South Carolina	Fort Jackson	\$63,900,000
Texas	Fort Bliss	\$110,900,000
	Fort Hood	\$132,000,000
	Joint Base San Antonio	\$10,400,000
	Red River Army Depot	\$44,000,000
Utah	Dugway Proving Ground	\$32,000,000
Virginia	Fort Belvoir	\$52,000,000
	Joint Base Langley Eustis	\$26,000,000
Washington ..	Joint Base Lewis McChord	\$296,300,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$80,000,000
Germany	Grafenwoehr	\$22,500,000
	Landstuhl	\$63,000,000
	Oberdachstetten	\$12,200,000
	Kelley Barracks	\$12,200,000
	Vilseck	\$20,000,000
Korea	Camp Carroll	\$41,000,000
	Camp Henry	\$48,000,000

SEC. 2102. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	64	\$34,329,000
	Illesheim	80	\$41,000,000
	Vilseck	22	\$12,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$7,897,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$103,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,643,146,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$2,400,250,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$298,900,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$195,241,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$176,897,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$494,858,000.

(6) For the construction of increment 1 of an aviation complex, phase 3A at Fort Wainwright, Alaska, authorized by section 2101(a) of this Act, \$57,000,000.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2629) for Joint Base Lewis-McChord, Washington, for construction of an access road adjoining McChord Air Force Base and Fort Lewis, the Secretary of the Army may construct a secure elevated roadway over the existing railroad and public road in lieu of an on-grade road and access control point.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) **HAWAII.**—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452, the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) **NEW YORK.**—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construction guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) **GERMANY.**—In the case of the authorization contained in the table in section 2101(b) of

the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4438) for Wiesbaden Air Base, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

(a) **PROJECT AUTHORIZATION.**—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of \$115,000,000.

(b) **USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.**—The Secretary may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2012 for the project described in subsection (a).

(c) **CONGRESSIONAL NOTIFICATION.**—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Child Care Facility	\$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	\$4,150,000

SEC. 2110. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2012, or the date of the

enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	\$1,400,000
Hawaii	Schofield Barracks	Brigade Complex	\$65,000,000
	Schofield Barracks	Battalion Complex	\$69,000,000
	Schofield Barracks	Battalion Complex	\$27,000,000
	Schofield Barracks	Infrastructure Expansion	\$76,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase I	\$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	\$3,900,000

SEC. 2111. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.

The table in section 3002 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4503) is amended—

(1) in the item for the Army relating to “Entry Control Point and Access Roads” that appears immediately below the item relating to “Vet Clinic & Kennel” at Bagram Air Force Base, by striking “Delaram II” in the State/Country and Installation column and inserting “Delaram II”; and

(2) in the item for the Army that appears immediately below the item relating to “Electrical Utility Systems, Ph.2” at the Shank installation, by striking “Expand Extended Cooperation Programme 1 and Extended Cooperation Programme 2” in the Project Title column and in-

serting “Expand Entry Control Point 1 and Entry Control Point 2”.

SEC. 2112. REDUCTION OF ARMY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Army for fiscal years prior to fiscal year 2012 are hereby reduced by \$100,000,000.

SEC. 2113. TOUR NORMALIZATION.

None of the funds authorized to be appropriated under this Act may be obligated or expended for tour normalization until—

(1) the Director of Cost Assessment and Program Evaluation conducts an analysis of alternatives to tour normalization that identifies alternative courses of action and their associated life cycle costs, potential benefits, advantages, and disadvantages;

(2) the Secretary of the Army submits to the congressional defense committees a master plan for completing all phases of tour normalization that includes a detailed description of all costs and a schedule for the construction of necessary facilities and infrastructure; and

(3) legislation enacted after the date of the enactment of this Act authorizes the obligation of funds for such purpose.

TITLE XXII—NAVY**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$162,785,000
California	Marine Corps Base, Camp Pendleton	\$335,080,000
	Naval Base, Coronado	\$93,735,000
	Marine Corps Base, Twentynine Palms	\$67,109,000
	Marine Corps Logistics Base, Barstow	\$8,590,000
	Marine Corps Mountain Warfare Training Center, Bridgeport	\$16,138,000
	Naval Base Ventura County Point Mugu	\$15,377,000
Florida	Naval Air Station, Jacksonville	\$36,552,000
	Naval Station, Mayport	\$14,998,000
	Naval Air Station, Whiting Field (Eglin Air Force Base)	\$20,620,000
Georgia	Naval Submarine Base, Kings Bay	\$86,063,000
Hawaii	Marine Corps Base, Kaneohe Bay	\$57,704,000
	Pacific Missile Range Facility, Barking Sands	\$9,679,000
	Joint Base Pearl Harbor-Hickam	\$7,492,000
Illinois	Naval Station, Great Lakes	\$91,042,000
Maryland	Naval Support Facility, Indian Head	\$67,779,000
	Naval Air Station, Patuxent River	\$45,844,000
North Carolina	Marine Corps Base, Camp Lejeune	\$200,482,000
	Marine Corps Air Station, Cherry Point	\$17,760,000
	Marine Corps Air Station, New River	\$78,930,000
South Carolina	Marine Corps Air Station, Beaufort	\$21,096,000
Virginia	Naval Station, Norfolk	\$81,304,000
	Naval Support Activity, Norfolk	\$26,924,000
	Naval Ship Yard, Portsmouth	\$74,864,000
	Marine Corps Base, Quantico	\$183,690,000
Washington	Naval Base Kitsap, Bremerton (Puget Sound Ship Yard)	\$13,341,000
	Naval Base Kitsap, Bremerton (Bangor)	\$758,842,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	\$89,499,000
Diego Garcia	Naval Support Facility, Diego Garcia	\$35,444,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,199,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$97,773,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,641,457,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$1,956,822,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$124,943,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$21,495,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$69,362,000.

Navy: Extension of 2008 Project Authorization

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Host Nation Infrastructure	\$2,700,000

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$100,972,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$367,863,000.

SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

(c) TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.—The table

in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division

B of Public Law 110–181; 122 Stat. 511) is amended to read as follows:

Navy: Worldwide Unspecified

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Wharf Utilities Upgrade	\$8,900,000
Worldwide Unspecified	Various	Host Nation Infrastructure	\$2,700,000

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670), shall remain in effect until October 1, 2012, or the

date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton	Operations Assess Points, Red Beach	\$11,970,000
	Marine Corps Air Station, Miramar	Emergency Response Station	\$6,530,000
District of Columbia	Washington Navy Yard	Child Development Center	\$9,340,000

SEC. 2207. REDUCTION OF NAVY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Navy for fiscal years prior to fiscal year 2012 are hereby reduced by \$25,000,000.

SEC. 2208. GUAM REALIGNMENT.

None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States-Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$45,000,000
	Joint Base Elmendorf-Richardson	\$97,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Arizona	Davis-Monthan Air Force Base	\$33,000,000
	Luke Air Force Base	\$24,000,000
California ..	Travis Air Force Base ..	\$22,000,000
	Vandenberg Air Force Base ..	\$14,200,000
Colorado	U.S. Air Force Academy	\$13,400,000
Delaware ...	Dover Air Force Base ...	\$2,800,000
Kansas	Fort Riley, Kansas	\$7,600,000
Louisiana ..	Barksdale Air Force Base ..	\$23,500,000
Missouri	Whiteman Air Force Base ..	\$4,800,000
Nebraska ...	Offutt Air Force Base ..	\$564,000,000
	Nellis Air Force Base ...	\$35,850,000
New Mexico ..	Cannon Air Force Base ..	\$22,598,000
	Holloman Air Force Base ..	\$29,200,000
	Kirtland Air Force Base ..	\$25,000,000
North Carolina ..	Pope Air Force Base	\$6,000,000
North Dakota	Minot Air Force Base ..	\$67,800,000
Texas	Joint Base San Antonio ..	\$110,000,000
Utah	Hill Air Force Base	\$16,500,000
Virginia	Joint Base Langley	\$50,000,000
	Eustis	
Washington ..	Fairchild Air Force Base ..	\$27,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$34,697,000
Greenland ..	Thule Air Base	\$28,000,000
Guam	Joint Region Marianas ..	\$64,400,000
Italy	Naval Air Station, Signonella	\$15,000,000
Korea	Osan Air Base	\$23,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,208,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$80,596,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,619,423,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$677,848,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$165,897,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$67,913,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$84,804,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$404,761,000.

(6) For the construction of increment 2 of the Air Force Technical Applications Center at Patrick Air Force Base, Florida, as authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4444), \$79,000,000.

(7) For the construction of increment 1 of a STRATCOM replacement facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of this Act, \$120,000,000.

SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2010 (Division B of Public Law 111–84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in

lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided

in section 2301(b) of that Act (122 Stat. 4680) shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later:

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Germany	Spangdahlem AB	Construct Child Development Center	\$11,400,000

SEC. 2307. REDUCTION OF AIR FORCE MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Air Force for fiscal years prior to fiscal year 2012 are hereby reduced by \$32,000,000.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$58,800,000
Alaska	Anchorage	\$18,400,000
Arizona	Eielson Air Force Base	\$14,800,000
California ..	Davis-Monthan Air Force Base	\$23,000,000
Colorado	Defense Distribution Depot Tracy	\$15,500,000
District of Columbia.	Marine Corps Base, Camp Pendleton	\$12,141,000
Florida	Naval Base, Coronado	\$42,000,000
Georgia	Naval Base, Coronado (San Clemente)	\$21,800,000
Hawaii	Buckley Air Force Base	\$140,932,000
Illinois	Bolling Air Force Base	\$16,736,000
Kentucky ...	Eglin Air Force Base ...	\$61,100,000
Louisiana ..	Macdill Air Force Base	\$15,200,000
Maryland ..	Naval Air Station, Whiting Field	\$3,800,000
Massachusetts.	Fort Benning	\$37,205,000
Mississippi ..	Fort Gordon	\$17,705,000
Missouri	Fort Stewart	\$72,300,000
New Mexico ..	Joint Base Pearl Harbor-Hickam	\$14,400,000
New York ...	Naval Station, Great Lakes	\$16,900,000
North Carolina.	Fort Campbell	\$138,500,000
Ohio	Fort Knox	\$38,845,000
South Carolina.	Barksdale Air Force Base	\$6,200,000
Texas	Joint Base Andrews	\$265,700,000
Virginia	National Naval Medical Center, Bethesda	\$18,000,000
Washington ..	Hanscom Air Force Base	\$34,040,000
West Virginia.	Westover Air Reserve Base	\$23,300,000
Wisconsin	Columbus Air Force Base	\$2,600,000
Wyoming	Construction Battalion Center, Gulfport	\$34,700,000
Yukon	Arnold	\$9,253,000
Yukon	Cannon Air Force Base	\$132,997,000
Yukon	Fort Drum	\$20,400,000
Yukon	Camp Lejeune	\$6,670,000
Yukon	Fort Bragg	\$206,274,000
Yukon	Marine Corps Air Station, New River	\$22,687,000
Yukon	Pope Air Force Base	\$5,400,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
Ohio	Defense Supply Center Columbus	\$10,000,000
Oklahoma ..	Altus Air Force Base ...	\$8,200,000
Pennsylvania.	Defense Distribution Depot New Cumberland	\$17,500,000
South Carolina.	Defense Supply Center Philadelphia	\$8,000,000
Texas	Joint Base Charleston ..	\$24,868,000
Virginia	Joint Base Antonio	\$194,300,000
Washington ..	Charlottesville	\$10,805,000
West Virginia.	Joint Expeditionary Base Little Creek-Fort Story	\$37,000,000
Wisconsin	Marine Corps Base, Quantico	\$46,727,000
Wyoming	Naval Air Station, Oceana (Dam Neck)	\$23,116,000
Yukon	Dahlgren	\$1,988,000
Yukon	Pentagon Reservation ..	\$8,742,000
Yukon	Joint Base Lewis-McChord ..	\$35,000,000
Yukon	Naval Air Station, Whidbey Island	\$25,000,000
Yukon	Camp Dawson	\$2,200,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ansbach	\$11,672,000
Germany	Grafenwoehr	\$6,529,000
Germany	Spangdahlem Air Base	\$129,043,000
Germany	Stuttgart-Patch Barracks	\$2,434,000
Italy	Vicenza	\$41,864,000
Japan	Yokota Air Base	\$61,842,000
United Kingdom.	Menwith Hill Station ...	\$68,601,000
United Kingdom.	Royal Air Force Alconbury	\$35,030,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of \$135,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,212,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$135,000,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$50,723,000.

(B) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), \$3,468,000.

(8) For the construction of increment 6 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2457), \$137,600,000.

(9) For the construction of increment 4 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2646), \$27,000,000.

(10) For the construction of increment 4 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4689), \$22,850,000.

(11) For the construction of increment 3 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by title IX of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1888), \$123,201,000.

(12) For the construction of increment 3 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2642), \$109,400,000.

(13) For the construction of increment 1 of a Mountainview operations facility at Buckley Air Force Base, Colorado, authorized by section 2401(a) of this Act, \$70,432,000.

(14) For the construction of increment 1 of an ambulatory care center at Joint Base Andrews, Maryland, authorized by section 2401(a) of this Act, \$121,500,000.

(15) For the construction of increment 1 of an ambulatory care center, phase 3 at Fort Bliss, Texas, authorized by section 2401(a) of this Act, \$80,600,000.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization in the total amount of \$75,312,000, as follows:

(1) For the construction of phase 13 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$15,338,000.

(2) For the construction of phase 12 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B Public Law 111–383; 124 Stat. 4450), \$59,974,000.

SEC. 2412. REDUCTION OF DEFENSE AGENCIES MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) for fiscal years prior to fiscal year 2012 are hereby reduced by \$131,000,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in

section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$240,611,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$16,500,000
Arizona	Papago Military Reservation	\$17,800,000
Arkansas ...	Fort Chafee	\$3,500,000
California ..	Camp Roberts	\$38,160,000
	Camp San Luis Obispo	\$8,000,000
Colorado	Alamosa	\$6,400,000
	Aurora	\$3,600,000
	Fort Carson	\$43,000,000
District of Columbia.	Anacostia	\$5,300,000
Florida	Camp Blanding	\$5,500,000
Georgia	Atlanta	\$11,000,000
	Hinesville	\$17,500,000
	Macon	\$14,500,000
Hawaii	Kalaheo	\$33,000,000
Illinois	Normal	\$10,000,000
Indiana	Camp Atterbury	\$81,900,000
	Indianapolis	\$25,700,000
Maine	Bangor	\$15,600,000
	Brunswick	\$23,000,000
Maryland ..	Dundalk	\$16,000,000
	La Plata	\$9,000,000
	Westminster	\$10,400,000
	Natick	\$9,000,000
Massachusetts.	Camp Ripley	\$8,400,000
Minnesota ..	Camp Shelby	\$64,600,000
Mississippi ..	Grand Island	\$22,000,000
Nebraska ...	Mead	\$9,100,000
	Las Vegas	\$23,000,000
Nevada	Lakehurst	\$49,000,000
New Jersey ..	Santa Fe	\$5,200,000
New Mexico ..		
North Carolina	Greensboro	\$3,700,000
Oklahoma ..	Camp Gruber	\$13,361,000
Oregon	The Dalles	\$13,800,000

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Pennsylvania	Pittsburgh	\$13,759,000
Tennessee	Memphis	\$7,949,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4), the Secretary of the Air Force may acquire real property and carry out military con-

struction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States—Continued

State	Location	Amount
South Carolina.	Allendale	\$4,300,000
Utah	Camp Williams	\$6,500,000
Virginia	Fort Pickett	\$11,000,000
West Virginia.	Buckhannon	\$10,000,000
Wisconsin ..	Camp Williams	\$7,000,000
Wyoming ...	Cheyenne	\$8,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	\$57,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California ..	Fort Hunter Liggett	\$5,200,000
Colorado	Fort Collins	\$13,600,000
Illinois	Homewood	\$16,000,000
	Rockford	\$12,800,000
Indiana	Fort Benjamin Harrison	\$57,000,000
Kansas	Kansas City	\$13,000,000
Massachusetts.	Attleboro	\$22,000,000
Minnesota ..	Saint Joseph	\$11,800,000
Missouri ...	Weldon Springs	\$19,000,000
New York ..	Schenectady	\$20,000,000
North Carolina ..	Greensboro	\$19,000,000
South Carolina.	Orangeburg	\$12,000,000
Wisconsin ..	Fort McCoy	\$27,300,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California ..	Beale Air Force Base ...	\$6,100,000
	Moffett Field	\$26,000,000
Hawaii	Joint Base Pearl Harbor-Hickam.	\$39,521,000

Air National Guard—Continued

State	Location	Amount
Indiana	Fort Wayne International Airport.	\$4,000,000
Maryland ..	Martin State Airport	\$4,900,000
Massachusetts.	Otis Air National Guard Base.	\$7,800,000
Ohio	Springfield Beckley-Municipal Airport.	\$6,700,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California ..	March Air Force Base ..	\$16,393,000
South Carolina.	Charleston Air Force Base.	\$9,593,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, \$773,592,000.

(2) For the Department of the Army, for the Army Reserve, \$280,549,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, \$26,299,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, \$116,246,000.

(5) For the Department of the Air Force, for the Air Force Reserve, \$33,620,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2601 and 2604 of that Act (122 Stat. 527–528), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	Coatesville	Readiness Center	\$ 8,300,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act, shall remain in effect until October 1, 2012, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Indiana	Camp Atterbury	Multipurpose Machine Gun Range	\$5,800,000
Nevada	Elko	Readiness Center	\$11,375,000

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	\$3,400,000

Air Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
New York	Staten Island	Army Reserve Center	\$18,550,000

Navy Reserve and Marine Corps Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Delaware	Wilmington	Armed Forces Reserve Center	\$11,530,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2601(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4701) for Elko, Nevada, for construction of an Army Reserve Center, the Secretary of the Army may instead construct the Army Reserve Center at Carlin, Nevada.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment

activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of \$323,543,000, as follows:

(1) For the Department of the Army, \$70,716,000.

(2) For the Department of the Navy, \$129,351,000.

(3) For the Department of the Air Force, \$123,476,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703,

the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of \$258,776,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition

and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of \$258,776,000 as follows:

(1) For the Department of the Army, \$229,190,000.

(2) For the Department of the Navy, \$25,829,000.

(3) For the Department of the Air Force, \$1,966,000.

(4) For the Defense Agencies, \$1,791,000.

SEC. 2704. REDUCTION OF MILITARY CONSTRUCTION AUTHORIZATION FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES AUTHORIZED THROUGH THE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Amounts previously authorized for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act for fiscal years prior to fiscal year 2012 are hereby reduced by \$100,000,000.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorization of appropriations made available to that military department or Defense Agency in this division for fiscal year 2012 between any such authorization of appropriations for that military department or Defense Agency for that fiscal year. Amounts of authorization of appropriations so transferred shall be merged with and be available for the same purposes as the authorization of appropriations to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed \$400,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost of military construction projects that have been authorized by law.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for appropriation for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify the congressional defense committees of each transfer made by that Secretary under subsection (a).

SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most

recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking “fiscal year 2011” and inserting “fiscal year 2012”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “September 30, 2012”; and

(B) in paragraph (2), by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(b) MODIFICATION OF QUARTERLY REPORTING REQUIREMENT.—Subsection (g) of such section is amended—

(1) by striking “QUARTERLY REPORTS OR” in the subsection heading;

(2) by striking “the report for a fiscal-year quarter under subsection (d) or”; and

(3) by striking “report or”.

(c) TECHNICAL AMENDMENTS.—Subsections (a) and (i) of such section are amended by striking “Combined Task Force-Horn of Africa” each place it appears and inserting “Combined Joint Task Force-Horn of Africa”.

SEC. 2803. CLARIFICATION OF AUTHORITY TO USE THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT THE PENTAGON RESERVATION.

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking “The authority” and inserting “(A) Except as provided in subparagraph (B), the authority”; and

(2) by adding at the end the following new subparagraph:

“(B) The Secretary may use monies from the Fund to support construction or alteration activities at the Pentagon Reservation within the limits stated in section 2805 of this title.”

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXCHANGE OF PROPERTY AT MILITARY INSTALLATIONS.

(a) EXCHANGE AUTHORITY.—Section 2869 of title 10, United States Code, is amended—

(1) in the section heading, by striking “Conveyance of property at military installations to limit encroachment” and inserting “Exchange of property at military installations”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “CONVEYANCE AUTHORIZED; CONSIDERATION” and inserting “EXCHANGE AUTHORIZED”; and

(B) in paragraph (1), by striking “to any person who agrees, in exchange for the real property, to carry out a land acquisition” and inserting “to any eligible entity who agrees, in exchange for the real property, to transfer to the United States all right, title, and interest of the entity in and to a parcel of real property, including any improvements thereon under their control, or to carry out a land acquisition”.

(b) EXTENSION OF AUTHORITY.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

“2869. Exchange of property at military installations.”

SEC. 2812. CLARIFICATION OF AUTHORITY TO LIMIT ENCROACHMENTS.

(a) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Subsection (c) of section 2684a of title 10, United States Code, is amended to read as follows:

“(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Notwithstanding chapter 63 of title 31, an agreement under this section that is a cooperative agreement or a grant may be used to acquire property or services for the direct benefit or use of the United States Government.”

(b) ACQUISITION AND ACCEPTANCE OF PROPERTY AND INTERESTS.—Subsection (d) of such section is amended—

(1) in paragraph (3)—

(A) by inserting “, and the monitoring and enforcement of any right, title, or interest in,” after “resources on”; and

(B) by inserting “and monitoring and enforcement” after “natural resource management”; and

(C) by adding at the end the following: “Any such payment by the United States—

“(A) may be paid in a lump sum and include an amount intended to cover the future costs of natural resource management and monitoring and enforcement; and

“(B) shall be placed by the eligible entity in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.”; and

(2) in paragraph (5)—

(A) inserting “(A)” after “(5)”; and

(B) by inserting after the first sentence the following: “No such requirement need be included in the agreement if the property or interest is being transferred to a State, or the agreement requires it to be subsequently transferred to a State, and the Secretary concerned determines that the laws and regulations applicable to the future use of such property or interest provide adequate assurance that the property concerned will be developed and used in a manner appropriate for purposes of this section.”; and

(C) by adding at the end the following new subparagraph:

“(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is subsequently transferred to the United States and administrative jurisdiction over the property is under a Federal official other than a Secretary concerned, the Secretary concerned and that Federal official shall enter into a memorandum of agreement providing, to the satisfaction of the Secretary concerned, for the management of the property or interest concerned in a manner appropriate for purposes of this section. Such memorandum of agreement shall also provide that, should it be proposed that the property or interest concerned be developed or used in a manner not appropriate for purposes of this section, including declaring the property to be excess to the agency’s needs or proposing to exchange the property for other property, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly.”

SEC. 2813. DEPARTMENT OF DEFENSE CONSERVATION AND CULTURAL ACTIVITIES.

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by inserting “and sustainability” after “safety”; and

(2) by adding at the end the following new subparagraph:

“(F) The implementation of ecosystem-wide land management plans—

“(i) for a single ecosystem that encompasses at least two non-contiguous military installations, if those military installations are not all under the administrative jurisdiction of the same Secretary of a military department; and

“(ii) providing synergistic benefits unavailable if the installations acted separately.”

Subtitle C—Land Conveyances**SEC. 2821. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.**

Section 2852 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2685) is amended by striking “to be acquired by the United States of America” and inserting “to be acquired by the Military Department of Arkansas”.

SEC. 2822. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, CAMP CAITLIN AND OHANA NUI AREAS, HAWAII.

Section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2689) is amended by inserting before the period at the end the following: “, before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws”.

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the “Municipality”) all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(2) EKLUTNA, INC.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER’s current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated

at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters**SEC. 2831. INVESTMENT PLAN FOR THE MODERNIZATION OF PUBLIC SHIPYARDS UNDER JURISDICTION OF DEPARTMENT OF THE NAVY.**

(a) PLAN REQUIRED.—Not later than March 1, 2012, the Secretary of the Navy shall submit to the congressional defense committees a plan to address the facilities and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the operations and support required at each shipyard under the control of the Secretary, including the location, year constructed, the classes of ships serviced, number of personnel assigned, and the average age of facilities at each location.

(2) A review of all workload requirements in the past 5 years, an assessment of the efficiency in the use of existing facilities to meet the workload, and an estimate of the workload planned for each shipyard through the current Future Years Defense plan.

(3) An assessment of the adequacy of each facility—

(A) to carry out efficient depot-level ship maintenance with modern technology and equipment;

(B) to ensure workplace safety;

(C) to support nuclear-related activities (where applicable);

(D) to maintain the quality of life of the workforce; and

(E) to meet the energy savings goals of the Secretary of the Navy for military installations.

(4) An assessment of the existing condition of each facility at each shipyard to include a re-

view of existing and projected deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(5) A description and cost estimate for each project to improve, repair, renovate, or modernize facilities or infrastructure.

(6) A description of the facility improvements or new construction projects at each shipyard that would improve the efficiency of the facility’s operations or generate energy savings based upon a business case analysis.

(7) An investment strategy planned for each shipyard to correct deficiencies identified in paragraph (4), including timelines to complete each project and cost estimates and timelines necessary to complete the projects identified in paragraph (6).

(8) A list of projects, costs, and timelines through the future years defense plan to meet the requirements of the minimum capital investment percentage required under section 2476 of title 10, United States Code.

SEC. 2832. DATA SERVERS AND CENTERS.

(a) LIMITATIONS ON OBLIGATION OF FUNDS.—

(1) LIMITATIONS.—

(A) BEFORE PERFORMANCE PLAN.—During the period beginning on the date of the enactment of this Act and ending on May 1, 2012, a department, agency, or component of the Department of Defense may not obligate funds for a data server, data server upgrade, data server farm, or data center unless approved by the Chief Information Officer of the Department of Defense or the Chief Information Officer of a component of the Department to whom the Chief Information Officer of the Department has specifically delegated such approval authority.

(B) UNDER PERFORMANCE PLAN.—After May 1, 2012, a department, agency, or component of the Department may not obligate funds for a data center, or any information systems technology used therein, unless that obligation is in accordance with the performance plan required by subsection (b) and is approved as described in subparagraph (A).

(2) REQUIREMENTS FOR APPROVALS.—

(A) BEFORE PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(A) unless the official granting the approval determines, in writing, that existing resources of the agency, component, or element concerned cannot affordably or practically be used or modified to meet the requirements to be met through the obligation of funds.

(B) UNDER PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(B) unless the official granting the approval determines that—

(i) existing resources of the Department do not meet the operation requirements to be met through the obligation of funds; and

(ii) the proposed obligation is in accordance with the performance standards and measures established by the Chief Information Officer of the Department under subsection (b).

(3) REPORTS.—Not later than 30 days after the end of each calendar quarter, each Chief Information Officer of a component of the Department who grants an approval under paragraph (1) during such calendar quarter shall submit to the Chief Information Officer of the Department a report on the approval or approvals so granted during such calendar quarter.

(b) PERFORMANCE PLAN FOR REDUCTION OF RESOURCES REQUIRED FOR DATA SERVERS AND CENTERS.—

(1) COMPONENT PLANS.—

(A) IN GENERAL.—Not later than January 15, 2012, the Secretaries of the military departments and the heads of the Defense Agencies shall each submit to the Chief Information Officer of the Department a plan for the department or agency concerned to achieve the following:

(i) A reduction in the square feet of floor space devoted to information systems technologies, attendant support technologies, and operations within data centers.

(ii) A reduction in the use of all utilities necessary to power and cool information systems technologies and data centers.

(iii) An increase in multi-organizational utilization of data centers, information systems technologies, and associated resources.

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

(3) RESPONSIBILITY.—The Chief Information Officer of the Department shall discharge the responsibility for establishing performance standards and measures for data centers and information systems technologies for purposes of this subsection. Such responsibility may not be delegated.

(c) EXCEPTION.—The Chief Information Officer of the Department and the Chief Information Officer of the Office of the Director of National Intelligence may jointly exempt from the applicability of this section such intelligence components of the Department of Defense (and the programs and activities thereof) that are funded through the National Intelligence Program (NIP) as the Chief Information Officers consider appropriate.

(d) REPORTS ON COST SAVINGS.—

(1) IN GENERAL.—Not later than March 1 of each fiscal year, and ending in fiscal year 2016, the Chief Information Officer of the Department shall submit to the appropriate committees of Congress a report on the cost savings, cost reductions, cost avoidances, and performance gains achieved, and anticipated to be achieved, as of the date of such report as a result of activities undertaken under this section.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking “Mike O'Callaghan Federal Hospital” each place it appears and inserting “Mike O'Callaghan Federal Medical Center”.

(b) CONFORMING AMENDMENT.—The heading of such section 2867 is amended to read as follows:

“SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.”

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4601.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 12-D-301, Transuranic (TRU) Waste Facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$13,481,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4601.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal

year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4601.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REVIEW OF SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) IN GENERAL.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is amended to read as follows:

“SEC. 4508. REVIEW OF SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

“(a) IN GENERAL.—The Secretary of Energy shall—

“(1) not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, and annually thereafter, review the security vulnerabilities of the computers of each national laboratory; and

“(2) if, in conducting a review under paragraph (1), the Secretary discovers a significant vulnerability in a national laboratory computer, promptly notify the congressional defense committees of the vulnerability.

“(b) ELEMENTS.—A notification submitted under subsection (a) with respect to a significant vulnerability of a national laboratory computer shall include the following:

“(1) A description of the vulnerability.

“(2) An assessment of the loss, if any, of classified or unclassified data as a result of the vulnerability.

“(3) An assessment of the harm to national security or individual privacy resulting from the loss, if any, of such data.

“(4) A description of the actions taken to address the vulnerability.

“(c) NATIONAL LABORATORY DEFINED.—In this section, the term ‘national laboratory’ has the meaning given that term in section 4502(g)(3).”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4508 and inserting the following new item:

“Sec. 4508. Review of security vulnerabilities of national laboratory computers.”.

SEC. 3112. REVIEW BY SECRETARY OF ENERGY AND SECRETARY OF DEFENSE OF COMPTROLLER GENERAL ASSESSMENT OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

Section 3255(a) of the National Nuclear Security Administration Act (50 U.S.C. 2455(a)) is amended by adding at the end the following new paragraph:

“(3) The Secretary of Energy shall, in consultation with the Secretary of Defense—

“(A) review the report submitted by the Comptroller General under paragraph (2); and

“(B) not later than 30 days after receiving that report, submit to the congressional defense committees a report that includes—

“(i) the results of the review conducted under subparagraph (A);

“(ii) the views of the Secretary of Energy and the Secretary of Defense with respect to—

“(I) the findings of the Comptroller General in the report submitted under paragraph (2); and

“(II) whether the actual funding level for the fiscal year in which the report is submitted under this subparagraph is sufficient for the modernization of the nuclear security complex and the refurbishment of the nuclear weapons stockpile; and

“(iii) a description of any measures the Administration plans to take in response to the findings of the Comptroller General.”.

SEC. 3113. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated and made available for obligation under section

3101 for weapons activities for any fiscal year before fiscal year 2013, the Secretary of Energy may procure not more than one aircraft.

SEC. 3114. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than \$500,000 of the funds authorized to be appropriated by section 3101 and made available by the funding table in section 4601 for defense nuclear nonproliferation activities may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a report that includes the following:

- (1) An identification of the country in which the center will be located.
- (2) A description of the purpose for which the center will be established.
- (3) The agreement under which the center will operate.

(4) A funding plan for the center, including—
(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

SEC. 3115. RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.

Section 3137 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7142) is amended—

(1) in the section heading, by inserting “**AND NATIONAL ATOMIC TESTING MUSEUM**” after “**ATOMIC MUSEUM**”; and

(2) by adding at the end the following new subsection:

“(d) **RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.**—The museum operated by the Nevada Test Site Historical Foundation and located in Las Vegas, Nevada—

“(1) is recognized as the official atomic testing museum of the United States;

“(2) shall be known as the ‘National Atomic Testing Museum’; and

“(3) shall have the sole right throughout the United States and its possessions to have and use the name ‘National Atomic Testing Museum’.”.

Subtitle C—Reports

SEC. 3121. REPORT ON FEASIBILITY OF FEDERALIZING THE SECURITY PROTECTIVE FORCES CONTRACT GUARD WORKFORCE AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall jointly submit to the congressional defense committees—

(1) a report on the feasibility of federalizing some or all of the security protective forces contract guard workforce at the facilities specified in subsection (d); and

(2) the comments of the Comptroller General of the United States on that report required under subsection (b).

(b) **COMMENTS BY COMPTROLLER GENERAL.**—The Secretary and the Administrator shall provide the draft text of the report required by subsection (a)(1) to the Comptroller General of the United States for review and comment before submitting the report to the congressional defense committees.

(c) **ELEMENTS.**—The report required by subsection (a)(1) shall include the following:

(1) An evaluation of the feasibility of converting the security protective forces contract workforce at the facilities specified in subsection

(d) into a force made up, in whole or in part, of full-time Federal employees.

(2) An estimate of the immediate and projected costs of any such conversion.

(3) An estimate of the immediate and projected costs of maintaining guards under contract status and of maintaining guards as full-time Federal employee.

(4) An assessment of the effects of any such conversion on security, including an analysis of the effects of using a Federal security guard, a Federal police officer, or a Federal protective service officer instead of a contract guard.

(5) An estimate of the hourly and annual costs of—

(A) contract guards, including benefits and overtime; and

(B) any comparably trained and equipped Federal force with comparable physical and other requirements.

(6) A comparison of similar conversions of large groups of contract workers to full-time Federal employees and an assessment of the potential benefits and challenges of such conversions.

(7) The views of the Secretary and the Administrator on the feasibility of—

(A) converting the security protective forces contract workforce at the facilities specified in subsection (d) into a force made up, in whole or in part, of full-time Federal employees;

(B) maintaining the security protective forces contract workforce in its current form; and

(C) instituting some or all of the changes recommended in the Implementation Plan for the 29 Recommendations of the Protective Force Career Options Study Group prepared pursuant to the Report of the Committee on Appropriations of the House of Representatives (House Report No. 111–230) accompanying the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3409).

(d) **FACILITIES SPECIFIED.**—The facilities specified in this subsection are the following:

(1) The Albuquerque National Nuclear Security Administration Service Center, Albuquerque, New Mexico.

(2) The Argonne National Laboratory and the Argonne Site Office, Argonne, Illinois, and the Chicago Service Center, Chicago, Illinois.

(3) The Brookhaven National Laboratory and Brookhaven Site Office, Upton, New York.

(4) The Idaho National Laboratory and the Idaho Site Office, Idaho Falls, Idaho.

(5) The Kansas City Plant and the Kansas City Site Office, Kansas City, Missouri.

(6) The Lawrence Livermore National Laboratory and the Livermore Site Office, Livermore, California.

(7) The Los Alamos National Laboratory and the Los Alamos Site Office, Los Alamos, New Mexico.

(8) The National Energy Technology Laboratory.

(9) The Nevada Site Office and the Nevada National Security Site, Nevada.

(10) The Oak Ridge National Laboratory, the Oak Ridge Office of the Department of Energy, and the East Tennessee Technology Park of the Department of Energy, Oak Ridge, Tennessee.

(11) The Office of Secure Transportation of the Department of Energy and associated field locations.

(12) The Pantex Plant and Pantex Site Office, Amarillo, Texas.

(13) The Pittsburgh Naval Reactors Office, the Bettis Atomic Power Laboratory, the Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory.

(14) The Portsmouth Gaseous Diffusion Plant, Piketon, Ohio, and the Paducah Gaseous Diffusion Plant, Paducah, Kentucky.

(15) The Richland Operations Office and the Hanford Site, Richland, Washington.

(16) The Sandia National Laboratories and the Sandia Site Office, Albuquerque, New Mexico.

(17) The Savannah River Plant and the Savannah River Site Office of the Office of Environmental Management of the Department of Energy, Aiken, South Carolina.

(18) The Savannah River National Laboratory, Aiken, South Carolina.

(19) The National Savannah River Site Office and the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility of the National Nuclear Security Administration, Aiken, South Carolina.

(20) The Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites.

(21) The Waste Isolation Pilot Plant, Carlsbad, New Mexico.

(22) The Y–12 Site Office and the Y–12 National Security Complex of the National Nuclear Security Administration, Oak Ridge, Tennessee.

SEC. 3122. COMPTROLLER GENERAL STUDY ON OVERSIGHT OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the value of and the need for external regulation or external oversight of the safety of nuclear operations and the design and construction of nuclear facilities at the Department of Energy defense nuclear facilities to protect the public health and safety.

(b) **ELEMENTS.**—The study required by subsection (a) shall include the following:

(1) An assessment of the value of and the need for external regulation or external oversight, or a combination of both, of the safety of nuclear operations and the design and construction of nuclear facilities at the Department of Energy defense nuclear facilities.

(2) An assessment of the ability of existing regulatory authorities to regulate safety at the Department of Energy defense nuclear facilities.

(3) An assessment of the ability of the Defense Nuclear Facilities Safety Board to regulate safety at the Department of Energy defense nuclear facilities.

(4) An assessment of the current functions of the Board and whether those functions should be modified or amended, including whether the Department of Energy should pay an oversight fee to the Board.

(5) An assessment of the relative advantages and disadvantages to the Department of Energy and the public of—

(A) continuing the oversight functions of the Board; or

(B) replacing the oversight functions of the Board with external regulation of some or all of the Department of Energy defense nuclear facilities.

(6) A list of all existing or planned Department of Energy defense nuclear facilities that are similar to facilities under the regulatory jurisdiction of the Nuclear Regulatory Commission.

(7)(A) A list of each existing Department of Energy defense nuclear facility or activity relating to such a facility that the Comptroller General recommends should—

(i) remain within the oversight jurisdiction of the Board for a period of time or indefinitely; or

(ii) be transferred to the jurisdiction of an outside regulatory authority; and

(B) the basis for the recommendations of the Comptroller General.

(8) For any existing Department of Energy defense nuclear facilities that the Comptroller General recommends should be transferred to the jurisdiction of an outside regulatory authority—

(A) the date by which that transfer should occur and the period of time necessary for the transfer; and

(B) whether the regulatory authority should be an existing or new regulatory authority.

(9) A list of any proposed Department of Energy defense nuclear facilities and a recommendation of the Comptroller General with respect to whether each such facility—

(A) should come under the oversight jurisdiction of the Board or be transferred to the jurisdiction of an outside regulatory authority; and

(B) if the Comptroller General recommends that the facility be transferred to the jurisdiction of any outside regulatory authority, whether the regulatory authority should be an existing or new regulatory authority.

(10) An assessment of the comparative advantages and disadvantages to the Department of Energy and to public health and safety of the transfer of some or all of the Department of Energy defense nuclear facilities from the oversight jurisdiction of the Board to the jurisdiction of an outside regulatory authority.

(11) An assessment of the comparative costs associated with external oversight or external regulation of safety at Department of Energy defense nuclear facilities.

(12) Any other recommendations of the Comptroller General with respect to external regulation or oversight of safety at the Department of Energy.

(c) **INTERIM REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees an interim report on the status of the study conducted under subsection (a).

(d) **FINAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Secretary of Energy, the Defense Nuclear Facilities Safety Board, and the Nuclear Regulatory Commission the final report of the Comptroller General that contains the findings and recommendations of the Comptroller General resulting from the study conducted under subsection (a).

(e) **COMMENTS ON REPORT.**—Not later than 180 days after receiving the final report from the Comptroller General under subsection (d), the Secretary of Energy, the Defense Nuclear Facilities Safety Board, and the Nuclear Regulatory Commission shall submit to the congressional defense committees the comments of the Secretary, the Board, or the Commission (as the case may be) on the report.

(f) **DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFINED.**—In this section, the term “Department of Energy defense nuclear facility” has the meaning given that term in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

SEC. 3123. PLAN TO COMPLETE THE GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM IN THE RUSSIAN FEDERATION.

At or about the same time that the budget of the President for fiscal year 2013 is submitted to Congress under section 1105(a) of title 31, United States Code, the Administrator for Nuclear Security shall submit to Congress a plan to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation by the end of calendar year 2013.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2012, \$33,317,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. AUTHORITY OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD TO REVIEW THE FACILITY DESIGN AND CONSTRUCTION OF CONSTRUCTION PROJECT 10-D-904 OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Notwithstanding section 318(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2286g(1)(A)), the Defense Nuclear Facilities Safety Board shall exercise the authority of the Board under section 312(a)(4) of that Act (42 U.S.C. 2286a(a)(4)) to review the design of, and review and monitor construction with respect to, Construction Project 10-D-904 of the National Nuclear Security Administration.

TITLE XXXIII—MARITIME ADMINISTRATION

SEC. 3301. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

“§ 109. Maritime Administration

“(a) **ORGANIZATION.**—The Maritime Administration is an administration in the Department of Transportation.

“(b) **MARITIME ADMINISTRATOR.**—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) **DEPUTY MARITIME ADMINISTRATOR.**—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) **DUTIES AND POWERS VESTED IN SECRETARY.**—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) **REGIONAL OFFICES.**—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

“(f) **INTERAGENCY AND INDUSTRY RELATIONS.**—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) **DETAILING OFFICERS FROM ARMED FORCES.**—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) **CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.**—

“(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

“(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) **AUDITS.**—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) **GRANT ADMINISTRATIVE EXPENSES.**—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) **LIMITATIONS.**—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;

“(H) expenses necessary to carry out part B of subtitle V of title 46; and

“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

“(3) **TRAINING VESSELS.**—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.”

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in

such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
AIRCRAFT PROCUREMENT, ARMY			
1	UTILITY F/W AIRCRAFT	14,572	14,572
2	C-12 CARGO AIRPLANE	0	0
3	AERIAL COMMON SENSOR (ACS) (MIP)	539,574	0
	Terminate EMARRS		[-539,574]
4	MQ-1 UAV	658,798	0
	Transfer to OCO		[-658,798]
5	RQ-11 (RAVEN)	70,762	58,862
	Army offered program reduction		[-11,900]
6	BCT UNMANNED AERIAL VEH (UAVS) INCR 1	0	0
7	HELICOPTER, LIGHT UTILITY (LUH)	250,415	250,415
8	AH-64 BLOCK II/WRA	0	0
9	AH-64 APACHE BLOCK IIIA REMAN	572,155	395,155
	Army offered program reduction		[-177,000]
9	AH-64 APACHE BLOCK IIIA REMAN	-161,150	-161,150
10	AH-64 APACHE BLOCK IIIA REMAN	192,764	192,764
11	AH-64 APACHE BLOCK IIIB NEW BUILD	104,263	104,263
12	UH-60 BLACKHAWK M MODEL (MYP)	1,426,198	1,418,198
	Unjustified program management growth		[-8,000]
12	UH-60 BLACKHAWK M MODEL (MYP)	-100,532	-100,532
13	UH-60 BLACKHAWK M MODEL (MYP)	199,781	199,781
14	CH-47 HELICOPTER	1,363,116	1,297,116
	Army requested transfer to APA Line 15 for correct execution		[-66,000]
14	CH-47 HELICOPTER	-57,756	-57,756
15	CH-47 HELICOPTER	54,956	120,956
	Army requested transfer from APA Line 14 for correct execution		[66,000]
16	HELICOPTER NEW TRAINING	0	0
17	KIOWA WARRIOR UPGRADE (OH-58 D)/WRA	0	0
18	C12 AIRCRAFT MODS	0	0
19	MQ-1 PAYLOAD—UAS	136,183	0
	Administration recommendation		[-29,000]
	Transfer to OCO		[-107,183]
20	MQ-1 WEAPONIZATION—UAS	0	0
21	GUARDRAIL MODS (MIP)	27,575	27,575
22	MULTI SENSOR ABN RECON (MIP)	8,362	8,362
23	AH-64 MODS	331,230	331,230
23	AH-64 MODS	0	0
24	CH-47 CARGO HELICOPTER MODS (MYP)	79,712	57,012
	Cargo and ballistic protection contract delays		[-22,700]
24	CH-47 CARGO HELICOPTER MODS (MYP)	0	0
25	UTILITY/CARGO AIRPLANE MODS	22,107	12,107
	Contract delays		[-10,000]
26	AIRCRAFT LONG RANGE MODS	0	0
27	UTILITY HELICOPTER MODS	80,745	74,745
	Contract delays		[-6,000]
28	KIOWA WARRIOR	162,052	162,052
29	AIRBORNE AVIONICS	0	0
30	NETWORK AND MISSION PLAN	138,832	136,432
	Aviation Data Exploitation Capability ahead of need		[-2,400]
31	COMMS, NAV SURVEILLANCE	132,855	117,855
	JTRS Integration ahead of need		[-15,000]
32	GATM ROLLUP	105,519	105,519
33	RQ-7 UAV MODS	126,239	76,239
	Administration recommendation		[-50,000]
34	SPARE PARTS (AIR)	0	0
35	AIRCRAFT SURVIVABILITY EQUIPMENT	35,993	35,993
36	SURVIVABILITY CM	0	0
37	CMWS	162,811	104,251
	Production and installation contract delays		[-58,560]
38	AVIONICS SUPPORT EQUIPMENT	4,840	4,840
39	COMMON GROUND EQUIPMENT	176,212	95,417
	Army offered program reduction		[-19,100]
	Aviation Light Utility Mobile Maintenance (ALUMMC) no longer required		[-3,287]
	Aviation Sets, Kits, Outfits, Tools contract delay		[-58,408]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
40	AIRCREW INTEGRATED SYSTEMS	82,883	62,746
	Air Soldier System early to need		[-20,137]
41	AIR TRAFFIC CONTROL	114,844	102,444
	Army offered program reduction		[-12,400]
42	INDUSTRIAL FACILITIES	1,593	1,593
43	LAUNCHER, 2.75 ROCKET	2,878	2,878
44	AIRBORNE COMMUNICATIONS	0	0
TOTAL, AIRCRAFT PROCUREMENT, ARMY		7,061,381	5,251,934
MISSILE PROCUREMENT, ARMY			
1	PATRIOT SYSTEM SUMMARY	662,231	662,231
2	MSE MISSILE	74,953	74,953
3	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	0	0
3	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	0	0
4	HELLFIRE SYS SUMMARY	1,410	1,410
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	160,767	140,767
	Army offered program reduction		[-20,000]
6	TOW 2 SYSTEM SUMMARY	84,108	81,108
	Unit cost efficiencies		[-3,000]
6	TOW 2 SYSTEM SUMMARY	-22,432	-22,432
7	TOW 2 SYSTEM SUMMARY	19,886	19,886
8	BCT NON LINE OF SIGHT LAUNCH SYSTEM—INCREM	0	0
9	GUIDED MLRS ROCKET (GMLRS)	314,167	164,167
	Program reduction		[-150,000]
10	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,175	18,175
11	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	31,674	20,674
	Army offered program reduction		[-11,000]
12	PATRIOT MODS	66,925	66,925
13	STINGER MODS	14,495	-5
	Transfer at Army request to RDTE Army PE 23801A		[-14,500]
14	ITAS/TOW MODS	13,577	13,577
15	MLRS MODS	8,236	8,236
16	HIMARS MODIFICATIONS	11,670	11,670
17	HELLFIRE MODIFICATIONS	0	0
18	SPARES AND REPAIR PARTS	8,700	8,700
19	AIR DEFENSE TARGETS	3,674	3,674
20	ITEMS LESS THAN \$5.0M (MISSILES)	1,459	1,459
21	PRODUCTION BASE SUPPORT	5,043	5,043
TOTAL, MISSILE PROCUREMENT, ARMY		1,478,718	1,280,218
PROCUREMENT OF W&TCV, ARMY			
1	STRYKER VEHICLE	632,994	606,894
	Prior year unobligated funds available		[-26,100]
2	FUTURE COMBAT SYSTEMS: (FCS)	0	0
2	FUTURE COMBAT SYSTEMS: (FCS)	0	0
3	FCS SPIN OUTS	0	0
3	FCS SPIN OUTS	0	0
4	FCS SPIN OUTS	0	0
5	STRYKER (MOD)	52,797	51,497
	Excess program management		[-1,300]
6	FIST VEHICLE (MOD)	43,962	35,162
	Funding ahead of need		[-8,800]
7	BRADLEY PROGRAM (MOD)	250,710	250,710
8	HOWITZER, MED SP FT 155MM M109A6 (MOD)	46,876	46,876
9	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	6,452
	Excess contractor engineering		[-4,000]
10	ASSAULT BREACHER VEHICLE	99,904	95,904
	Unjustified growth in matrix support and engineering change proposals		[-4,000]
11	M88 FOV MODS	32,483	32,483
12	JOINT ASSAULT BRIDGE	0	0
13	M1 ABRAMS TANK (MOD)	160,578	131,178
	Unjustified technical support costs		[-29,400]
14	ABRAMS UPGRADE PROGRAM	181,329	421,329
	Program increase to add 49 tanks to bridge production gap		[240,000]
15	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,073	1,073
16	HOWITZER, LIGHT, TOWED, 105MM, M119	0	0
17	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	16,046	0
	Transfer at Army's request to RDTE, Army PE 64601A		[-16,046]
18	M240 MEDIUM MACHINE GUN (7.62MM)	0	0
19	MACHINE GUN, CAL .50 M2 ROLL	65,102	0
	Transfer at Army request to WTCV line 34		[-34,000]
	Transfer to OCO		[-31,102]
20	LIGHTWEIGHT .50 CALIBER MACHINE GUN	28,796	13,931
	Transfer at Army request to RDTE Army PE 64601A		[-1,700]
	Army revised lower quantity		[-13,165]
21	M249 SAW MACHINE GUN (5.56MM)	0	0
22	MK-19 GRENADE MACHINE GUN (40MM)	0	0

SEC. 4101. PROCUREMENT
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Line	Item	FY 2012 Request	Senate Authorized
23	MORTAR SYSTEMS	12,477	10,177
	Excess production engineering		[-2,300]
24	M107, CAL. 50, SNIPER RIFLE	0	0
25	XM320 GRENADE LAUNCHER MODULE (GLM)	12,055	12,055
26	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	0	0
27	M4 CARBINE	35,015	35,015
28	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,707	4,207
	Army offered program reduction		[-2,500]
29	COMMON REMOTELY OPERATED WEAPONS STATION (CRO)	0	0
30	HANDGUN	0	0
31	HOWITZER LT WT 155MM (T)	13,066	0
	Transfer to OCO		[-13,066]
32	MK-19 GRENADE MACHINE GUN MODS	0	0
33	M4 CARBINE MODS	25,092	25,092
34	M2 50 CAL MACHINE GUN MODS	14,856	0
	Transfer at Army request from WTCV line 19		[34,000]
	Transfer to OCO		[-48,856]
35	M249 SAW MACHINE GUN MODS	8,480	8,480
36	M240 MEDIUM MACHINE GUN MODS	15,718	15,718
37	SNIPER RIFLES MODIFICATIONS	1,994	1,994
38	M119 MODIFICATIONS	38,701	38,701
39	M16 RIFLE MODS	3,476	3,476
40	M14 7.62 RIFLE MODS	0	0
41	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	2,973	2,973
42	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	0	0
43	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,080	10,080
44	INDUSTRIAL PREPAREDNESS	424	424
45	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,453	2,453
46	SPARES AND REPAIR PARTS (WTCV)	106,843	106,843
	TOTAL, PROCUREMENT OF W&TCV, ARMY	1,933,512	1,971,177
	PROCUREMENT OF AMMUNITION, ARMY		
1	CTG, 5.56MM, ALL TYPES	210,758	210,758
2	CTG, 7.62MM, ALL TYPES	83,730	83,730
3	CTG, 7.62MM, 4 BALL M80 FS, 1 DIM TRCR M276,	0	0
4	CTG, HANDGUN, ALL TYPES	9,064	7,064
	Funding ahead of need.		[-2,000]
5	CTG, .50 CAL, ALL TYPES	131,775	131,775
6	CTG, 20MM, ALL TYPES	0	0
7	CTG, 25MM, ALL TYPES	14,894	10,594
	Army offered reduction.		[-4,300]
8	OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T	3,399	0
	Funding ahead of need.		[-3,399]
9	CTG, 30MM, ALL TYPES	118,966	105,966
	Program growth adjustment.		[-13,000]
10	CTG, 40MM, ALL TYPES	84,799	34,799
	Army offered reduction.		[-50,000]
11	CTG, CAL .300 WIN MAG, MK 248 MOD 0 (7.62X67M)	0	0
12	60MM MORTAR, ALL TYPES	31,287	31,287
13	81MM MORTAR, ALL TYPES	12,187	12,187
14	120MM MORTAR, ALL TYPES	108,416	98,416
	Army offered reduction.		[-10,000]
15	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	105,704	105,205
	Unjustified request.		[-499]
16	CTG, TANK, 120MM, ALL TYPES	0	0
17	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	103,227	103,227
18	CTG, ARTY, 105MM: ALL TYPES	0	0
19	ARTILLERY PROJECTILE, 155MM, ALL TYPES	32,887	32,887
20	PROJ 155MM EXTENDED RANGE XM982	69,074	48,074
	Program restructure.		[-21,000]
21	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	48,205	46,705
	Pricing adjustment.		[-1,500]
22	ARTILLERY FUZES, ALL TYPES	0	0
23	MINES & CLEARING CHARGES, ALL TYPES	2,518	2,518
24	MINE, CLEARING CHARGE, ALL TYPES	0	0
25	SPIDER NETWORK MUNITIONS, ALL TYPES	43,123	15,423
	Full rate production delay.		[-27,700]
26	SCORPION, INTELLIGENT MUNITIONS SYSTEM, ALL	0	0
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	17,854
	Excess production engineering.		[-1,400]
28	ROCKET, HYDRA 70, ALL TYPES	127,265	127,265
29	DEMOLITION MUNITIONS, ALL TYPES	53,685	53,685
30	GRENADES, ALL TYPES	42,558	40,558
	Grenade Rifle Entry Munition—Army offered reduction.		[-2,000]
31	SIGNALS, ALL TYPES	26,173	26,173
32	SIMULATORS, ALL TYPES	14,108	6,108
	Army offered reduction—M115A2 Simulators		[-4,000]
	Army offered reduction—M116A1 Simulators		[-4,000]

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Line	Item	FY 2012 Request	Senate Authorized
33	ALL OTHER (AMMO)	50	50
34	AMMO COMPONENTS, ALL TYPES	18,296	18,296
35	NON-LETHAL AMMUNITION, ALL TYPES	14,864	14,864
36	CAD/PAD ALL TYPES	5,449	5,449
37	ITEMS LESS THAN \$5 MILLION	11,009	11,009
38	AMMUNITION PECULIAR EQUIPMENT	24,200	24,200
39	FIRST DESTINATION TRANSPORTATION (AMMO)	13,711	13,711
40	CLOSEOUT LIABILITIES	103	103
41	PROVISION OF INDUSTRIAL FACILITIES	199,841	199,841
42	LAYAWAY OF INDUSTRIAL FACILITIES	9,451	9,451
43	MAINTENANCE OF INACTIVE FACILITIES	5,533	1,533
	Army offered reduction.		[-4,000]
44	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	189,789	177,789
	Contract award delay.		[-12,000]
45	ARMS INITIATIVE	3,273	3,273
TOTAL, PROCUREMENT OF AMMUNITION, ARMY		1,992,625	1,831,827
OTHER PROCUREMENT, ARMY			
1	TACTICAL TRAILERS/DOLLY SETS	0	0
2	SEMITRAILERS, FLATBED:	13,496	596
	Early to need		[-12,900]
3	SEMITRAILERS, TANKERS	0	0
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	0	0
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	432,936	422,936
	Unjustified program management cost growth		[-10,000]
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	21,930	21,930
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	555,294
	Army offered program reduction		[-72,000]
8	PLS ESP	251,667	251,667
9	ARMORED SECURITY VEHICLES (ASV)	0	0
10	MINE PROTECTION VEHICLE FAMILY	56,671	0
	Army offered program reduction		[-48,000]
	Transfer to OCO		[-8,671]
11	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)	0	0
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	0
	Prior year unobligated funds available		[-1,461]
13	HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV	156,747	156,747
14	HMMWV RECAPITALIZATION PROGRAM	161,631	4,313
	Funding provided in approved prior year reprogramming action		[-157,318]
15	TACTICAL WHEELED VEHICLE PROTECTION KITS	39,908	0
	Transfer to OCO		[-39,908]
16	MODIFICATION OF IN SVC EQUIP	362,672	344,772
	HMMWV installation early to need		[-3,900]
	Excessive program support costs		[-14,000]
17	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	142,862	0
	Excessive program support costs		[-15,000]
	Transfer to OCO		[-127,862]
18	ITEMS LESS THAN \$5.0M (TAC VEH)	0	0
19	TOWING DEVICE-FIFTH WHEEL	0	0
20	AMC CRITICAL ITEMS, OPA1	20,156	0
	Unjustified request		[-20,156]
21	HEAVY ARMORED SEDAN	1,161	1,161
22	PASSENGER CARRYING VEHICLES	3,222	3,222
23	NONTACTICAL VEHICLES, OTHER	19,869	19,869
24	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	9,984	9,984
25	WIN-T—GROUND FORCES TACTICAL NETWORK	974,186	865,186
	Increment 2 contract delay		[-109,000]
26	JCSE EQUIPMENT (USREDCOM)	4,826	4,826
28	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	123,859	123,859
29	SHF TERM	8,910	8,910
30	SAT TERM, EMUT (SPACE)	0	0
31	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	25,168
	Army offered program reduction		[-4,400]
32	SMART-T (SPACE)	49,704	49,704
33	SCAMP (SPACE)	2,415	2,415
34	GLOBAL BRDCST SVC—GBS	73,374	64,774
	Excessive unit cost growth		[-8,600]
35	MOD OF IN-SVC EQUIP (TAC SAT)	31,799	31,799
36	MOD-IN-SERVICE PROFILER	969	969
37	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	18,788	18,788
38	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	3,994	3,994
39	JOINT TACTICAL RADIO SYSTEM	775,832	206,087
	Ground Mobile Radio program restructure		[-153,833]
	Airborne, Maritime, Fixed Station program delay		[-108,000]
	Manpack radio program delay		[-256,912]
	Army requested transfer to RDTE Navy line 100		[-51,000]
40	RADIO TERMINAL SET, MIDS LVT(2)	8,336	8,336
41	SINCGARS FAMILY	4,992	500

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<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	Prior year unobligated funds available		[-4,492]
42	AMC CRITICAL ITEMS—OPA2	0	0
43	TRACTOR DESK	10,827	10,827
44	COMMS-ELEC EQUIP FIELDING	0	0
45	SPIDER APLA REMOTE CONTROL UNIT	36,224	14,024
	Program delay		[-22,200]
46	IMS REMOTE CONTROL UNIT	0	0
47	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,843	1,843
48	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	0	0
49	GUNSHOT DETECTION SYSTEM (GDS)	3,939	3,939
50	RADIO, IMPROVED HF (COTS) FAMILY	38,535	29,435
	Army offered program reduction		[-9,100]
51	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	26,232	26,232
53	CI AUTOMATION ARCHITECTURE	1,547	1,547
54	RESERVE CAMISO GPF EQUIPMENT	28,266	28,266
55	TSEC—ARMY KEY MGT SYS (AKMS)	12,541	11,441
	Army offered program reduction		[-1,100]
56	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	39,349	39,349
57	TERRESTRIAL TRANSMISSION	2,232	2,232
58	BASE SUPPORT COMMUNICATIONS	37,780	37,780
59	WW TECH CON IMP PROG (WWTCIP)	12,805	12,805
60	INFORMATION SYSTEMS	187,227	131,227
	Prior year unobligated funds available		[-56,000]
61	DEFENSE MESSAGE SYSTEM (DMS)	4,393	4,393
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	310,761	310,761
63	PENTAGON INFORMATION MGT AND TELECOM	4,992	4,992
66	JTT/CIBS-M	4,657	4,657
67	PROPHET GROUND	72,041	72,041
68	DIGITAL TOPOGRAPHIC SPT SYS (DTSS)	0	0
69	DRUG INTERDICTION PROGRAM (DIP) (TIARA)	0	0
70	DCGS-A (MIP)	144,548	0
	unjustified growth		[-20,000]
	Transfer to OCO		[-124,548]
71	JOINT TACTICAL GROUND STATION (JTAGS)	1,199	1,199
72	TROJAN (MIP)	32,707	32,707
73	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	9,163	9,163
74	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP)	3,493	3,493
75	ITEMS LESS THAN \$5.0M (MIP)	802	802
76	LIGHTWEIGHT COUNTER MORTAR RADAR	33,810	0
	Requirement met with prior year funds		[-33,810]
77	CREW	24,104	0
	Requirement met with prior year funds		[-24,104]
78	BCT UNATTENDED GROUND SENSOR	0	0
79	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES	0	0
80	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,252	1,252
81	CI MODERNIZATION	1,332	1,332
82	FAAD GBS	7,958	7,958
83	SENTINEL MODS	41,657	41,657
84	SENSE THROUGH THE WALL (STTW)	47,498	47,498
85	NIGHT VISION DEVICES	156,204	151,704
	Army offered program reduction		[-4,500]
86	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	102,334	102,334
87	NIGHT VISION, THERMAL WPN SIGHT	186,859	143,059
	Army offered program reduction		[-43,800]
88	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	10,227	8,027
	Army offered program reduction		[-2,200]
89	RADIATION MONITORING SYSTEMS	0	0
90	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	15,774	0
	Transfer to OCO		[-15,774]
91	BASE EXPEDITIONARY TARGETING AND SURV SYS	0	0
92	GREEN LASER INTERDICTION SYSTEM	25,356	0
	Army offered program reduction		[-6,300]
	Transfer to OCO		[-19,056]
93	ARTILLERY ACCURACY EQUIP	0	0
94	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	0	0
95	PROFILER	3,312	3,312
96	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,005	3,005
97	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	0	0
98	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	69,514	20,014
	Army offered program reduction		[-49,500]
99	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	58,042	58,042
100	COMPUTER BALLISTICS: LHMBC XM32	0	0
101	MORTAR FIRE CONTROL SYSTEM	21,022	21,022
102	COUNTERFIRE RADARS	227,629	170,529
	Army offered program reduction		[-57,100]
103	ENHANCED SENSOR & MONITORING SYSTEM	2,226	2,226
104	TACTICAL OPERATIONS CENTERS	54,907	54,907
105	FIRE SUPPORT C2 FAMILY	54,223	37,423
	Army offered program reduction		[-16,800]

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Line	Item	FY 2012 Request	Senate Authorized
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC)	12,454	7,754
	Army offered program reduction		[-4,700]
107	FAAD C2	5,030	5,030
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	62,710	54,910
	Army offered program reduction		[-7,800]
109	KNIGHT FAMILY	51,488	32,202
	Program growth adjustment		[-19,286]
110	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,807	1,807
111	AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	19,524
	Army offered program reduction		[-9,400]
112	TC AIMS II	0	0
113	TACTICAL INTERNET MANAGER	0	0
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	0	0
115	MANEUVER CONTROL SYSTEM (MCS)	34,031	34,031
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	124,026
	Army requested transfer to RDTE Army line 177		[-9,251]
	Army requested transfer to OMA Budget Activity 04		[-60,240]
	Army requested transfer to OPA line 119		[-1,795]
	Army identified excess		[-15,000]
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	19,113	19,113
118	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	0	0
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	25,459
	Army requested transfer from OPA line 116		[1,795]
120	ARMY TRAINING MODERNIZATION	11,192	11,192
121	AUTOMATED DATA PROCESSING EQUIP	220,250	174,772
	Prior year unobligated funds available		[-45,478]
122	CSS COMMUNICATIONS	39,310	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	41,248	41,248
124	ITEMS LESS THAN \$5.0M (A/V)	10,437	10,437
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	7,480	4,395
	Excessive design engineering costs		[-3,085]
126	PRODUCTION BASE SUPPORT (C-E)	571	571
127	BCT NETWORK	0	0
127A	CLASSIFIED PROGRAMS	4,273	4,273
128	PROTECTIVE SYSTEMS	0	0
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	5,213
	Acoustic hailing device contract delay		[-3,423]
130	BASE DEFENSE SYSTEMS (BDS)	41,204	0
	Transfer to OCO		[-41,204]
131	CBRN SOLDIER PROTECTION	10,700	10,700
132	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	362	362
133	TACTICAL BRIDGING	77,428	77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON	49,154	45,454
	Excessive program support cost growth		[-3,700]
135	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	39,263	39,263
136	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	20,678	20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	30,297	0
	M160 incremental funding		[-8,000]
	Transfer to OCO		[-22,297]
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	17,626	17,626
139	REMOTE DEMOLITION SYSTEMS	14,672	14,672
140	< \$5M, COUNTERMINE EQUIPMENT	7,352	7,352
141	AERIAL DETECTION	0	0
142	HEATERS AND ECU'S	10,109	10,109
143	LAUNDRIES, SHOWERS AND LATRINES	0	0
144	SOLDIER ENHANCEMENT	9,591	9,591
145	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	0	0
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	8,509	8,509
147	GROUND SOLDIER SYSTEM	184,072	4,000
	Army requested transfer to RDTE Army line 119		[-7,600]
	Program delay		[-172,472]
148	MOUNTED SOLDIER SYSTEM	43,419	19
	Army offered program reduction		[-43,400]
149	FORCE PROVIDER	0	0
150	FIELD FEEDING EQUIPMENT	26,860	26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	68,392	55,392
	Army offered program reduction		[-13,000]
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:	7,384	7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	54,190	54,190
154	ITEMS LESS THAN \$5M (ENG SPT)	12,482	12,482
155	QUALITY SURVEILLANCE EQUIPMENT	0	0
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	75,457	75,457
157	WATER PURIFICATION SYSTEMS	0	0
158	COMBAT SUPPORT MEDICAL	53,450	53,450
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	16,572	16,572
160	ITEMS LESS THAN \$5.0M (MAINT EQ)	3,852	3,852
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,201	2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	3,984
	Excessive unit cost and program support cost growth		[-4,600]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
163	SCRAPERS, EARTHMOVING	21,031	21,031
164	MISSION MODULES—ENGINEERING	43,432	43,432
165	COMPACTOR	2,859	0
	Army offered program reduction		[−2,859]
166	LOADERS	0	0
167	HYDRAULIC EXCAVATOR	0	0
168	TRACTOR, FULL TRACKED	59,534	50,434
	Unjustified program support cost growth		[−9,100]
169	PLANT, ASPHALT MIXING	8,314	614
	Prior year unobligated funds available		[−7,700]
170	HIGH MOBILITY ENGINEER EXCAVATOR TYPE—FOS	18,974	18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	15,833	0
	Unexecutable acquisition strategy		[−15,833]
172	CONST EQUIP ESP	9,771	9,771
173	ITEMS LESS THAN \$5.0M (CONST EQUIP)	12,654	12,654
174	JOINT HIGH SPEED VESSEL (JHSV)	223,845	223,845
175	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC)	0	0
176	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	10,175	10,175
177	GENERATORS AND ASSOCIATED EQUIP	31,897	31,897
178	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	0	0
179	FAMILY OF FORKLIFTS	10,944	10,944
180	ALL TERRAIN LIFTING ARMY SYSTEM	21,859	21,859
181	COMBAT TRAINING CENTERS SUPPORT	133,178	47,878
	Army offered program reduction		[−85,300]
182	TRAINING DEVICES, NONSYSTEM	168,392	168,392
183	CLOSE COMBAT TACTICAL TRAINER	17,760	13,290
	Prior year unobligated funds available		[−4,470]
184	AVIATION COMBINED ARMS TACTICAL TRAINER	9,413	9,413
185	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	0	0
186	CALIBRATION SETS EQUIPMENT	13,618	13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	36,937
	Prior year unobligated funds available		[−12,500]
188	TEST EQUIPMENT MODERNIZATION (TEMOD)	30,451	30,451
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	4,923	4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	19,606
	Prior year unobligated funds available		[−49,710]
191	BASE LEVEL COMMON EQUIPMENT	1,591	1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	72,271	72,271
193	PRODUCTION BASE SUPPORT (OTH)	2,325	2,325
194	SPECIAL EQUIPMENT FOR USER TESTING	17,411	17,411
195	AMC CRITICAL ITEMS OPA3	34,500	34,500
196	TRACTOR YARD	3,740	3,740
197	BCT UNMANNED GROUND VEHICLE	24,805	0
	Program adjustment		[−24,805]
198	BCT TRAINING/LOGISTICS/MANAGEMENT	149,308	26,008
	Program cancellation		[−123,300]
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	3
	Program cancellation		[−57,100]
200	BCT UNMANNED GROUND VEHICLE INC 2	11,924	24
	Program cancellation		[−11,900]
201	INITIAL SPARES—C&E	21,647	21,647
TOTAL, OTHER PROCUREMENT, ARMY		9,682,592	7,050,774
JOINT IMPR EXPLOSIVE DEV DEFEAT FUND			
1	ATTACK THE NETWORK	0	0
2	DEFEAT THE DEVICE	0	0
3	TRAIN THE FORCE	0	0
4	OPERATIONS	220,634	0
	Transfer to OCO: JIEDDO Operations		[−220,634]
TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		220,634	0
AIRCRAFT PROCUREMENT, NAVY			
1	EA-18G	1,134,445	1,127,445
	Reduce Engineering Change Orders (ECO) to fiscal year 2010 levels		[−7,000]
1	EA-18G	−55,081	−55,081
2	EA-18G	28,119	28,119
3	F/A-18E/F (FIGHTER) HORNET	2,369,047	1,774,347
	Funded in H. R. 1473		[−495,000]
	ECO excess		[−21,000]
	Government furnished equipment engine cost growth		[−10,700]
	Multi-year procurement savings		[−68,000]
3	F/A-18E/F (FIGHTER) HORNET	−2,295	−2,295
4	F/A-18E/F (FIGHTER) HORNET	64,962	63,262
	Airframe termination liability growth		[−1,700]
5	JOINT STRIKE FIGHTER CV	1,722,991	1,722,991
5	JOINT STRIKE FIGHTER CV	−219,895	−219,895
6	JOINT STRIKE FIGHTER CV	217,666	217,666

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Line	Item	FY 2012 Request	Senate Authorized
7	JSF STOVL	1,428,259	1,428,259
7	JSF STOVL	-286,326	-286,326
8	JSF STOVL	117,229	117,229
9	V-22 (MEDIUM LIFT)	2,365,561	2,365,561
9	V-22 (MEDIUM LIFT)	-140,744	-151,244
	Reduce ECO		[-10,500]
10	V-22 (MEDIUM LIFT)	84,008	84,008
11	UH-1Y/AH-1Z	769,666	733,666
	Unjustified support increase		[-30,000]
	Reduce ECO		[-6,000]
11	UH-1Y/AH-1Z	-69,360	-69,360
12	UH-1Y/AH-1Z	68,310	68,310
13	MH-60S (MYP)	479,001	479,001
13	MH-60S (MYP)	-70,080	-70,080
14	MH-60S (MYP)	74,040	74,040
15	MH-60R	953,031	948,831
	Reduce ECO		[-4,200]
15	MH-60R	-162,006	-162,006
16	MH-60R	209,431	209,431
17	P-8A POSEIDON	2,185,004	2,185,004
17	P-8A POSEIDON	-166,153	-166,153
18	P-8A POSEIDON	256,594	256,594
19	E-2D ADV HAWKEYE	1,033,511	1,013,511
	Excess funding reserve		[-20,000]
19	E-2D ADV HAWKEYE	-118,619	-118,619
20	E-2D ADV HAWKEYE	157,942	157,942
21	C-40A	0	0
22	JPATS	266,906	256,906
	Excess ECO		[-10,000]
23	HC-130J	0	0
24	KC-130J	87,288	87,288
24	KC-130J	0	0
25	RQ-7 UAV	0	0
26	MQ-8 UAV	191,986	191,986
27	STUASLO UAV	12,772	0
	Low rate initial production contract award slip		[-12,772]
28	OTHER SUPPORT AIRCRAFT	0	0
29	EA-6 SERIES	27,734	27,734
30	AEA SYSTEMS	34,065	31,765
	Air launched decoy jammer		[-2,300]
31	AV-8 SERIES	30,762	30,762
32	F-18 SERIES	499,597	445,597
	Integrated Logistics Support excess to need		[-20,900]
	Digital Communications System reduce quantities		[-14,000]
	Other support growth		[-12,800]
	Net Centric Operations reduce A kits		[-6,300]
33	H-46 SERIES	27,112	24,612
	Unjustified Request		[-2,500]
34	AH-1W SERIES	15,828	15,828
35	H-53 SERIES	62,820	61,820
	DIRCM Other support excess		[-1,000]
36	SH-60 SERIES	83,394	83,394
37	H-1 SERIES	11,012	8,412
	Obsolescence install unjustified growth		[-2,600]
38	EP-3 SERIES	83,181	83,181
39	P-3 SERIES	171,466	169,766
	Other support growth		[-1,700]
40	E-2 SERIES	29,215	29,215
41	TRAINER A/C SERIES	22,090	18,790
	Training equipment growth		[-3,300]
42	C-2A	16,302	16,302
43	C-130 SERIES	27,139	27,139
44	FEWSG	2,773	1,773
	Other support growth		[-1,000]
45	CARGO/TRANSPORT A/C SERIES	16,463	16,463
46	E-6 SERIES	165,253	130,653
	Service life extension program install early to need		[-7,800]
	Block I install cost savings		[-1,200]
	Block II FAB-T non-recurring engineering early to need		[-5,200]
	Block Recapture program delay		[-20,400]
47	EXECUTIVE HELICOPTERS SERIES	58,011	82,011
	Navy requested transfer from RDT&E, Navy line 98, for VH-3/VH-60 sustainment		[24,000]
48	SPECIAL PROJECT AIRCRAFT	12,248	11,048
	Install equipment nonrecurring unjustified growth		[-1,200]
49	T-45 SERIES	57,779	45,179
	Correction of Deficiencies contract support growth		[-6,600]
	Avionics Obsolescence contract support growth		[-6,000]
50	POWER PLANT CHANGES	21,847	21,847
51	JPATS SERIES	1,524	524

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<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	Unobligated balances		[-1,000]
52	AVIATION LIFE SUPPORT MODS	1,069	1,069
53	COMMON ECM EQUIPMENT	92,072	89,272
	DIRCM A kit savings		[-2,800]
54	COMMON AVIONICS CHANGES	147,093	138,293
	CNS/ATM Other support growth		[-8,800]
55	COMMON DEFENSIVE WEAPON SYSTEM	0	0
56	ID SYSTEMS	37,330	32,030
	Other support growth		[-5,300]
57	P-8 SERIES	2,930	0
	P-8 modifications ahead of need		[-2,930]
58	MAGTF EW FOR AVIATION	489	489
59	RQ-7 SERIES	11,419	11,419
60	V-22 (TILT/ROTOR ACFT) OSPREY	60,264	55,764
	Deficiencies modifications other support growth		[-2,500]
	Reliability modifications other support growth		[-2,000]
61	SPARES AND REPAIR PARTS	1,331,961	1,171,994
	F/A-18E/F initial spares cost growth		[-23,967]
	F-35 initial spares execution		[-100,000]
	P-8A initial spares execution		[-36,000]
62	COMMON GROUND EQUIPMENT	351,685	363,685
	Transfer from PE 64273N (RDN 98) for VH-60 trainer		[12,000]
63	AIRCRAFT INDUSTRIAL FACILITIES	22,358	22,358
64	WAR CONSUMABLES	27,300	0
	Transfer to OCO		[-27,300]
65	OTHER PRODUCTION CHARGES	10,124	10,124
66	SPECIAL SUPPORT EQUIPMENT	24,395	21,395
	Unjustified support increase		[-3,000]
67	FIRST DESTINATION TRANSPORTATION	1,719	1,719
68	CANCELLED ACCOUNT ADJUSTMENTS	0	0
TOTAL, AIRCRAFT PROCUREMENT, NAVY		18,587,033	17,593,764
WEAPONS PROCUREMENT, NAVY			
1	TRIDENT II MODS	1,309,102	1,309,102
2	MISSILE INDUSTRIAL FACILITIES	3,492	3,492
3	TOMAHAWK	303,306	303,306
4	AMRAAM	188,494	119,494
	Production Backlog		[-69,000]
5	SIDEWINDER	47,098	47,098
6	JSOW	137,722	137,722
7	STANDARD MISSILE	420,324	362,278
	Unit Cost efficiencies		[-58,046]
8	RAM	66,197	66,197
9	HELLFIRE	22,703	22,703
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	0	0
11	AERIAL TARGETS	46,359	46,359
12	OTHER MISSILE SUPPORT	3,561	3,561
13	ESSM	48,486	48,486
14	HARM MODS	73,061	73,061
15	STANDARD MISSILES MODS	0	0
16	WEAPONS INDUSTRIAL FACILITIES	1,979	1,979
17	FLEET SATELLITE COMM FOLLOW-ON	238,215	33,215
	Booster for SV4 early to need		[-205,000]
17	FLEET SATELLITE COMM FOLLOW-ON	0	0
18	FLEET SATELLITE COMM FOLLOW-ON	0	0
19	ORDNANCE SUPPORT EQUIPMENT	52,255	52,255
20	ASW TARGETS	31,803	31,803
21	MK-54 TORPEDO MODS	78,045	78,045
22	MK-48 TORPEDO ADCAP MODS	42,493	42,493
23	QUICKSTRIKE MINE	5,770	5,770
24	TORPEDO SUPPORT EQUIPMENT	43,003	43,003
25	ASW RANGE SUPPORT	9,219	9,219
26	FIRST DESTINATION TRANSPORTATION	3,553	3,553
27	SMALL ARMS AND WEAPONS	15,037	15,037
28	CIWS MODS	37,550	37,550
29	COAST GUARD WEAPONS	17,525	17,525
30	GUN MOUNT MODS	43,957	43,957
31	LCS MODULE WEAPONS	0	0
32	CRUISER MODERNIZATION WEAPONS	50,013	50,013
33	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,203	12,203
34	CANCELLED ACCOUNT ADJUSTMENTS	0	0
35	SPARES AND REPAIR PARTS	55,953	55,953
TOTAL, WEAPONS PROCUREMENT, NAVY		3,408,478	3,076,432
PROCUREMENT OF AMMO, NAVY & MC			
1	GENERAL PURPOSE BOMBS	64,766	63,666
	BLU-109 cost growth.		[-1,100]

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Line	Item	FY 2012 Request	Senate Authorized
2	JDAM	0	0
3	AIRBORNE ROCKETS, ALL TYPES	38,264	37,264
	Support funding carryover.		[-1,000]
4	MACHINE GUN AMMUNITION	17,788	17,788
5	PRACTICE BOMBS	35,289	35,289
6	CARTRIDGES & CART ACTUATED DEVICES	49,416	49,416
7	AIR EXPENDABLE COUNTERMEASURES	60,677	60,677
8	JATOS	2,766	2,766
9	5 INCH/54 GUN AMMUNITION	19,006	10,901
	Excess prior year multi-option fuze support funding.		[-7,105]
	Support funding carryover.		[-1,000]
10	INTERMEDIATE CALIBER GUN AMMUNITION	19,320	1,112
	MK295 cartridge contract delay.		[-18,208]
11	OTHER SHIP GUN AMMUNITION	21,938	19,018
	Production engineering growth.		[-2,920]
12	SMALL ARMS & LANDING PARTY AMMO	51,819	46,039
	Production engineering growth.		[-1,200]
	A131 complete rounds cost growth.		[-2,500]
	A576 LAP kit cost growth.		[-2,080]
13	PYROTECHNIC AND DEMOLITION	10,199	10,199
14	AMMUNITION LESS THAN \$5 MILLION	4,107	4,107
15	SMALL ARMS AMMUNITION	58,812	58,812
16	LINEAR CHARGES, ALL TYPES	21,434	17,660
	M913 LAP kit contract delay.		[-3,774]
17	40 MM, ALL TYPES	84,864	72,864
	Program execution—USMC offered reduction.		[-12,000]
18	60MM, ALL TYPES	937	937
19	81MM, ALL TYPES	26,324	18,100
	M913 LAP kit contract delay.		[-8,224]
20	120MM, ALL TYPES	9,387	7,387
	Program execution—USMC offered reduction.		[-2,000]
21	CTG 25MM, ALL TYPES	3,889	3,889
22	GRENADES, ALL TYPES	13,452	13,452
23	ROCKETS, ALL TYPES	15,556	15,556
24	ARTILLERY, ALL TYPES	42,526	42,526
25	DEMOLITION MUNITIONS, ALL TYPES	22,786	1,786
	Program execution—USMC offered reduction.		[-21,000]
26	FUZE, ALL TYPES	9,266	9,266
27	NON LETHALS	2,927	2,927
28	AMMO MODERNIZATION	8,557	8,557
29	ITEMS LESS THAN \$5 MILLION	3,880	3,880
TOTAL, PROCUREMENT OF AMMO, NAVY & MC		719,952	635,841
SHIPBUILDING & CONVERSION, NAVY			
1	CARRIER REPLACEMENT PROGRAM	0	0
2	CARRIER REPLACEMENT PROGRAM	554,798	554,798
3	VIRGINIA CLASS SUBMARINE	5,142,765	5,142,765
3	VIRGINIA CLASS SUBMARINE	-1,910,550	-1,910,550
4	VIRGINIA CLASS SUBMARINE	1,524,761	1,524,761
5	CVN REFUELING OVERHAULS	0	0
6	CVN REFUELING OVERHAULS	529,652	529,652
7	SSBN ERO	0	0
8	DDG 1000	453,727	453,727
9	DDG-51	2,028,693	2,028,693
9	DDG-51	-47,984	-47,984
10	DDG-51	100,723	100,723
11	LITTORAL COMBAT SHIP	1,921,386	1,921,386
11	LITTORAL COMBAT SHIP	-119,293	-119,293
12	LITTORAL COMBAT SHIP	0	0
13	LPD-17	2,031,430	2,031,430
13	LPD-17	-183,986	-183,986
14	LPD-17	0	0
15	LHA REPLACEMENT	2,018,691	2,018,691
16	LHA REPLACEMENT	0	0
17	JOINT HIGH SPEED VESSEL	185,106	185,106
18	OCEANOGRAPHIC SHIPS	89,000	89,000
19	MOORED TRAINING SHIP	155,200	155,200
20	OUTFITTING	292,871	292,871
21	SERVICE CRAFT	3,863	3,863
22	LCAC SLEP	84,076	84,076
23	COMPLETION OF PY SHIPBUILDING PROGRAMS	73,992	73,992
TOTAL, SHIPBUILDING & CONVERSION, NAVY		14,928,921	14,928,921
OTHER PROCUREMENT, NAVY			
1	LM-2500 GAS TURBINE	13,794	13,794
2	ALLISON 501K GAS TURBINE	8,643	8,643
3	OTHER NAVIGATION EQUIPMENT	22,982	22,982

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4	SUB PERISCOPES & IMAGING EQUIP	60,860	60,860
5	DDG MOD	119,522	119,522
6	FIREFIGHTING EQUIPMENT	17,637	17,637
7	COMMAND AND CONTROL SWITCHBOARD	3,049	3,049
8	POLLUTION CONTROL EQUIPMENT	22,266	22,266
9	SUBMARINE SUPPORT EQUIPMENT	15,892	15,892
10	VIRGINIA CLASS SUPPORT EQUIPMENT	100,693	100,693
11	SUBMARINE BATTERIES	42,296	42,296
12	STRATEGIC PLATFORM SUPPORT EQUIP	25,228	25,228
13	DSSP EQUIPMENT	2,600	2,600
14	CG MODERNIZATION	590,349	585,349
	Shore Site Upgrades--Excessive Growth		[-5,000]
15	LCAC	0	0
16	UNDERWATER EOD PROGRAMS	18,499	18,499
17	ITEMS LESS THAN \$5 MILLION	113,809	99,470
	LCS Waterjet Impellers--No Longer Required		[-10,859]
	Auto Voltage Regulators--Ahead of Need		[-3,480]
18	CHEMICAL WARFARE DETECTORS	5,508	5,508
19	SUBMARINE LIFE SUPPORT SYSTEM	13,397	13,397
20	REACTOR POWER UNITS	436,838	436,838
21	REACTOR COMPONENTS	271,600	271,600
22	DIVING AND SALVAGE EQUIPMENT	11,244	11,244
23	STANDARD BOATS	39,793	39,793
24	OTHER SHIPS TRAINING EQUIPMENT	29,913	29,913
25	OPERATING FORCES IPE	54,642	54,642
26	NUCLEAR ALTERATIONS	144,175	144,175
27	LCS MODULES	79,583	68,163
	AN/AQS-20A--Contract Delay		[-8,920]
	Production Support--Excess to Need		[-2,500]
28	LSD MIDLIFE	143,483	143,483
29	RADAR SUPPORT	18,818	18,818
30	SPQ-9B RADAR	24,613	24,613
31	AN/SQQ-89 SURF ASW COMBAT SYSTEM	73,829	73,829
32	SSN ACOUSTICS	212,913	212,913
33	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	29,686
34	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
35	ELECTRONIC WARFARE MILDEC	18,141	18,141
36	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,554	20,554
37	SSTD	2,257	2,257
38	FIXED SURVEILLANCE SYSTEM	60,141	60,141
39	SURTASS	29,247	27,047
	Integrated Common Processor [ICP] Procurement--Ahead of Need		[-2,200]
40	MARITIME PATROL AND RECONNAISSANCE FORCE	13,453	13,453
41	AN/SLQ-32	43,096	39,902
	Block 1B3 Units--No Longer Required		[-3,194]
42	SHIPBOARD IW EXPLOIT	103,645	100,745
	Paragon Systems--Change to Procurement Strategy		[-2,900]
43	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,364	1,364
44	SUBMARINE SUPPORT EQUIPMENT PROG	100,793	100,793
45	COOPERATIVE ENGAGEMENT CAPABILITY	23,332	17,032
	PAAA Backfit Installation Funding--No Longer Required		[-2,000]
	Signal Data Processors Backfits--Ahead of Need		[-2,000]
	Signal Data Processors Backfits [AN/USG-2A]--Ahead of Need		[-2,300]
46	TRUSTED INFORMATION SYSTEM (TIS)	426	426
47	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,017	33,017
48	ATDLS	942	942
49	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	7,896	7,896
50	MINESWEEPING SYSTEM REPLACEMENT	27,868	27,868
51	SHALLOW WATER MCM	1,048	1,048
52	NAVSTAR GPS RECEIVERS (SPACE)	9,926	9,926
53	AMERICAN FORCES RADIO AND TV SERVICE	4,370	4,370
54	STRATEGIC PLATFORM SUPPORT EQUIP	4,143	4,143
55	OTHER TRAINING EQUIPMENT	45,989	45,989
56	MATCALS	8,136	8,136
57	SHIPBOARD AIR TRAFFIC CONTROL	7,394	7,394
58	AUTOMATIC CARRIER LANDING SYSTEM	18,518	18,518
59	NATIONAL AIR SPACE SYSTEM	26,054	26,054
60	FLEET AIR TRAFFIC CONTROL SYSTEMS	7,213	7,213
61	LANDING SYSTEMS	7,138	7,138
62	ID SYSTEMS	33,170	31,470
	Mark XII Mode 5--Ahead of Need		[-1,700]
63	NAVAL MISSION PLANNING SYSTEMS	8,941	8,941
64	DEPLOYABLE JOINT COMMAND AND CONT	8,994	8,994
65	MARITIME INTERGRATED BROADCAST SYSTEM	13,529	13,529
66	TACTICAL/MOBILE C4I SYSTEMS	12,776	10,876
	Tactical/Mobile C4I Systems Increment 2.1 Ahead of Need		[-1,900]
67	DCGS-N	11,201	11,201
68	CANES	195,141	105,541
	Transfer to Ship Communications Automation (OPN 76) per USN request		[-77,600]

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	Transfer to PE 33138N (RDN 201) per USN request		[-12,000]
69	RADIAC	6,201	6,201
70	CANES-INTELL	75,084	75,084
71	GPETE	6,010	6,010
72	INTEG COMBAT SYSTEM TEST FACILITY	4,441	4,441
73	EMI CONTROL INSTRUMENTATION	4,741	4,741
74	ITEMS LESS THAN \$5 MILLION	51,716	51,716
75	SHIPBOARD TACTICAL COMMUNICATIONS	26,197	1,494
	JTRS AMF--Program Delay		[-24,703]
76	SHIP COMMUNICATIONS AUTOMATION	177,510	255,110
	Transfer from CANES (OPN 68) pe USN request		[77,600]
77	MARITIME DOMAIN AWARENESS (MDA)	24,022	24,022
78	COMMUNICATIONS ITEMS UNDER \$5M	33,644	27,544
	HMS Radios--Contract Delays		[-3,300]
	BFTN--Installations Ahead of Need		[-2,800]
79	SUBMARINE BROADCAST SUPPORT	10,357	10,357
80	SUBMARINE COMMUNICATION EQUIPMENT	75,447	75,447
81	SATELLITE COMMUNICATIONS SYSTEMS	25,522	25,522
82	NAVY MULTIBAND TERMINAL (NMT)	109,022	94,022
	Revised Pricing		[-15,000]
83	JCS COMMUNICATIONS EQUIPMENT	2,186	2,186
84	ELECTRICAL POWER SYSTEMS	1,329	1,329
85	NAVAL SHORE COMMUNICATIONS	2,418	2,418
86	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,857	114,257
	EKMS Afloat--KMI Ahead of Need		[-1,000]
	VACM Program Delay		[-4,600]
87	CRYPTOLOGIC COMMUNICATIONS EQUIP	14,820	14,820
88	COAST GUARD EQUIPMENT	6,848	6,848
89	OTHER DRUG INTERDICTION SUPPORT	2,290	2,290
90	SONOBUOYS--ALL TYPES	96,314	84,464
	AN/SSQ-125--Ahead of Need		[-11,850]
91	WEAPONS RANGE SUPPORT EQUIPMENT	40,697	40,697
92	EXPEDITIONARY AIRFIELDS	8,561	8,561
93	AIRCRAFT REARMING EQUIPMENT	8,941	8,941
94	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,777	19,777
95	METEOROLOGICAL EQUIPMENT	22,003	22,003
96	DCRS/DPL	1,595	1,595
97	AVIATION LIFE SUPPORT	66,031	66,031
98	AIRBORNE MINE COUNTERMEASURES	49,668	42,765
	AN/AQS-20A--Contract Delay		[-6,903]
99	LAMPS MK III SHIPBOARD EQUIPMENT	18,471	18,471
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,875	7,875
101	OTHER AVIATION SUPPORT EQUIPMENT	12,553	12,553
102	NAVAL FIRES CONTROL SYSTEM	2,049	2,049
103	GUN FIRE CONTROL EQUIPMENT	4,488	4,488
104	NATO SEASPARROW	8,926	8,926
105	RAM GMLS	4,321	4,321
106	SHIP SELF DEFENSE SYSTEM	60,700	54,381
	SSDS COTS Conversion Kits Ahead of Need		[-6,319]
107	AEGIS SUPPORT EQUIPMENT	43,148	43,148
108	TOMAHAWK SUPPORT EQUIPMENT	72,861	72,861
109	VERTICAL LAUNCH SYSTEMS	732	732
110	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,823	4,823
111	STRATEGIC MISSILE SYSTEMS EQUIP	187,807	187,807
112	SSN COMBAT CONTROL SYSTEMS	81,596	81,596
113	SUBMARINE ASW SUPPORT EQUIPMENT	5,241	5,241
114	SURFACE ASW SUPPORT EQUIPMENT	5,816	5,816
115	ASW RANGE SUPPORT EQUIPMENT	7,842	7,842
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	98,847	98,847
117	ITEMS LESS THAN \$5 MILLION	4,073	4,073
118	ANTI-SHIP MISSILE DECOY SYSTEM	32,716	32,716
119	SURFACE TRAINING DEVICE MODS	5,814	5,814
120	SUBMARINE TRAINING DEVICE MODS	36,777	36,777
121	PASSENGER CARRYING VEHICLES	6,271	3,771
	Unjustified Growth		[-2,500]
122	GENERAL PURPOSE TRUCKS	3,202	2,202
	Unjustified Growth		[-1,000]
123	CONSTRUCTION & MAINTENANCE EQUIP	9,850	6,850
	Contract Delays		[-3,000]
124	FIRE FIGHTING EQUIPMENT	14,315	14,315
125	TACTICAL VEHICLES	16,502	16,502
126	AMPHIBIOUS EQUIPMENT	3,235	3,235
127	POLLUTION CONTROL EQUIPMENT	7,175	7,175
128	ITEMS UNDER \$5 MILLION	20,727	10,727
	Contract Delays		[-10,000]
129	PHYSICAL SECURITY VEHICLES	1,142	1,142
130	MATERIALS HANDLING EQUIPMENT	14,972	9,972
	Contract Delays		[-5,000]
131	OTHER SUPPLY SUPPORT EQUIPMENT	4,453	4,453

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(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
132	FIRST DESTINATION TRANSPORTATION	6,416	6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS	51,894	51,894
134	TRAINING SUPPORT EQUIPMENT	16,353	16,353
135	COMMAND SUPPORT EQUIPMENT	28,693	27,693
	SPAWAR—Excess to Need		[-1,000]
136	EDUCATION SUPPORT EQUIPMENT	2,197	2,197
137	MEDICAL SUPPORT EQUIPMENT	7,175	4,175
	Unjustified Growth		[-3,000]
138	NAVAL MIP SUPPORT EQUIPMENT	1,457	1,457
140	OPERATING FORCES SUPPORT EQUIPMENT	15,330	15,330
141	C4ISR EQUIPMENT	136	136
142	ENVIRONMENTAL SUPPORT EQUIPMENT	18,639	18,639
143	PHYSICAL SECURITY EQUIPMENT	177,240	177,240
144	ENTERPRISE INFORMATION TECHNOLOGY	143,022	143,022
147	JUDGMENT FUND REIMBURSEMENT	0	0
148	CANCELLED ACCOUNT ADJUSTMENTS	0	0
148A	CLASSIFIED PROGRAMS	14,402	14,402
149	SPARES AND REPAIR PARTS	208,384	208,384
	TOTAL, OTHER PROCUREMENT, NAVY	6,285,451	6,122,523
	PROCUREMENT, MARINE CORPS		
1	AAV7A1 PIP	9,894	9,894
2	LAV PIP	147,051	147,051
3	EXPEDITIONARY FIRE SUPPORT SYSTEM	11,961	11,961
4	155MM LIGHTWEIGHT TOWED HOWITZER	5,552	5,552
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	14,695	14,695
6	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	14,868	14,868
7	MODIFICATION KITS	53,932	53,932
8	WEAPONS ENHANCEMENT PROGRAM	13,795	13,795
9	GROUND BASED AIR DEFENSE	12,287	12,287
10	JAVELIN	0	0
11	FOLLOW ON TO SMAW	46,563	46,563
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	19,606	19,606
13	MODIFICATION KITS	4,140	4,140
14	UNIT OPERATIONS CENTER	16,755	16,755
15	REPAIR AND TEST EQUIPMENT	24,071	24,071
16	COMBAT SUPPORT SYSTEM	25,461	25,461
17	MODIFICATION KITS	0	0
18	ITEMS UNDER \$5 MILLION (COMM & ELEC)	5,926	5,926
19	AIR OPERATIONS C2 SYSTEMS	44,152	44,152
20	RADAR SYSTEMS	40,352	40,352
21	FIRE SUPPORT SYSTEM	8,793	4,470
	Excess to need		[-4,323]
22	INTELLIGENCE SUPPORT EQUIPMENT	64,276	32,276
	Marine Corps recommendation		[-32,000]
24	RQ-11 UAV	2,104	2,104
25	DCGS-MC	10,789	10,789
28	NIGHT VISION EQUIPMENT	6,847	6,847
29	COMMON COMPUTER RESOURCES	218,869	196,869
	Marine Corps recommendation		[-22,000]
30	COMMAND POST SYSTEMS	84,856	84,856
31	RADIO SYSTEMS	89,479	79,770
	Equipment upgrade for CBNIRF (UFR)		[1,000]
	Marine Corps recommendation		[-10,709]
32	COMM SWITCHING & CONTROL SYSTEMS	16,598	16,598
33	COMM & ELEC INFRASTRUCTURE SUPPORT	47,505	47,505
33A	CLASSIFIED PROGRAMS	1,606	1,606
34	COMMERCIAL PASSENGER VEHICLES	894	894
35	COMMERCIAL CARGO VEHICLES	14,231	14,231
36	54T TRUCK HMMWV (MYP)	0	0
37	MOTOR TRANSPORT MODIFICATIONS	8,389	8,389
38	MEDIUM TACTICAL VEHICLE REPLACEMENT	5,833	5,833
39	LOGISTICS VEHICLE SYSTEM REP	972	972
40	FAMILY OF TACTICAL TRAILERS	21,848	21,848
41	TRAILERS	0	0
42	ITEMS LESS THAN \$5 MILLION	4,503	4,503
43	ENVIRONMENTAL CONTROL EQUIP ASSORT	2,599	2,599
44	BULK LIQUID EQUIPMENT	16,255	16,255
45	TACTICAL FUEL SYSTEMS	26,853	26,853
46	POWER EQUIPMENT ASSORTED	27,247	27,247
47	AMPHIBIOUS SUPPORT EQUIPMENT	5,533	5,533
48	EOD SYSTEMS	61,753	29,753
	Marine Corps recommendation		[-32,000]
49	PHYSICAL SECURITY EQUIPMENT	16,627	16,627
50	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	10,827	10,827
51	MATERIAL HANDLING EQUIP	37,055	37,055
52	FIRST DESTINATION TRANSPORTATION	1,462	1,462
53	FIELD MEDICAL EQUIPMENT	24,079	24,079

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(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
54	TRAINING DEVICES	10,277	10,277
55	CONTAINER FAMILY	3,123	3,123
56	FAMILY OF CONSTRUCTION EQUIPMENT	18,137	18,137
57	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	0	0
58	BRIDGE BOATS	0	0
59	RAPID DEPLOYABLE KITCHEN	5,026	5,026
60	ITEMS LESS THAN \$5 MILLION	5,206	5,206
61	SPARES AND REPAIR PARTS	90	90
	TOTAL, PROCUREMENT, MARINE CORPS	1,391,602	1,291,570
	AIRCRAFT PROCUREMENT, AIR FORCE		
1	F-35	3,597,615	3,597,615
1	F-35	-257,000	-257,000
2	F-35	323,477	323,477
3	F-22A	104,118	104,118
3	F-22A	0	0
4	C-17A (MYP)	0	0
5	C-130J	120,879	120,879
5	C-130J	-48,000	-48,000
6	C-130J	0	0
7	HC-130J	342,899	342,899
7	HC-130J	-10,000	-10,000
8	HC-130J	0	0
9	MC-130J	642,466	642,466
9	MC-130J	-60,000	-60,000
10	MC-130J	0	0
11	HC/MC-130 RECAP	0	0
11	HC/MC-130 RECAP	0	0
12	HC/MC-130 RECAP	0	0
13	C-27J	479,896	479,896
14	LIGHT MOBILITY AIRCRAFT	0	0
15	USAF POWERED FLIGHT PROGRAM	1,060	1,060
16	T-6	0	0
17	COMMON VERTICAL LIFT SUPPORT	59,232	59,232
17	COMMON VERTICAL LIFT SUPPORT	-6,432	-6,432
18	COMMON VERTICAL LIFT SUPPORT	0	0
19	V22 OSPREY	362,407	362,407
19	V22 OSPREY	-22,542	-22,542
20	V22 OSPREY	20,000	20,000
21	C-12 A	0	0
22	C-40	0	0
23	CIVIL AIR PATROL A/C	2,190	2,190
24	HH-60M	104,711	34,811
	Combat losses funded in FY11		[-69,900]
25	LIGHT ATTACK ARMED RECON ACFT	158,549	0
	Defer production pending R&D completion		[-158,549]
26	RQ-11	0	0
27	STUASLO	0	0
28	ITERIM GATEWAY	0	0
29	TARGET DRONES	64,268	64,268
30	C-37A	77,842	77,842
31	RQ-4	414,164	414,164
31	RQ-4	-90,200	-90,200
32	RQ-4	71,500	71,500
33	MC 130 IN BA 04	108,470	108,470
34	MQ-9	813,092	0
	ASIP 2C early to need		[-29,500]
	Transfer to OCO		[-783,592]
35	B-2A	41,315	41,315
35	B-2A	0	0
36	B-1B	198,007	198,007
37	B-52	93,897	93,897
38	A-10	153,128	7,328
	Program reduction--Wing replacement program		[-145,800]
39	F-15	222,386	208,386
	Early to need--Mode 5 IFF		[-14,000]
40	F-16	73,346	56,746
	Mode 5 procurement ahead of need		[-16,600]
41	F-22A	232,032	232,032
42	F-35 MODIFICATIONS	0	0
43	C-5	178,641	178,641
43	C-5	-166,900	-166,900
44	C-5	0	0
45	C-5M	851,859	851,859
46	C-5M	112,200	112,200
47	C-9C	9	9
48	C-17A	202,179	202,179
49	C-21	328	328

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(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
50	C-32A	12,157	1,757
	Program reduction--SLC3S--A		[-10,400]
51	C-37A	21,986	486
	Program reduction--SLC3S--A		[-21,500]
52	C-130 AMP	235,635	208,135
	Early to need--kit installs		[-27,500]
53	GLIDER MODS	123	123
54	T-6	15,086	15,086
55	T-1	238	238
56	T-38	31,032	31,032
57	KC-10A (ATCA)	27,220	9,820
	Early to need--CNS/ATM		[-17,400]
58	C-12	1,777	1,777
59	MC-12W	16,767	16,767
60	C-20 MODS	241	241
61	VC-25A MOD	387	387
62	C-40	206	206
63	C-130	45,876	45,876
64	C-130 INTEL	3,593	3,593
65	C-130J MODS	38,174	38,174
66	C-135	62,210	62,210
67	COMPASS CALL MODS	256,624	256,624
68	RC-135	162,211	162,211
69	E-3	135,031	135,031
70	E-4	57,829	57,829
71	E-8	29,058	29,058
72	H-1	5,280	5,280
73	H-60	34,371	88,971
	Transfer from PE 65299F (RDAF 81) per USAF request		[54,600]
74	RQ-4 MODS	89,177	89,177
75	HC/MC-130 MODIFICATIONS	431	10,831
	Transfer from PE 65299F (RDAF 81) per USAF request		[10,400]
76	OTHER AIRCRAFT	115,338	68,238
	EHF SATCOM, FAB-T advance procurement-AF program change (non-add)		[]
	Early to need in FAB-T		[-47,100]
77	MQ-1 MODS	158,446	158,446
78	MQ-9 MODS	181,302	181,302
79	MQ-9 UAS PAYLOADS	74,866	74,866
80	CV-22 MODS	14,715	14,715
81	INITIAL SPARES/REPAIR PARTS	1,030,364	927,364
	Program reduction--poor execution		[-103,000]
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP	92,394	92,394
83	B-1	4,743	4,743
84	B-2A	101	101
85	B-2A	49,319	49,319
86	B-52	0	0
87	C-5	521	521
88	C-5	0	0
89	KC-10A (ATCA)	5,691	5,691
90	C-17A	183,696	75,115
	Transition to post production		[-108,581]
91	C-130	25,646	25,646
92	EC-130J	0	0
93	C-135	2,434	2,434
94	F-15	2,076	2,076
95	F-16	4,537	4,537
96	T-6	0	0
97	OTHER AIRCRAFT	40,025	40,025
98	INDUSTRIAL RESPONSIVENESS	21,050	21,050
99	WAR CONSUMABLES	87,220	0
	Transfer to OCO		[-87,220]
100	OTHER PRODUCTION CHARGES	1,072,858	1,072,858
104	U-2	48,875	48,875
104A	CLASSIFIED PROGRAMS	16,502	16,502
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE		14,082,527	12,506,885
MISSILE PROCUREMENT, AIR FORCE			
1	MISSILE REPLACEMENT EQ-BALLISTIC	67,745	67,745
2	JASSM	236,193	236,193
3	SIDEWINDER (AIM-9X)	88,769	88,769
4	AMRAAM	309,561	208,561
	Production Backlog		[-101,000]
5	PREDATOR HELLFIRE MISSILE	46,830	46,830
6	SMALL DIAMETER BOMB	7,523	7,523
7	INDUSTRIAL PREPAREDNESS/POL PREVENTION	726	726
8	ADVANCED CRUISE MISSILE	39	39
9	MM III MODIFICATIONS	125,953	125,953
10	AGM-65D MAVERICK	266	266

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(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
11	AGM-88A HARM	25,642	25,642
12	AIR LAUNCH CRUISE MISSILE (ALCM)	14,987	14,987
13	INITIAL SPARES/REPAIR PARTS	43,241	43,241
14	ADVANCED EHF	761,353	761,353
14	ADVANCED EHF	-208,520	-208,520
15	ADVANCED EHF	0	0
16	WIDEBAND GAPFILLER SATELLITES(SPACE)	526,855	526,855
16	WIDEBAND GAPFILLER SATELLITES(SPACE)	-58,110	-58,110
17	WIDEBAND GAPFILLER SATELLITES(SPACE)	0	0
18	GPS III SPACE SEGMENT	556,016	556,016
18	GPS III SPACE SEGMENT	-122,490	-122,490
19	GPS III SPACE SEGMENT	81,811	41,811
	Excess advance procurement—AF program change		[-40,000]
20	SPACEBORNE EQUIP (COMSEC)	21,568	21,568
21	GLOBAL POSITIONING (SPACE)	67,689	67,689
22	DEF METEOROLOGICAL SAT PROG(SPACE)	101,397	101,397
23	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,740,222	1,740,222
24	SBIR HIGH (SPACE)	351,389	351,389
24	SBIR HIGH (SPACE)	-270,000	-270,000
25	SBIR HIGH (SPACE)	243,500	243,500
26	NATL POLAR-ORBITING OP ENV SATELLITE	0	0
29	DEFENSE SPACE RECONN PROGRAM	0	0
31	SPECIAL UPDATE PROGRAMS	154,727	154,727
31A	CLASSIFIED PROGRAMS	1,159,135	746,980
	Classified Adjustment		[-412,155]
TOTAL, MISSILE PROCUREMENT, AIR FORCE		6,074,017	5,520,862
PROCUREMENT OF AMMUNITION, AIR FORCE			
1	ROCKETS	23,919	23,919
2	CARTRIDGES	89,771	89,771
3	PRACTICE BOMBS	38,756	38,756
4	GENERAL PURPOSE BOMBS	168,557	168,557
5	JOINT DIRECT ATTACK MUNITION	76,649	76,649
6	CAD/PAD	42,410	42,410
7	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,119	3,119
8	SPARES AND REPAIR PARTS	998	
9	MODIFICATIONS	1,132	1,132
10	ITEMS LESS THAN \$5,000,000	5,075	5,075
11	FLARES	46,749	46,749
12	FUZES	34,735	34,735
13	SMALL ARMS	7,195	7,195
14	ADJ TO MATCH CONTINUING RESOLUTION	0	0
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE		539,065	539,065
OTHER PROCUREMENT, AIR FORCE			
1	PASSENGER CARRYING VEHICLES	5,621	5,621
2	MEDIUM TACTICAL VEHICLE	18,411	18,411
3	CAP VEHICLES	917	917
4	ITEMS LESS THAN \$5,000,000 (CARGO)	18,694	18,694
5	SECURITY AND TACTICAL VEHICLES	5,982	85
	HMMWV--In Excess of Need		[-2,956]
	Guardian Angel Contract Delay		[-2,941]
6	ITEMS LESS THAN \$5,000,000 (SPECIA)	20,677	20,677
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	22,881	22,881
8	ITEMS LESS THAT \$5,000,000	14,978	14,978
9	RUNWAY SNOW REMOV AND CLEANING EQU	16,556	16,556
10	ITEMS LESS THAN \$5M BASE MAINT/CONST	30,225	30,225
11	COMSEC EQUIPMENT	135,169	135,169
12	MODIFICATIONS (COMSEC)	1,263	1,263
13	AIR FORCE PHYSICAL SECURITY	0	0
14	INTELLIGENCE TRAINING EQUIPMENT	2,645	2,645
15	INTELLIGENCE COMM EQUIPMENT	21,762	21,762
16	ADVANCE TECH SENSORS	899	899
17	MISSION PLANNING SYSTEMS	18,529	18,529
18	AIR TRAFFIC CONTROL & LANDING SYS	32,473	32,473
19	NATIONAL AIRSPACE SYSTEM	51,426	51,426
20	BATTLE CONTROL SYSTEM—FIXED	32,468	32,468
21	THEATER AIR CONTROL SYS IMPROVEMEN	22,813	22,813
22	WEATHER OBSERVATION FORECAST	14,619	14,619
23	STRATEGIC COMMAND AND CONTROL	39,144	39,144
24	CHEYENNE MOUNTAIN COMPLEX	25,992	25,992
25	TAC SIGNIT SPT	217	217
26	DRUG INTERDICTION SUPPORT	0	0
27	GENERAL INFORMATION TECHNOLOGY	52,263	52,263
28	AF GLOBAL COMMAND & CONTROL SYS	16,951	16,951
29	MOBILITY COMMAND AND CONTROL	26,433	19,033
	SLICC/Viper II Excess of Need		[-7,400]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
30	AIR FORCE PHYSICAL SECURITY SYSTEM	90,015	90,015
31	COMBAT TRAINING RANGES	23,955	23,955
32	C3 COUNTERMEASURES	7,518	7,518
33	GCSS-AF FOS	72,641	72,641
34	THEATER BATTLE MGT C2 SYSTEM	22,301	22,301
35	AIR & SPACE OPERATIONS CTR-WPN SYS	15,525	15,525
36	INFORMATION TRANSPORT SYSTEMS	49,377	49,377
37	BASE INFO INFRASTRUCTURE	41,239	41,239
38	AFNET	228,978	108,978
	Reduce Program Growth		[-120,000]
39	VOICE SYSTEMS	43,603	23,603
	Reduce Program Growth		[-20,000]
40	USCENTCOM	30,983	30,983
41	SPACE BASED IR SENSOR PGM SPACE	49,570	49,570
42	NAVSTAR GPS SPACE	2,008	2,008
43	NUDET DETECTION SYS SPACE	4,863	4,863
44	AF SATELLITE CONTROL NETWORK SPACE	61,386	61,386
45	SPACELIFT RANGE SYSTEM SPACE	125,947	125,947
46	MILSATCOM SPACE	104,720	36,570
	EHF SATCOM, FAB-T advance procurement-AF program change (non-add)		[]
	Early to need in FAB-T		[-68,150]
47	SPACE MODS SPACE	28,075	28,075
48	COUNTERSPACE SYSTEM	20,718	20,718
49	TACTICAL C-E EQUIPMENT	227,866	153,590
	JTRS AMF Milestone C Delay		[-12,636]
	JTRS Handheld / Manpack Cost Increases		[-44,500]
	JTC Training and Rehearsal Schedule Ahead of Need		[-17,140]
50	COMBAT SURVIVOR EVADER LOCATER	22,184	7,184
	CSEL Contract Delay		[-15,000]
51	RADIO EQUIPMENT	11,408	11,408
52	CCTV/AUDIOVISUAL EQUIPMENT	11,559	11,559
53	BASE COMM INFRASTRUCTURE	105,977	80,977
	Slow Execution		[-25,000]
54	COMM ELECT MODS	76,810	76,810
55	NIGHT VISION GOGGLES	20,008	1,008
	Night Vision Cueing and Display Contract Delay		[-19,000]
56	ITEMS LESS THAN \$5,000,000 (SAFETY)	25,499	12,598
	Laser Eye Protection Contract Delay		[-5,800]
	MACH Early to Need		[-7,101]
57	MECHANIZED MATERIAL HANDLING EQUIP	37,829	37,829
58	BASE PROCURED EQUIPMENT	16,483	16,483
59	CONTINGENCY OPERATIONS	16,754	16,754
60	PRODUCTIVITY CAPITAL INVESTMENT	3,653	903
	Unjustified Program Growth		[-2,750]
61	MOBILITY EQUIPMENT	30,345	20,345
	Power Generation--Reduce Growth		[-10,000]
62	ITEMS LESS THAN \$5,000,000 (BASE S)	2,819	2,819
64	DARP RC135	23,341	23,341
65	DCGS-AF	212,146	212,146
67	SPECIAL UPDATE PROGRAM	410,069	410,069
68	DEFENSE SPACE RECONNAISSANCE PROG.	41,066	41,066
68A	CLASSIFIED PROGRAMS	14,618,160	14,788,852
	Classified Adjustment		[170,692]
69	SPARES AND REPAIR PARTS	14,630	14,630
TOTAL, OTHER PROCUREMENT, AIR FORCE		17,602,036	17,392,354
PROCUREMENT, DEFENSE-WIDE			
1	MAJOR EQUIPMENT, BTA	0	0
2	ITEMS LESS THAN \$5 MILLION	1,473	1,473
3	MAJOR EQUIPMENT	2,076	2,076
4	PERSONNEL ADMINISTRATION	11,019	11,019
13	INTERDICTION SUPPORT	0	0
14	INFORMATION SYSTEMS SECURITY	19,952	19,952
15	GLOBAL COMMAND AND CONTROL SYSTEM	5,324	5,324
16	GLOBAL COMBAT SUPPORT SYSTEM	2,955	2,955
17	TELEPORT PROGRAM	54,743	54,743
18	ITEMS LESS THAN \$5 MILLION	174,805	174,805
19	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,429	3,429
20	DEFENSE INFORMATION SYSTEM NETWORK	500,932	200,932
	Other alternatives not evaluated; need to conduct AOA		[-300,000]
21	PUBLIC KEY INFRASTRUCTURE	1,788	1,788
22	CYBER SECURITY INITIATIVE	24,085	24,085
23	MAJOR EQUIPMENT	11,537	11,537
24	MAJOR EQUIPMENT	14,542	14,542
25	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,444	1,444
26	EQUIPMENT	971	971
27	OTHER CAPITAL EQUIPMENT	974	974
28	VEHICLES	200	200

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
29	OTHER MAJOR EQUIPMENT	12,806	12,806
30	MAJOR EQUIPMENT	447	447
31	THAAD PROCUREMENT	0	0
32	AEGIS BMD PROCUREMENT	0	0
33	THAAD	833,150	713,150
	Excess to production capacity		[-120,000]
34	AEGIS BMD	565,393	250,393
	Production delay; transfer to R&D for fixes		[-315,000]
35	BMDS AN/TPY-2 RADARS	380,195	380,195
43	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,787	5,787
45	MAJOR EQUIPMENT, OSD	47,123	47,123
46	MAJOR EQUIPMENT, INTELLIGENCE	20,176	20,176
47	MAJOR EQUIPMENT, TJS	29,729	29,729
48	MAJOR EQUIPMENT, WHS	31,974	31,974
48A	CLASSIFIED PROGRAMS	554,408	554,408
49	ROTARY WING UPGRADES AND SUSTAINMENT	41,411	41,411
50	MH-47 SERVICE LIFE EXTENSION PROGRAM	0	0
51	MH-60 MODERNIZATION PROGRAM	171,456	171,456
52	NON-STANDARD AVIATION	272,623	176,023
	NSAV-M Unjustified Requirement		[-50,100]
	AvFID Funding ahead of need		[-55,000]
	NSAV-L Transfer from OCO		[8,500]
53	TANKER RECAPITALIZATION	0	0
54	U-28	5,100	5,100
55	MH-47 CHINOOK	142,783	142,783
56	RQ-11 UNMANNED AERIAL VEHICLE	486	486
57	CV-22 MODIFICATION	118,002	118,002
58	MQ-1 UNMANNED AERIAL VEHICLE	3,025	3,025
59	MQ-9 UNMANNED AERIAL VEHICLE	3,024	3,024
60	RQ-7 UNMANNED AERIAL VEHICLE	450	450
61	STUASLO	12,276	12,276
62	AC/MC-130J	74,891	74,891
63	C-130 MODIFICATIONS	19,665	19,665
64	AIRCRAFT SUPPORT	6,207	6,207
65	UNDERWATER SYSTEMS	6,999	6,999
66	SEAL DELIVERY VEHICLE	0	0
67	ORDNANCE REPLENISHMENT	116,009	116,009
68	ORDNANCE ACQUISITION	28,281	28,281
69	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	87,489	87,489
70	INTELLIGENCE SYSTEMS	74,702	85,702
	VSO/ALP Unfunded Requirement		[15,600]
	VSO/ALP Unfunded Requirement		[-4,600]
71	SMALL ARMS AND WEAPONS	9,196	13,196
	VSO/ALP Unfunded Requirement		[4,000]
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	15,621	15,621
74	MARITIME EQUIPMENT MODIFICATIONS	0	0
76	COMBATANT CRAFT SYSTEMS	6,899	21,899
	HSAC Unfunded Requirement		[15,000]
77	SPARES AND REPAIR PARTS	594	594
78	TACTICAL VEHICLES	33,915	41,315
	VSO/ALP Unfunded Requirement		[27,800]
	VSO/ALP Unfunded Requirement		[-20,400]
79	MISSION TRAINING AND PREPARATION SYSTEMS	0	0
80	MISSION TRAINING AND PREPARATION SYSTEMS	46,242	46,242
81	COMBAT MISSION REQUIREMENTS	50,000	20,000
	Reduction to growth		[-30,000]
82	MILCON COLLATERAL EQUIPMENT	18,723	18,723
84	CLASSIFIED PROGRAMS	0	0
85	AUTOMATION SYSTEMS	51,232	51,232
86	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,782	7,782
87	OPERATIONAL ENHANCEMENTS INTELLIGENCE	22,960	22,960
88	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	362	2,962
	VSO/ALP Unfunded Requirement		[2,600]
89	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	15,758	15,758
90	TACTICAL RADIO SYSTEMS	76,459	76,459
91	MARITIME EQUIPMENT	0	0
92	DRUG INTERDICTION	0	0
93	MISCELLANEOUS EQUIPMENT	1,895	1,895
94	OPERATIONAL ENHANCEMENTS	246,893	246,893
95	MILITARY INFORMATION SUPPORT OPERATIONS	4,142	4,142
95A	CLASSIFIED PROGRAMS	4,012	4,012
96	INSTALLATION FORCE PROTECTION	15,900	14,817
	Underexecution		[-1,083]
97	INDIVIDUAL PROTECTION	71,376	70,484
	Underexecution		[-892]
98	DECONTAMINATION	6,466	6,208
	Underexecution		[-258]
99	JOINT BIO DEFENSE PROGRAM (MEDICAL)	11,143	11,019
	Underexecution		[-124]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
100	COLLECTIVE PROTECTION	9,414	9,085
	Underexecution		[-329]
101	CONTAMINATION AVOIDANCE	139,948	138,322
	Underexecution		[-1,626]
	TOTAL, PROCUREMENT, DEFENSE-WIDE	5,365,248	4,539,336
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	TOTAL, PROCUREMENT	111,453,792	101,633,483

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	AIRCRAFT PROCUREMENT, ARMY		
2	C-12 CARGO AIRPLANE	10,500	0
	No justified requirement		[-10,500]
04	MQ-1 UAV	0	658,798
	Transfer from Base		[658,798]
05	RQ-11 (RAVEN)	0	0
8	AH-64 BLOCK II/WRA	35,500	0
	Program reduction		[-35,500]
12	UH-60 BLACKHAWK M MODEL (MYP)	72,000	54,500
	Combat Loss funded in FY11		[-17,500]
17	KIOWA WARRIOR UPGRADE (OH-58 D)/WRA	145,500	145,500
19	MQ-1 PAYLOAD—UAS	10,800	117,983
	Transfer from Base		[107,183]
22	MULTI SENSOR ABN RECON (MIP)	54,500	54,500
33	RQ-7 UAV MODS	94,600	94,600
34	RQ-7 UAV MODS		-79,000
	VADER ISR payload not compatible with host platform		[-79,000]
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	423,400	1,046,881
	MISSILE PROCUREMENT, ARMY		
4	HELLFIRE SYS SUMMARY	107,556	107,556
9	GUIDED MLRS ROCKET (GMLRS)	19,000	19,000
	TOTAL, MISSILE PROCUREMENT, ARMY	126,556	126,556
	PROCUREMENT OF W&TCV, ARMY		
19	MACHINE GUN, CAL .50 M2 ROLL	0	31,102
	Transfer from Base		[31,102]
20	LIGHTWEIGHT .50 CALIBER MACHINE GUN	5,427	5,427
29	COMMON REMOTELY OPERATED WEAPONS STATION (CRO)	14,890	14,890
31	HOWITZER LT WT 155MM (T)	0	13,066
	Transfer from Base		[13,066]
33	M4 CARBINE MODS	16,800	16,800
34	M2 50 CAL MACHINE GUN MODS	0	48,856
	Transfer from Base		[48,856]
	TOTAL, PROCUREMENT OF W&TCV, ARMY	37,117	130,141
	PROCUREMENT OF AMMUNITION, ARMY		
4	CTG, HANDGUN, ALL TYPES	1,200	1,200
9	CTG, 30MM, ALL TYPES	4,800	4,800
10	CTG, 40MM, ALL TYPES	38,000	38,000
13	81MM MORTAR, ALL TYPES	8,000	8,000
14	120MM MORTAR, ALL TYPES	49,140	49,140
19	ARTILLERY PROJECTILE, 155MM, ALL TYPES	10,000	10,000
22	ARTILLERY FUZES, ALL TYPES	5,000	5,000
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	5,000	5,000
28	ROCKET, HYDRA 70, ALL TYPES	53,841	53,841
29	DEMOLITION MUNITIONS, ALL TYPES	16,000	16,000
31	SIGNALS, ALL TYPES	7,000	7,000
32	SIMULATORS, ALL TYPES	8,000	8,000
36	CAD/PAD ALL TYPES	2,000	2,000
37	ITEMS LESS THAN \$5 MILLION	400	400
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	208,381	208,381
	OTHER PROCUREMENT, ARMY		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	11,094	11,094
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	47,214	47,214
10	MINE PROTECTION VEHICLE FAMILY	0	8,671
	Transfer from Base		[8,671]
15	TACTICAL WHEELED VEHICLE PROTECTION KITS	0	39,908
	Transfer from Base		[39,908]
17	MINE-RESISTANT AMBUSH-PROTECTED MODS	0	127,862
	Transfer from Base		[127,862]
23	NONTACTICAL VEHICLES, OTHER	3,600	3,600
25	WIN-T—GROUND FORCES TACTICAL NETWORK	547	547
39	JOINT TACTICAL RADIO SYSTEM	450	450
42	AMC CRITICAL ITEMS—OPA2	8,141	8,141
49	GUNSHOT DETECTION SYSTEM (GDS)	44,100	0
	Concurrent development and procurement		[−44,100]
51	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	6,443	6,443
56	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	54,730	54,730
58	BASE SUPPORT COMMUNICATIONS	5,000	5,000
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	169,500	169,500
70	DCGS-A (MIP)	83,000	207,548
	Transfer from Base		[124,548]
72	TROJAN (MIP)	61,100	61,100
76	LIGHTWEIGHT COUNTER MORTAR RADAR	54,100	54,100
79	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES	53,000	53,000
80	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	48,600	48,600
84	SENSE THROUGH THE WALL (STTW)	10,000	10,000
90	COUNTER-ROCKET, ARTILLERY & MORTAR	0	15,774
	Transfer from Base		[15,774]
92	GREEN LASER INTERDICTION SYSTEM	0	25,356
	Transfer from Base		[25,356]
95	PROFILER	2,000	2,000
96	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	30,400	30,400
98	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	148,335	148,335
102	COUNTERFIRE RADARS	110,548	110,548
105	FIRE SUPPORT C2 FAMILY	15,081	15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	10,000	10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	28,000	28,000
109	KNIGHT FAMILY	42,000	42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	32,800	32,800
115	MANEUVER CONTROL SYSTEM (MCS)	44,000	44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	18,000	18,000
121	AUTOMATED DATA PROCESSING EQUIP	10,000	10,000
127A	CLASSIFIED PROGRAMS	795	795
128	PROTECTIVE SYSTEMS	11,472	11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	30,000	30,000
130	BASE DEFENSE SYSTEMS (BDS)	0	41,204
	Transfer from Base		[41,204]
131	CBRN SOLDIER PROTECTION	1,200	1,200
133	TACTICAL BRIDGING	15,000	15,000
134	TACTICAL BRIDGE, FLOAT-RIBBON	26,900	26,900
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	0	22,297
	Transfer from Base		[22,297]
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,205	3,205
149	FORCE PROVIDER	68,000	68,000
158	COMBAT SUPPORT MEDICAL	15,011	15,011
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	25,129	25,129
180	ALL TERRAIN LIFTING ARMY SYSTEM	1,800	1,800
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	43,000	22,000
	Prior year unobligated funds available		[−21,000]
190	PHYSICAL SECURITY SYSTEMS (OPA3)	4,900	4,900
TOTAL, OTHER PROCUREMENT, ARMY		1,398,195	1,738,715
JOINT IMPR EXPLOSIVE DEV DEFEAT FUND			
1	ATTACK THE NETWORK	1,368,800	1,211,800
	Undistributed efficiencies reduction		[−90,000]
	BAA S&T Response—unjustified request		[−50,000]
	Information Fusion—unjustified program growth		[−17,000]
2	DEFEAT THE DEVICE	961,200	811,200
	Undistributed efficiencies reduction		[−150,000]
3	TRAIN THE FORCE	247,500	224,450
	Undistributed efficiencies reduction		[−5,000]
	Train the Force Response—unjustified program growth		[−18,050]
04	OPERATIONS		200,634
	Transfer from Base: Operations		[220,634]
	Undistributed efficiencies reduction		[−20,000]
TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		2,577,500	2,448,084
AIRCRAFT PROCUREMENT, NAVY			

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
11	UH-1Y/AH-1Z	30,000	24,875
	Excessive unit cost growth		[-5,125]
19	E-2D ADV HAWKEYE	163,500	0
	Combat loss funded in fiscal year 2011		[-163,500]
28	OTHER SUPPORT AIRCRAFT	21,882	21,882
30	AEA SYSTEMS	53,100	53,100
31	AV-8 SERIES	53,485	53,485
32	F-18 SERIES	46,992	46,992
34	AH-1W SERIES	39,418	37,918
	ANVIS HUD install kit pricing		[-1,500]
35	H-53 SERIES	70,747	63,747
	Excess hardware support		[-2,000]
	Excess NRE for Bue Force Tracker modifications		[-5,000]
37	H-1 SERIES	6,420	6,420
38	EP-3 SERIES	20,800	20,800
43	C-130 SERIES	59,625	45,825
	LAIRCM install unit cost		[-3,600]
	Targeting Sight Systems exceed requirement		[-10,200]
45	CARGO/TRANSPORT A/C SERIES	25,880	18,280
	Excess C-20G installation NRE		[-4,000]
	UC-12W excess to need		[-3,600]
48	SPECIAL PROJECT AIRCRAFT	11,184	11,184
53	COMMON ECM EQUIPMENT	27,200	24,200
	Other support excess		[-3,000]
54	COMMON AVIONICS CHANGES	13,467	11,467
	OSIP 10-11 other support growth		[-2,000]
55	COMMON DEFENSIVE WEAPON SYSTEM	3,300	3,300
60	V-22 (TILT/ROTOR ACFT) OSPREY	30,000	25,500
	Deficiencies modifications other support growth		[-2,500]
	Reliability modifications other support growth		[-2,000]
61	SPARES AND REPAIR PARTS	39,060	39,060
62	COMMON GROUND EQUIPMENT	10,800	10,800
64	WAR CONSUMABLES	0	27,300
	Transfer from Base		[27,300]
65	OTHER PRODUCTION CHARGES	4,100	4,100
TOTAL, AIRCRAFT PROCUREMENT, NAVY		730,960	550,235
WEAPONS PROCUREMENT, NAVY			
9	HELLFIRE	14,000	14,000
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	20,000	20,000
27	SMALL ARMS AND WEAPONS	7,070	7,070
TOTAL, WEAPONS PROCUREMENT, NAVY		41,070	41,070
PROCUREMENT OF AMMO, NAVY & MC			
3	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
4	MACHINE GUN AMMUNITION	22,400	22,400
7	AIR EXPENDABLE COUNTERMEASURES	20,000	20,000
11	OTHER SHIP GUN AMMUNITION	182	182
12	SMALL ARMS & LANDING PARTY AMMO	4,545	4,545
13	PYROTECHNIC AND DEMOLITION	1,656	1,656
14	AMMUNITION LESS THAN \$5 MILLION	6,000	6,000
15	SMALL ARMS AMMUNITION	19,575	19,575
16	LINEAR CHARGES, ALL TYPES	6,691	6,691
17	40 MM, ALL TYPES	12,184	12,184
18	60MM, ALL TYPES	10,988	10,988
19	81MM, ALL TYPES	24,515	24,515
20	120MM, ALL TYPES	11,227	11,227
21	CTG 25MM, ALL TYPES	802	802
22	GRENADES, ALL TYPES	5,911	5,911
23	ROCKETS, ALL TYPES	18,871	18,871
24	ARTILLERY, ALL TYPES	57,003	57,003
25	DEMOLITION MUNITIONS, ALL TYPES	7,831	7,831
26	FUZE, ALL TYPES	5,177	5,177
27	NON LETHALS	712	712
29	ITEMS LESS THAN \$5 MILLION	630	630
TOTAL, PROCUREMENT OF AMMO, NAVY & MC		317,100	317,100
OTHER PROCUREMENT, NAVY			
23	STANDARD BOATS	13,729	13,729
56	MATCALS	7,232	7,232
66	TACTICAL/MOBILE C4I SYSTEMS	4,000	4,000
92	EXPEDITIONARY AIRFIELDS	47,000	47,000
95	METEOROLOGICAL EQUIPMENT	10,800	10,800
97	AVIATION LIFE SUPPORT	14,000	14,000
101	OTHER AVIATION SUPPORT EQUIPMENT	18,226	18,226
112	SSN COMBAT CONTROL SYSTEMS	7,500	7,500

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,700	15,700
121	PASSENGER CARRYING VEHICLES	2,628	1,155
	Unjustified Growth		[-1,473]
123	CONSTRUCTION & MAINTENANCE EQUIP	13,290	13,290
124	FIRE FIGHTING EQUIPMENT	3,672	3,672
128	ITEMS UNDER \$5 MILLION	1,002	1,002
130	MATERIALS HANDLING EQUIPMENT	3,644	3,644
134	TRAINING SUPPORT EQUIPMENT	5,789	0
	Funding No Longer Required		[-5,789]
135	COMMAND SUPPORT EQUIPMENT	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT	6,977	6,977
141	C4ISR EQUIPMENT	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT	78,241	70,641
	Intelligence Kits—Funding No Longer Required Due to Force Structure Reductions		[-7,600]
149	SPARES AND REPAIR PARTS	473	473
TOTAL, OTHER PROCUREMENT, NAVY		281,975	267,113
PROCUREMENT, MARINE CORPS			
2	LAV PIP	23,962	23,962
4	155MM LIGHTWEIGHT TOWED HOWITZER	16,000	16,000
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	10,488	10,488
6	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	27,373	27,373
10	JAVELIN	2,527	2,527
13	MODIFICATION KITS	59,730	59,730
15	REPAIR AND TEST EQUIPMENT	19,040	19,040
17	MODIFICATION KITS	2,331	2,331
18	ITEMS UNDER \$5 MILLION (COMM & ELEC)	3,090	3,090
19	AIR OPERATIONS C2 SYSTEMS	5,236	5,236
20	RADAR SYSTEMS	26,506	26,506
21	FIRE SUPPORT SYSTEM	35	35
22	INTELLIGENCE SUPPORT EQUIPMENT	47,132	47,132
28	NIGHT VISION EQUIPMENT	9,850	9,850
29	COMMON COMPUTER RESOURCES	18,629	18,629
30	COMMAND POST SYSTEMS	31,491	31,491
31	RADIO SYSTEMS	87,027	87,027
32	COMM SWITCHING & CONTROL SYSTEMS	54,177	124,177
	Digital technical control shelters		[20,000]
	Data distribution system modules		[50,000]
33	COMM & ELEC INFRASTRUCTURE SUPPORT	2,200	2,200
37	MOTOR TRANSPORT MODIFICATIONS	95,800	95,800
38	MEDIUM TACTICAL VEHICLE REPLACEMENT	392,391	92,391
	MTVR Reduction		[-300,000]
39	LOGISTICS VEHICLE SYSTEM REP	38,382	38,382
40	FAMILY OF TACTICAL TRAILERS	24,826	24,826
43	ENVIRONMENTAL CONTROL EQUIP ASSORT	18,775	18,775
44	BULK LIQUID EQUIPMENT	7,361	7,361
46	POWER EQUIPMENT ASSORTED	51,895	106,895
	Advanced power sources		[20,000]
	Mobile power equipment		[35,000]
48	EOD SYSTEMS	57,237	57,237
49	PHYSICAL SECURITY EQUIPMENT	42,900	42,900
51	MATERIAL HANDLING EQUIP	42,553	42,553
53	FIELD MEDICAL EQUIPMENT	8,307	8,307
54	TRAINING DEVICES	5,200	5,200
55	CONTAINER FAMILY	12	12
56	FAMILY OF CONSTRUCTION EQUIPMENT	28,533	28,533
TOTAL, PROCUREMENT, MARINE CORPS		1,260,996	1,085,996
AIRCRAFT PROCUREMENT, AIR FORCE			
19	V22 OSPREY	70,000	0
	Combat Loss funded in FY11		[-70,000]
24	HH-60M	39,300	39,300
27	STUASLO	2,472	2,472
34	MQ-9 (REAPER)	0	783,592
	Transfer from Base		[783,592]
43	C-5	59,299	59,299
59	MC-12W	17,300	17,300
63	C-130	164,041	164,041
64	C-130 INTEL	4,600	4,600
65	C-130J MODS	27,983	27,983
67	COMPASS CALL MODS	12,000	12,000
75	HC/MC-130 MODIFICATIONS	34,000	34,000
76	OTHER AIRCRAFT	15,000	15,000
77	MQ-1 MODS	2,800	2,800
81	INITIAL SPARES/REPAIR PARTS	2,800	2,800
90	C-17A	10,970	10,970
99	WAR CONSUMABLES (OCO)	0	87,220

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	Transfer from Base		[87,220]
100	OTHER PRODUCTION CHARGES	23,000	23,000
104	U-2	42,300	13,400
	Sensors		[-28,900]
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	527,865	1,299,777
	MISSILE PROCUREMENT, AIR FORCE		
5	PREDATOR HELLFIRE MISSILE	16,120	16,120
6	SMALL DIAMETER BOMB	12,300	12,300
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	28,420	28,420
	PROCUREMENT OF AMMUNITION, AIR FORCE		
1	ROCKETS	329	329
2	CARTRIDGES	8,014	8,014
4	GENERAL PURPOSE BOMBS	17,385	17,385
5	JOINT DIRECT ATTACK MUNITION	34,100	34,100
7	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	1,200	1,200
11	FLARES	11,217	11,217
12	FUZES	8,765	8,765
13	SMALL ARMS	11,500	11,500
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	92,510	92,510
	OTHER PROCUREMENT, AIR FORCE		
1	PASSENGER CARRYING VEHICLES	2,658	2,658
4	ITEMS LESS THAN \$5,000,000 (CARGO)	32,824	32,824
6	ITEMS LESS THAN \$5,000,000 (SPECIA	110	110
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	1,662	1,662
8	ITEMS LESS THAT \$5,000,000	772	772
10	ITEMS LESS THAN \$5M BASE MAINT/CONST	13,983	13,983
13	AIR FORCE PHYSICAL SECURITY	500	500
22	WEATHER OBSERVATION FORECAST	1,800	1,800
25	TAC SIGNIT SPT	7,020	7,020
30	AIR FORCE PHYSICAL SECURITY SYSTEM	25,920	25,920
49	TACTICAL C-E EQUIPMENT	9,445	9,445
55	NIGHT VISION GOGGLES	12,900	12,900
59	CONTINGENCY OPERATIONS	18,100	18,100
61	MOBILITY EQUIPMENT	9,800	9,800
62	ITEMS LESS THAN \$5,000,000 (BASE S)	8,400	8,400
65	DCGS-AF	3,000	3,000
68	DEFENSE SPACE RECONNAISSANCE PROG.	64,400	64,400
68A	CLASSIFIED PROGRAMS	2,991,347	2,890,685
	Classified Adjustment		[-100,662]
	TOTAL, OTHER PROCUREMENT, AIR FORCE	3,204,641	3,103,979
	PROCUREMENT, DEFENSE-WIDE		
17	TELEPORT PROGRAM	3,307	3,307
43	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	3,000	3,000
46	MAJOR EQUIPMENT, INTELLIGENCE	8,300	8,300
48A	CLASSIFIED PROGRAMS	101,548	101,548
50	MH-47 SERVICE LIFE EXTENSION PROGRAM	40,500	0
	Combat Loss funded in FY11		[-40,500]
51	MH-60 MODERNIZATION PROGRAM	7,800	0
	Combat Loss funded in FY11		[-7,800]
52	NON-STANDARD AVIATION	8,500	0
	NSAV-L Transfer to Base		[-8,500]
57	CV-22 MODIFICATION	15,000	0
	Combat Loss funded in FY11		[-15,000]
63	C-130 MODIFICATIONS	4,800	4,800
67	ORDNANCE REPLENISHMENT	71,659	71,659
68	ORDNANCE ACQUISITION	25,400	25,400
69	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,325	2,325
70	INTELLIGENCE SYSTEMS	43,558	36,758
	Funded by reprogramming		[-6,800]
71	SMALL ARMS AND WEAPONS	6,488	6,488
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,601	2,601
78	TACTICAL VEHICLES	15,818	15,818
85	AUTOMATION SYSTEMS	13,387	13,387
87	OPERATIONAL ENHANCEMENTS INTELLIGENCE	5,800	4,800
	Funded by reprogramming		[-1,000]
88	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	34,900	34,900
89	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	3,531	3,531
90	TACTICAL RADIO SYSTEMS	2,894	2,894
93	MISCELLANEOUS EQUIPMENT	7,220	7,220
94	OPERATIONAL ENHANCEMENTS	41,632	41,632

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	TOTAL, PROCUREMENT, DEFENSE-WIDE	469,968	390,368
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	MINE RESISTANT AMBUSH PROT VEH FUND		
1	MINE RESISTANT AMBUSH PROT VEH FUND	3,195,170	3,195,170
	TOTAL, MINE RESISTANT AMBUSH PROT VEH FUND	3,195,170	3,195,170
	TOTAL, PROCUREMENT	15,021,824	16,170,496

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH, ARMY		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,064	21,064
2	0601102A	DEFENSE RESEARCH SCIENCES	213,942	213,942
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,977	80,977
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	120,937	120,937
		TOTAL, BASIC RESEARCH, ARMY	436,920	436,920
		APPLIED RESEARCH, ARMY		
5	0602105A	MATERIALS TECHNOLOGY	30,258	30,258
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	43,521	43,521
7	0602122A	TRACTOR HIP	14,230	14,230
8	0602211A	AVIATION TECHNOLOGY	44,610	44,610
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,790	15,790
10	0602303A	MISSILE TECHNOLOGY	50,685	50,685
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	20,034	20,034
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	20,933	20,933
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,306	64,306
14	0602618A	BALLISTICS TECHNOLOGY	59,214	59,214
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,877	4,877
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	8,244	8,244
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	39,813	39,813
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	62,962	62,962
19	0602709A	NIGHT VISION TECHNOLOGY	57,203	57,203
20	0602712A	COUNTERMINE SYSTEMS	20,280	20,280
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,801	21,801
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,837	20,837
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	26,116	26,116
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	8,591	8,591
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	80,317	80,317
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,946	18,946
27	0602786A	WARFIGHTER TECHNOLOGY	29,835	29,835
28	0602787A	MEDICAL TECHNOLOGY	105,929	105,929
		TOTAL, APPLIED RESEARCH, ARMY	869,332	869,332
		ADVANCED TECHNOLOGY DEVELOPMENT, ARMY		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	52,979	52,979
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,171	68,171
31	0603003A	AVIATION ADVANCED TECHNOLOGY	62,193	62,193
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	77,077	77,077
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	106,145	106,145
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	5,312	5,312
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	10,298	10,298
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	57,963	53,963
		Program Decrease		[-4,000]
37	0603009A	TRACTOR HIKE	8,155	8,155
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,936	17,936
39	0603020A	TRACTOR ROSE	12,597	12,597
40	0603105A	MILITARY HIV RESEARCH	6,796	6,796
41	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	12,191	12,191

Line	Program Element	Item	FY 2012 Request	Senate Authorized
42	0603130A	TRACTOR NAIL	4,278	4,278
43	0603131A	TRACTOR EGGS	2,261	2,261
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY	23,677	23,677
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,602	90,602
46	0603322A	TRACTOR CAGE	10,315	10,315
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	183,150	183,150
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	31,541	31,541
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	7,686	7,686
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	42,414	42,414
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,959	15,959
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	36,516	36,516
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	30,600	30,600
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY			976,812	972,812
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY				
54	0603024A	UNIQUE ITEM IDENTIFICATION (UID)	0	0
55	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	36,009	24,009
		Excess growth and delays		[-12,000]
56	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,612	9,612
57	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	0	0
58	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	35,383	19,293
		Excess to Army requirement		[-16,090]
59	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	9,501	5,265
		Projected and Generated Obscuration System unexecutable		[-4,236]
60	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	39,693	39,693
61	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	101,408	64,408
		Program growth adjustment		[-37,000]
62	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	9,747	9,747
63	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	5,766	5,766
64	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	0	0
65	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,946	4,946
66	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL	297,955	182,955
		Program reduction Increment III		[-115,000]
67	0603790A	NATO RESEARCH AND DEVELOPMENT	4,765	4,765
68	0603801A	AVIATION—ADV DEV	7,107	7,107
69	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	19,509	12,509
		Army requested transfer LAMPS to RDTE Army line 109		[-7,000]
70	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,258	5,258
71	0603807A	MEDICAL SYSTEMS—ADV DEV	34,997	34,997
72	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	19,598	19,598
73	0603850A	INTEGRATED BROADCAST SERVICE	1,496	1,496
74	0604115A	TECHNOLOGY MATURATION INITIATIVES	10,181	10,181
75	0604131A	TRACTOR JUTE	15,609	0
		Unjustified requirement		[-15,609]
76	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPME	41,652	0
		Army offered program reduction		[-41,652]
77	0305205A	ENDURANCE UAVS	42,892	42,892
TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY			753,084	504,497
SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY				
78	0604201A	AIRCRAFT AVIONICS	144,687	119,187
		JTRS AMF delays and JPALS excessive growth		[-25,500]
79	0604220A	ARMED, DEPLOYABLE HELOS	166,132	92,203
		Army offered program reduction		[-73,929]
80	0604270A	ELECTRONIC WARFARE DEVELOPMENT	101,265	26,872
		Army offered program reduction		[-74,393]
81	0604280A	JOINT TACTICAL RADIO	0	0
82	0604321A	ALL SOURCE ANALYSIS SYSTEM	17,412	7,412
		Machine—Foreign Language Translation System contract delay		[-10,000]
83	0604328A	TRACTOR CAGE	26,577	26,577
84	0604601A	INFANTRY SUPPORT WEAPONS	73,728	91,474
		Transfer at Army request from WTCV line 17		[16,000]
		Transfer at Army request from WTCV line 20		[1,700]
		Army requested transfer from WTCV Army line 17		[46]
85	0604604A	MEDIUM TACTICAL VEHICLES	3,961	3,961
86	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	0	0
87	0604611A	JAVELIN	17,340	9,940
		Excess to requirement		[-7,400]
88	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	5,478	5,478
89	0604633A	AIR TRAFFIC CONTROL	22,922	22,922
90	0604642A	LIGHT TACTICAL WHEELED VEHICLES	0	20,000
		Army requested transfer from RDTE line 109		[20,000]
91	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	0	0
92	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE	0	0
93	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	383,872	283,872
		Unjustified requirement		[-100,000]
94	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	0	0
95	0604663A	FCS UNMANNED GROUND VEHICLES	143,840	26,840
		Program adjustment		[-117,000]
96	0604664A	FCS UNATTENDED GROUND SENSORS	499	0

Line	Program Element	Item	FY 2012 Request	Senate Authorized
		Program termination		[-499]
97	0604665A	FCS SUSTAINMENT & TRAINING R&D	0	0
98	0604710A	NIGHT VISION SYSTEMS—SDD	59,265	59,265
99	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,075	2,075
100	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,021	30,021
101	0604716A	TERRAIN INFORMATION—SDD	1,596	1,596
102	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	83,010	83,010
103	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,305	28,305
104	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,375	14,375
105	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,803	15,803
106	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	0	0
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	22,226	22,226
108	0604802A	WEAPONS AND MUNITIONS—SDD	13,828	13,828
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	251,104	238,104
		Army requested transfer to RDTE Army line 90		[-20,000]
		Army request transfer from RDTE line 69		[7,000]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	137,811	81,811
		Excessive growth Joint Battle Command-Platform		[-56,000]
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	27,160	27,160
112	0604808A	LANDMINE WARFARE/BARRIER—SDD	87,426	66,326
		Explosive Hazard Pre-Detonation (EHP) Roller contract delay		[-21,100]
113	0604814A	ARTILLERY MUNITIONS	42,627	35,627
		Program growth adjustment		[-7,000]
114	0604817A	COMBAT IDENTIFICATION	0	0
115	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	123,935	93,935
		Excessive Growth		[-30,000]
116	0604820A	RADAR DEVELOPMENT	2,890	2,890
117	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs)	794	794
118	0604823A	FIREFINDER	10,358	10,358
119	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	48,309	55,909
		Transfer at Army request from OPA line 147		[7,600]
120	0604854A	ARTILLERY SYSTEMS	120,146	120,146
121	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	406,605	0
		Program Decrease		[-406,605]
122	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,398	7,398
123	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	37,098	32,098
		Unjustified cost growth		[-5,000]
124	0605018A	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS)	68,693	68,693
125	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,095	127,095
126	0605455A	SLAMRAAM	19,931	1,531
		Excess to program termination requirements		[-18,400]
127	0605456A	PAC-3/MSE MISSILE	88,993	88,993
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	270,607	270,607
129	0605625A	MANNED GROUND VEHICLE	884,387	884,387
130	0605626A	AERIAL COMMON SENSOR	31,465	0
		Program termination		
131	0303032A	TROJAN—RH12	3,920	3,920
132	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,819	13,819
TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY			4,190,788	3,238,843
RDT&E MANAGEMENT SUPPORT, ARMY				
133	0604256A	THREAT SIMULATOR DEVELOPMENT	16,992	16,992
134	0604258A	TARGET SYSTEMS DEVELOPMENT	11,247	11,247
135	0604759A	MAJOR T&E INVESTMENT	49,437	49,437
136	0605103A	RAND ARROYO CENTER	20,384	20,384
137	0605301A	ARMY KWAJALEIN ATOLL	145,606	145,606
138	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	28,800	28,800
139	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
140	0605601A	ARMY TEST RANGES AND FACILITIES	262,456	312,456
		Program Increase		[50,000]
141	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	70,227	70,227
142	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	43,483	43,483
143	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	18	18
144	0605606A	AIRCRAFT CERTIFICATION	5,630	5,630
145	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,182	7,182
146	0605706A	MATERIEL SYSTEMS ANALYSIS	19,669	19,669
147	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,445	5,445
148	0605712A	SUPPORT OF OPERATIONAL TESTING	68,786	68,786
149	0605716A	ARMY EVALUATION CENTER	63,302	63,302
150	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	3,420	3,420
151	0605801A	PROGRAMWIDE ACTIVITIES	83,054	83,054
152	0605803A	TECHNICAL INFORMATION ACTIVITIES	63,872	63,872
153	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	57,142	57,142
154	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,961	4,961
155	0605898A	MANAGEMENT HQ—R&D	17,558	17,558
156	0909980A	JUDGMENT FUND REIMBURSEMENT	0	0
157	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
TOTAL, RDT&E MANAGEMENT SUPPORT, ARMY			1,048,671	1,098,671
OPERATIONAL SYSTEMS DEVELOPMENT, ARMY				

Line	Program Element	Item	FY 2012 Request	Senate Authorized
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	66,641	66,641
159	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV	24,142	7,500
		Excess funds only to the analysis of alternatives		[-16,642]
160	0102419A	AEROSTAT JOINT PROJECT OFFICE	344,655	327,855
		Excess program growth		[-16,800]
161	0203347A	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	0	0
162	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	29,546	29,546
163	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	53,307	53,307
164	0203740A	MANEUVER CONTROL SYSTEM	65,002	42,414
		Unjustified program growth		[-22,588]
165	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	163,205	149,705
		Excess funds to Black Hawk Recapitalization/Modernization for analysis of alternatives		[-13,500]
166	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	823	823
167	0203758A	DIGITIZATION	8,029	8,029
168	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	0	0
169	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	59,060
		Transfer at Army Request from MPA line 13		[14,500]
170	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	0	0
171	0203808A	TRACTOR CARD	42,554	42,554
172	0208053A	JOINT TACTICAL GROUND SYSTEM	27,630	27,630
173	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,044	3,044
175	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,854	2,854
176	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	61,220	58,720
		Army offered program reduction		[-2,500]
177	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	100,505	160,745
		Army requested transfer for GCSS-Army from OPA line 116		[47,240]
		Army requested transfer for AESIP from OPA line 116		[13,000]
178	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	12,104	12,104
179	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	23,937	23,937
181	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	40,650	26,550
		Contract award delays		[-14,100]
182	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,198	31,699
		Unjustified requirements growth		[-12,499]
183	0305219A	MQ-1 SKY WARRIOR A UAV	137,038	122,038
		Excessive growth		[-15,000]
184	0305232A	RQ-11 UAV	1,938	1,938
185	0305233A	RQ-7 UAV	31,940	31,940
186	0307207A	AERIAL COMMON SENSOR (ACS)	0	0
187	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,018	15,018
188	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,297	59,297
999	9999999999	CLASSIFIED PROGRAMS	4,536	4,536
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY			1,408,373	1,369,484
TOTAL, RDT&E ARMY			9,683,980	8,490,559
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
BASIC RESEARCH, NAVY				
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,157	113,157
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,092	18,092
3	0601153N	DEFENSE RESEARCH SCIENCES	446,123	446,123
TOTAL, BASIC RESEARCH, NAVY			577,372	577,372
APPLIED RESEARCH, NAVY				
4	0602114N	POWER PROJECTION APPLIED RESEARCH	104,804	64,804
		Program Decrease- Free Electron Laser		[-30,000]
		Program Decrease- Electromagnetic railgun		[-10,000]
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	156,901	156,901
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	44,845	44,845
7	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	0	0
8	0602235N	COMMON PICTURE APPLIED RESEARCH	65,448	65,448
9	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	101,205	101,205
10	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	108,329	108,329
11	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	50,076	50,076
12	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,937	5,937
13	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	108,666	108,666
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	37,583	37,583
TOTAL, APPLIED RESEARCH, NAVY			783,794	743,794
ADVANCED TECHNOLOGY DEVELOPMENT				
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	114,270	59,370
		Program Decrease- Electromagnetic railgun		[-16,900]
		Underexecution—Navy recommendation		[-38,000]
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	64,057	45,234
		Transfer MRMUAS to line 220		[-18,823]
17	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	49,068	49,068
18	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	71,232	71,232
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	102,535	102,535

Line	Program Element	Item	FY 2012 Request	Senate Authorized
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	124,324	124,324
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,286	11,286
22	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,119	18,119
23	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	37,121	37,121
24	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	50,157	50,157
25	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	6,048	6,048
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY			648,217	574,494
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY				
26	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	94,972	73,672
		JMAPS unjustified request		[-21,300]
27	0603216N	AVIATION SURVIVABILITY	10,893	10,893
28	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,702	3,702
29	0603251N	AIRCRAFT SYSTEMS	10,497	10,497
30	0603254N	ASW SYSTEMS DEVELOPMENT	7,915	7,915
31	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,978	5,978
32	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,418	1,418
33	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	142,657	142,657
34	0603506N	SURFACE SHIP TORPEDO DEFENSE	118,764	118,764
35	0603512N	CARRIER SYSTEMS DEVELOPMENT	54,072	54,072
36	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	0	0
37	0603525N	PILOT FISH	96,012	96,012
38	0603527N	RETRACT LARCH	73,421	73,421
39	0603536N	RETRACT JUNIPER	130,267	130,267
40	0603542N	RADIOLOGICAL CONTROL	1,338	1,338
41	0603553N	SURFACE ASW	29,797	29,797
42	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	856,326	856,326
43	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,253	9,253
44	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,308	14,308
45	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	22,213	22,213
46	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	463,683	463,683
47	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	18,249	18,249
48	0603576N	CHALK EAGLE	584,159	584,159
49	0603581N	LITTORAL COMBAT SHIP (LCS)	286,784	282,784
		Defer development of Irregular Warfare mission package		[-4,000]
50	0603582N	COMBAT SYSTEM INTEGRATION	34,157	34,157
51	0603609N	CONVENTIONAL MUNITIONS	4,753	4,753
52	0603611M	MARINE CORPS ASSAULT VEHICLES	12,000	12,000
53	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	79,858	79,858
54	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	33,654	33,654
55	0603658N	COOPERATIVE ENGAGEMENT	54,783	54,783
56	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	9,996	9,996
57	0603721N	ENVIRONMENTAL PROTECTION	21,714	21,714
58	0603724N	NAVY ENERGY PROGRAM	70,538	70,538
59	0603725N	FACILITIES IMPROVEMENT	3,754	3,754
60	0603734N	CHALK CORAL	79,415	79,415
61	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,137	4,137
62	0603746N	RETRACT MAPLE	276,383	276,383
63	0603748N	LINK PLUMERIA	52,721	52,721
64	0603751N	RETRACT ELM	160,964	160,964
65	0603755N	SHIP SELF DEFENSE	0	0
66	0603764N	LINK EVERGREEN	144,985	144,985
67	0603787N	SPECIAL PROCESSES	43,704	43,704
68	0603790N	NATO RESEARCH AND DEVELOPMENT	9,140	9,140
69	0603795N	LAND ATTACK TECHNOLOGY	421	421
70	0603851M	NONLETHAL WEAPONS	40,992	40,992
71	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	121,455	121,455
72	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	0	0
73	0603889N	COUNTERDRUG RDT&E PROJECTS	0	0
74	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	0	0
75	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	64,107	64,107
76	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
77	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	62,044	62,044
78	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	22,665	4,450
		FMU-164 fuze program termination		[-18,215]
79	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	33,621	33,621
80	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	1,078	1,078
81	0303562N	SUBMARINE TACTICAL WARFARE SYSTEMS—MIP	0	0
82	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	625	625
TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY			4,481,053	4,437,538
SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY				
83	0604212N	OTHER HELO DEVELOPMENT	35,651	42,651
		Navy requested transfer from line 98 for VH-3/VH-60 sustainment		[7,000]
84	0604214N	AV-8B AIRCRAFT—ENG DEV	30,676	30,676
85	0604215N	STANDARDS DEVELOPMENT	51,191	51,191
86	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	17,673	17,673
87	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	5,922	5,922
88	0604221N	P-3 MODERNIZATION PROGRAM	3,417	3,417
89	0604230N	WARFARE SUPPORT SYSTEM	9,944	9,944

Line	Program Element	Item	FY 2012 Request	Senate Authorized
90	0604231N	TACTICAL COMMAND SYSTEM	81,257	77,257
		NTCSS—reduce program growth		[–4,000]
91	0604234N	ADVANCED HAWKEYE	110,994	110,994
92	0604245N	H–1 UPGRADES	72,569	72,569
93	0604261N	ACOUSTIC SEARCH SENSORS	56,509	56,509
94	0604262N	V–22A	84,477	84,477
95	0604264N	AIR CREW SYSTEMS DEVELOPMENT	3,249	3,249
96	0604269N	EA–18	17,100	17,100
97	0604270N	ELECTRONIC WARFARE DEVELOPMENT	89,418	89,418
98	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	180,070	60,770
		Navy requested transfer to line 83		[–7,000]
		Navy requested transfer to APN line 47		[–24,000]
		Navy requested transfer to APN line 62		[–12,000]
		Early to need		[–76,300]
99	0604274N	NEXT GENERATION JAMMER (NGJ)	189,919	154,919
		Technology Development late contract award		[–35,000]
100	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	688,146	568,146
		Unjustified request: HMS capability enhancements		[–120,000]
101	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	223,283	223,283
102	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	884	884
103	0604329N	SMALL DIAMETER BOMB (SDB)	47,635	29,635
		Defer Integration on Joint Strike Fighter		[–18,000]
104	0604366N	STANDARD MISSILE IMPROVEMENTS	46,705	46,705
105	0604373N	AIRBORNE MCM	41,142	41,142
106	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	24,898	24,898
107	0604404N	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM	121,150	51,150
		Delay to Technology Development contract award		[–70,000]
108	0604501N	ADVANCED ABOVE WATER SENSORS	227,358	227,358
109	0604503N	SSN–688 AND TRIDENT MODERNIZATION	100,591	95,671
		TB–33 program cancellation		[–4,920]
110	0604504N	AIR CONTROL	5,521	5,521
111	0604512N	SHIPBOARD AVIATION SYSTEMS	45,445	45,445
112	0604518N	COMBAT INFORMATION CENTER CONVERSION	3,400	3,400
113	0604558N	NEW DESIGN SSN	97,235	97,235
114	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	48,466	48,466
115	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	161,099	98,099
		Ship-to-Shore Connector—contract award delay		[–63,000]
116	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,848	3,848
117	0604601N	MINE DEVELOPMENT	3,933	3,933
118	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	32,592	32,592
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	9,960	9,960
120	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	12,992	12,992
121	0604727N	JOINT STANDOFF WEAPON SYSTEMS	7,506	7,506
122	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	71,222	71,222
123	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	6,631	6,631
124	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	184,095	184,095
125	0604761N	INTELLIGENCE ENGINEERING	2,217	2,217
126	0604771N	MEDICAL DEVELOPMENT	12,984	12,984
127	0604777N	NAVIGATION/ID SYSTEM	50,178	50,178
128	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	670,723	651,786
		Block IV development ahead of need		[–18,937]
129	0604800N	JOINT STRIKE FIGHTER (JSF)	677,486	658,549
		Block IV development ahead of need		[–18,937]
130	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	27,461	19,461
		Program underexecution		[–8,000]
131	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	58,764	29,764
		Reduction to fourth quarter contract awards		[–29,000]
132	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS)	55,050	55,050
133	0605212N	CH–53K RDTE	629,461	629,461
134	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)	0	0
135	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	118,395	118,395
136	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	622,713	608,713
		Increment 3—development ahead of need		[–14,000]
137	0204201N	CG(X)	0	0
138	0204202N	DDG–1000	261,604	261,604
139	0304231N	TACTICAL COMMAND SYSTEM—MIP	979	979
140	0304503N	SSN–688 AND TRIDENT MODERNIZATION—MIP	0	0
141	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	31,740	31,740
TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY			6,475,528	5,959,434
RDT&E MANAGEMENT SUPPORT, NAVY				
142	0604256N	THREAT SIMULATOR DEVELOPMENT	28,318	28,318
143	0604258N	TARGET SYSTEMS DEVELOPMENT	44,700	44,700
144	0604759N	MAJOR T&E INVESTMENT	37,957	37,957
145	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,970	2,970
146	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	23,454	17,454
		Reduction to growth		[–6,000]
147	0605154N	CENTER FOR NAVAL ANALYSES	47,127	47,127
148	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH	10	10
149	0605804N	TECHNICAL INFORMATION SERVICES	571	571
150	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	68,301	58,301

Line	Program Element	Item	FY 2012 Request	Senate Authorized
		OASUW--defer new start		[-10,000]
151	0605856N	STRATEGIC TECHNICAL SUPPORT	3,277	3,277
152	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	73,917	73,917
153	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	136,531	136,531
154	0605864N	TEST AND EVALUATION SUPPORT	335,367	335,367
155	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,634	16,634
156	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,228	4,228
157	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,642	7,642
158	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	25,655	25,655
159	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,764	2,764
160	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	0	0
161	0909980N	JUDGMENT FUND REIMBURSEMENT	0	0
162	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		TOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	859,423	843,423
		OPERATIONAL SYSTEMS DEVELOPMENT, NAVY		
164	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	198,298	198,298
165	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT	400	400
166	0604766M	MARINE CORPS DATA SYSTEMS	1,650	1,650
167	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	88,873	88,873
168	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,553	33,553
169	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,360	6,360
170	0101402N	NAVY STRATEGIC COMMUNICATIONS	23,208	23,208
171	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	30,021	30,021
172	0204136N	F/A-18 SQUADRONS	151,030	151,030
173	0204152N	E-2 SQUADRONS	6,696	6,696
174	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	1,739	1,739
175	0204228N	SURFACE SUPPORT	3,377	3,377
176	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	8,819	8,819
177	0204311N	INTEGRATED SURVEILLANCE SYSTEM	21,259	21,259
178	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	5,214	5,214
179	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	42,244	42,244
180	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,447	1,447
181	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	18,142	18,142
182	0205601N	HARM IMPROVEMENT	11,147	11,147
183	0205604N	TACTICAL DATA LINKS	69,224	69,224
184	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	22,010	22,010
185	0205632N	MK-48 ADCAP	39,288	39,288
186	0205633N	AVIATION IMPROVEMENTS	123,012	123,012
187	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	1,957	1,957
188	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	82,705	82,705
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	320,864	320,864
190	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	209,396	184,396
		Amphibious Combat Vehicle (non-add)		[]
		Excess funds for Marine Personnel Carrier & AAV Upgrade		[-25,000]
191	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	45,172	45,172
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	14,101	14,101
193	0207161N	TACTICAL AIM MISSILES	8,765	8,765
194	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,913	2,913
195	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	4,108	4,108
200	0303109N	SATELLITE COMMUNICATIONS (SPACE)	263,712	263,712
201	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	12,906	24,906
		Transfer from CANES (OPN 68) per USN request		[12,000]
202	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	25,229	25,229
203	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	1,250	1,250
204	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP	6,602	6,602
206	0305149N	COBRA JUDY	40,605	40,605
207	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	904	904
208	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,099	4,099
209	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,353	9,353
210	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	0	0
211	0305207N	MANNED RECONNAISSANCE SYSTEMS	0	0
212	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	23,785	23,785
213	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,487	25,487
214	0305220N	RQ-4 UAV	548,482	548,482
215	0305231N	MQ-8 UAV	108,248	3,648
		ECP for SOCOM urgent needs statement--transfer to Title XV		[-104,600]
216	0305232M	RQ-11 UAV	979	979
217	0305233N	RQ-7 UAV	872	872
218	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	0	0
219	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	22,698	22,698
220	0305237N	MEDIUM RANGE MARITIME UAS	15,000	33,823
		Transfer from line 16		[18,823]
221	0305239M	RQ-21A	26,301	21,301
		Program delays		[-5,000]
222	0307217N	EP-3E REPLACEMENT (EPX)	0	0
223	0308601N	MODELING AND SIMULATION SUPPORT	8,292	8,292
224	0702207N	DEPOT MAINTENANCE (NON-IF)	21,609	21,609
225	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	0	0
226	0708011N	INDUSTRIAL PREPAREDNESS	54,031	54,031
227	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000

Line	Program Element	Item	FY 2012 Request	Senate Authorized
227 A	999999999	CLASSIFIED PROGRAMS	1,308,608	1,306,945
		Classified Adjustment		[-1,663]
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, NAVY	4,131,044	4,025,604
		TOTAL, RDT&E NAVY	17,956,431	17,161,659
		RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
		BASIC RESEARCH, AIR FORCE		
1	0601102F	DEFENSE RESEARCH SCIENCES	364,328	364,328
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	140,273	140,273
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,258	14,258
		TOTAL, BASIC RESEARCH, AIR FORCE	518,859	518,859
		APPLIED RESEARCH, AIR FORCE		
4	0602102F	MATERIALS	136,230	136,230
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	147,628	147,628
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	86,663	86,663
7	0602203F	AEROSPACE PROPULSION	207,508	207,508
8	0602204F	AEROSPACE SENSORS	134,787	134,787
9	0602601F	SPACE TECHNOLOGY	115,285	115,285
10	0602602F	CONVENTIONAL MUNITIONS	60,692	60,692
11	0602605F	DIRECTED ENERGY TECHNOLOGY	111,156	111,156
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	127,866	127,866
13	0602890F	HIGH ENERGY LASER RESEARCH	54,059	54,059
		TOTAL, APPLIED RESEARCH, AIR FORCE	1,181,874	1,181,874
		ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	39,738	49,738
		Program Increase- Metals Affordability Initiative		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	5,780	5,780
16	0603203F	ADVANCED AEROSPACE SENSORS	53,075	53,075
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	67,474	67,474
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	120,953	120,953
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	22,268	22,268
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	74,636	74,636
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	13,555	13,555
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	25,319	25,319
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	54,042	34,042
		Program Decrease- Unjustified growth		[-20,000]
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,683	28,683
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	40,103	40,103
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	38,656	38,656
27	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,122	1,122
		TOTAL ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE	585,404	575,404
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE		
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,013	4,013
29	0603287F	PHYSICAL SECURITY EQUIPMENT	3,586	3,586
30	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	0	0
31	0603430F	ADVANCED EHF MILSATCOM (SPACE)	421,687	421,687
32	0603432F	POLAR MILSATCOM (SPACE)	122,991	122,991
33	0603438F	SPACE CONTROL TECHNOLOGY	45,755	45,755
34	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	38,496	38,496
35	0603790F	NATO RESEARCH AND DEVELOPMENT	4,424	4,424
36	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	642	642
37	0603830F	SPACE PROTECTION PROGRAM (SPP)	9,819	9,819
38	0603850F	INTEGRATED BROADCAST SERVICE	20,046	20,046
39	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	67,202	72,202
		Program Increase		[20,000]
		ICBM		[-15,000]
40	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,804	12,804
41	0603859F	POLLUTION PREVENTION	2,075	2,075
42	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	20,112	20,112
43	0604015F	NEXT GENERATION BOMBER	197,023	197,023
44	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	60,250	31,250
		3DELRR Contract Delays		[-29,000]
45	0604317F	TECHNOLOGY TRANSFER	2,553	2,553
46	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	38,248	38,248
47	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	29,759	29,759
48	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	24,217	24,217
49	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	0
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	24,467	24,467
51	0604796F	ALTERNATIVE FUELS	0	0
52	0604830F	AUTOMATED AIR-TO-AIR REFUELING	0	0
53	0604857F	OPERATIONALLY RESPONSIVE SPACE	86,543	86,543
54	0604858F	TECH TRANSITION PROGRAM	2,773	2,773

Line	Program Element	Item	FY 2012 Request	Senate Authorized
55	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	444,900	444,900
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE	1,684,385	1,660,385
		SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE		
56	0603840F	GLOBAL BROADCAST SERVICE (GBS)	5,680	5,680
57	0604222F	NUCLEAR WEAPONS SUPPORT	18,538	18,538
58	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	21,780	21,780
59	0604270F	ELECTRONIC WARFARE DEVELOPMENT	26,880	16,880
		MALD-J Increment 2--Technology Development Contract Delay		[-10,000]
60	0604280F	JOINT TACTICAL RADIO	0	0
61	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	52,355	48,105
		STRATCOM DNC2 Contract Delays		[-3,000]
		CLIP--Contract Delays		[-1,250]
62	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
63	0604329F	SMALL DIAMETER BOMB (SDB)	132,891	132,891
64	0604421F	COUNTERSPACE SYSTEMS	31,913	31,913
65	0604425F	SPACE SITUATION AWARENESS SYSTEMS	273,689	273,689
		Space Surveillance Telescope military utility assessment		[6,000]
		Space Surveillance Telescope		[-6,000]
66	0604429F	AIRBORNE ELECTRONIC ATTACK	47,100	39,000
		Electronic Attack Pod--Delayed Start		[-3,500]
		AEA SoS--Contract Delays		[-4,600]
67	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	621,629	621,629
		Data exploitation		[15,000]
		SABRS integration on SV 5 and 6		[20,000]
		SSABRS integration on SV 5 and 6		[-20,000]
		Data exploitation		[-15,000]
68	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)	0	0
69	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	10,055	6,055
		Universal Armament Interface Contract Delay		[-4,000]
70	0604604F	SUBMUNITIONS	2,427	2,427
71	0604617F	AGILE COMBAT SUPPORT	11,878	3,920
		BEAR--Ahead of Need		[-3,900]
		Airfield Damage Repair--Ahead of Need		[-4,058]
72	0604618F	JOINT DIRECT ATTACK MUNITION	0	0
73	0604706F	LIFE SUPPORT SYSTEMS	11,280	9,280
		Integrated Aircrew Ensemble--Contract Award Delays		[-2,000]
74	0604735F	COMBAT TRAINING RANGES	28,106	8,106
		Joint Threat Emitter Increment 2--Rephased Program		[-12,000]
		Air Combat Training Systems (P5) Upgrades--Contract Delay		[-8,000]
75	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
76	0604750F	INTELLIGENCE EQUIPMENT	995	995
77	0604800F	JOINT STRIKE FIGHTER (JSF)	1,387,926	1,387,926
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	158,477	158,477
79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	20,028	20,028
80	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	877,084	742,084
		Align funding to signed KC-46A contract		[-127,100]
		Excess to Requirement		[-7,900]
81	0605229F	CSAR HH-60 RECAPITALIZATION	94,113	11,000
		Transfer to HC-130 modifications (APAF 75) per USAF request		[-10,400]
		Transfer to HH-60 modifications (APAF 73) per USAF request		[-54,600]
		Program reduction to reflect new acquisition strategy		[-18,113]
82	0605277F	CSAR-X RDT&E	0	0
83	0605278F	HC/MC-130 RECAP RDT&E	27,071	22,071
		Contract Savings		[-5,000]
84	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	0	0
85	0101125F	NUCLEAR WEAPONS MODERNIZATION	93,867	93,867
86	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	23,721	23,721
87	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	0	0
88	0207701F	FULL COMBAT MISSION TRAINING	39,826	25,826
		Block 40/50 Mission Training Center--Excess to need		[-14,000]
89	0401138F	JOINT CARGO AIRCRAFT (JCA)	27,089	27,089
90	0401318F	CV-22	20,723	10,723
		Contract Delay		[-10,000]
91	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	12,535	0
		Program Termination		[-12,535]
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE	4,079,717	3,763,761
		RDT&E MANAGEMENT SUPPORT, AIR FORCE		
92	0604256F	THREAT SIMULATOR DEVELOPMENT	22,420	22,420
93	0604759F	MAJOR T&E INVESTMENT	62,206	62,206
94	0605101F	RAND PROJECT AIR FORCE	27,579	27,579
95	0605502F	SMALL BUSINESS INNOVATION RESEARCH	0	0
96	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	17,767	17,767
97	0605807F	TEST AND EVALUATION SUPPORT	654,475	704,475
		Program Increase		[50,000]
98	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	158,096	158,096
99	0605864F	SPACE TEST PROGRAM (STP)	47,926	47,926
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION--TEST AND EVALUATION SUPPORT	44,547	44,547

Line	Program Element	Item	FY 2012 Request	Senate Authorized
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,953	27,953
102	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,953	13,953
103	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	31,966	31,966
104	0804731F	GENERAL SKILL TRAINING	1,510	1,510
105	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
106	1001004F	INTERNATIONAL ACTIVITIES	3,798	3,798
		TOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE	1,114,196	1,164,196
		OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE		
107	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	390,889	366,889
		Slow execution		[–24,000]
108	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	5,365	5,365
109	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,866	91,866
110	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	35,467	35,467
112	0101113F	B-52 SQUADRONS	133,261	133,261
113	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	803	803
114	0101126F	B-1B SQUADRONS	33,011	33,011
115	0101127F	B-2 SQUADRONS	340,819	226,836
		Delay in EHF communications development due to FAB-T delay		[–113,983]
116	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	23,072	23,072
117	0101314F	NIGHT FIST—USSTRATCOM	5,421	5,421
119	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	4,485	4,485
120	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	12,672	12,672
121	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	14	14
122	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	19,934	19,934
123	0205219F	MQ-9 UAV	146,824	126,824
		Contract Delays		[–20,000]
124	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	0	0
125	0207131F	A-10 SQUADRONS	11,051	11,051
126	0207133F	F-16 SQUADRONS	143,869	131,069
		SLEP Contract Delay		[–12,800]
127	0207134F	F-15E SQUADRONS	207,531	194,831
		ADCP--Excess to Requirement		[–12,700]
128	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,253	13,253
129	0207138F	F-22A SQUADRONS	718,432	511,432
		Provide funds that Air Force can execute in FY12		[–140,000]
		Program Growth		[–67,000]
130	0207142F	F-35 SQUADRONS	47,841	0
		Block IV Development--Ahead of need		[–47,841]
131	0207161F	TACTICAL AIM MISSILES	8,023	8,023
132	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830
133	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,436	1,436
134	0207224F	COMBAT RESCUE AND RECOVERY	2,292	2,292
135	0207227F	COMBAT RESCUE—PARARESCUE	927	927
136	0207247F	AF TENCAP	20,727	20,727
137	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	3,128	3,128
138	0207253F	COMPASS CALL	18,509	18,509
139	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	182,967	172,967
		Excess to Requirement		[–10,000]
140	0207277F	ISR INNOVATIONS	0	0
141	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	5,796	5,796
142	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	121,880	121,880
143	0207412F	CONTROL AND REPORTING CENTER (CRC)	3,954	3,954
144	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	135,961	91,961
		NGIFF--Contract Delays		[–20,000]
		DRAGON--Contract Delays		[–24,000]
145	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	8,309	8,309
146	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
		JTRS Integration and Engineering Support--Schedule Delays		[–5,200]
		Common Processing Environment--Schedule Delays		[–40,000]
148	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,428	5,428
149	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	15,528	15,528
150	0207444F	TACTICAL AIR CONTROL PARTY-MOD	15,978	9,678
		VCS--Program Termination and Restructure		[–4,300]
		JETS Contract Delays		[–2,000]
151	0207445F	FIGHTER TACTICAL DATA LINK	0	0
152	0207448F	C2ISR TACTICAL DATA LINK	1,536	1,536
153	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,102	18,102
154	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	121,610	88,610
		Unjustified Request Based on Program Restructure		[–33,000]
155	0207590F	SEEK EAGLE	18,599	18,599
156	0207601F	USAF MODELING AND SIMULATION	23,091	23,091
157	0207605F	WARGAMING AND SIMULATION CENTERS	5,779	5,779
158	0207697F	DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
		Unjustified growth		[–2,000]
159	0208006F	MISSION PLANNING SYSTEMS	69,918	63,418
		CAF Increment IV--Critical Change Delay		[–6,500]
160	0208021F	INFORMATION WARFARE SUPPORT	2,322	2,322
161	0208059F	CYBER COMMAND ACTIVITIES	702	702
168	0301400F	SPACE SUPERIORITY INTELLIGENCE	11,866	8,866
		Program underexecution due to schedule delays		[–3,000]

Line	Program Element	Item	FY 2012 Request	Senate Authorized
169	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	5,845	5,845
170	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	43,811	43,811
171	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
		Delay due to protest		[-9,000]
172	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	449	449
173	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,854	3,854
174	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	0	0
175	0303601F	MILSATCOM TERMINALS	238,729	188,729
		Transfer to FAB-T alternative line 175a		[-50,000]
175a	0303601F	FAB-T ALTERNATIVE	0	50,000
		Transfer from FAB-T line 175		[50,000]
177	0304260F	AIRBORNE SIGINT ENTERPRISE	121,748	108,248
		Contract/Program Delays		[-13,500]
180	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,604	4,604
181	0305103F	CYBER SECURITY INITIATIVE	2,026	2,026
182	0305105F	DOD CYBER CRIME CENTER	282	282
183	0305110F	SATELLITE CONTROL NETWORK (SPACE)	18,337	18,337
184	0305111F	WEATHER SERVICE	31,084	31,084
185	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	63,367	9,867
		D-RAPCON Contract Delay		[-53,500]
186	0305116F	AERIAL TARGETS	50,620	45,620
		QF-16—Excess to Need		[-5,000]
189	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	366	366
190	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
191	0305159F	ENTERPRISE QUERY & CORRELATION	0	10,000
		Enterprise query & correlation		[20,000]
		Classified Adjustment		[-10,000]
192	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	133,601	42,601
		Contract delay		[-91,000]
193	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	17,893	17,893
195	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	196,254	196,254
196	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,961	2,961
197	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,940	9,940
198	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,271	1,271
199	0305202F	DRAGON U-2	0	0
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	52,425	15,925
		Funded via reprogramming action		[-6,500]
		Program reduction		[-30,000]
201	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	106,877	99,677
		Unjustified request		[-7,200]
202	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,049	13,049
203	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	90,724	85,724
		Contract delays		[-5,000]
204	0305219F	MQ-1 PREDATOR A UAV	14,112	11,642
		Common Sensor Payload—Ahead of Need		[-2,470]
205	0305220F	RQ-4 UAV	423,462	383,462
		Contract delays		[-40,000]
206	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,348	7,348
207	0305265F	GPS III SPACE SEGMENT	463,081	463,081
208	0305614F	JSPOC MISSION SYSTEM	118,950	83,950
		JMS program restructure		[-35,000]
209	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	14,736	14,736
210	0305913F	NUDET DETECTION SYSTEM (SPACE)	81,989	81,989
211	0305924F	NATIONAL SECURITY SPACE OFFICE	0	0
212	0305940F	SPACE SITUATION AWARENESS OPERATIONS	31,956	31,956
213	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	23,931	23,931
214	0308699F	SHARED EARLY WARNING (SEW)	1,663	1,663
215	0401115F	C-130 AIRLIFT SQUADRON	24,509	6,509
		Contract Delays		[-18,000]
216	0401119F	C-5 AIRLIFT SQUADRONS (IF)	24,941	12,941
		RERP Program Rephased		[-12,000]
217	0401130F	C-17 AIRCRAFT (IF)	128,169	94,269
		Contract Delays		[-33,900]
218	0401132F	C-130J PROGRAM	39,537	39,537
219	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,438	7,438
220	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	1,308	0
		Funded in Public Law 112-10		[-1,308]
221	0401218F	KC-135S	6,161	6,161
222	0401219F	KC-10S	30,868	30,868
223	0401314F	OPERATIONAL SUPPORT AIRLIFT	82,591	37,591
		VC-25A—Funding Ahead of Need		[-45,000]
224	0401315F	C-STOL AIRCRAFT	0	0
225	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,118	5,218
		Line of Sight—Contract Delay		[-1,900]
226	0702207F	DEPOT MAINTENANCE (NON-IF)	1,531	1,531
227	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS	0	0
228	0708012F	LOGISTICS SUPPORT ACTIVITIES	944	944
229	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	140,284	140,284
230	0708611F	SUPPORT SYSTEMS DEVELOPMENT	10,990	10,990
231	0801711F	RECRUITING ACTIVITIES	0	0
232	0804743F	OTHER FLIGHT TRAINING	322	322
233	0804757F	JOINT NATIONAL TRAINING CENTER	11	11

Line	Program Element	Item	FY 2012 Request	Senate Authorized
234	0804772F	TRAINING DEVELOPMENTS	0	0
235	0808716F	OTHER PERSONNEL ACTIVITIES	113	113
236	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,483	2,483
237	0901218F	CIVILIAN COMPENSATION PROGRAM	1,508	1,508
238	0901220F	PERSONNEL ADMINISTRATION	8,041	1,041
		Contract Delays		[-7,000]
239	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	928	928
240	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	12,118	12,118
241	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	101,317	76,317
		DEAMS—Excess to Requirement		[-25,000]
242	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF)	299	299
242A	9999999999	CLASSIFIED PROGRAMS	12,063,140	11,829,329
		Classified Adjustment		[-233,811]
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE			18,573,266	17,318,853
TOTAL, RDT&E AIR FORCE			27,737,701	26,183,332
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
BASIC RESEARCH, DW				
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	47,737	47,737
2	0601101E	DEFENSE RESEARCH SCIENCES	290,773	290,773
3	0601110D8Z	BASIC RESEARCH INITIATIVES	14,731	14,731
4	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH	0	0
5	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	37,870	37,870
6	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	101,591	86,591
		Program Decrease		[-15,000]
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	52,617	52,617
TOTAL, BASIC RESEARCH, DW			545,319	530,319
APPLIED RESEARCH, DW				
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	21,592	20,592
		Excessive growth		[-1,000]
9	0602115E	BIOMEDICAL TECHNOLOGY	110,000	110,000
10	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	0	0
11	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	37,916	37,916
12	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	4,381	4,381
13	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	400,499	400,499
14	0602304E	COGNITIVE COMPUTING SYSTEMS	49,365	49,365
15	0602305E	MACHINE INTELLIGENCE	61,351	61,351
16	0602383E	BIOLOGICAL WARFARE DEFENSE	30,421	30,421
17	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	219,873	219,873
18	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	9,235	5,235
		Program Decrease		[-4,000]
19	0602668D8Z	CYBER SECURITY RESEARCH	9,735	4,735
		Program Decrease		[-5,000]
20	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	14,923	10,923
		Excessive growth		[-4,000]
21	0602702E	TACTICAL TECHNOLOGY	206,422	206,422
22	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	237,837	237,837
23	0602716E	ELECTRONICS TECHNOLOGY	215,178	215,178
24	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	196,954	186,501
		Due to slow execution		[-10,453]
25	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,591	26,591
26	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	0	0
TOTAL, APPLIED RESEARCH, DW			1,852,273	1,827,820
ADVANCED TECHNOLOGY DEVELOPMENT (ATD), DW				
27	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	24,771	20,271
		Excessive growth		[-4,500]
28	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	45,028	45,028
29	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,019	77,019
30	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	283,073	271,123
		Due to slow execution		[-11,950]
31	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	75,003	75,003
32	0603200D8Z	JOINT ADVANCED CONCEPTS	7,903	7,903
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,372	20,372
34	0603250D8Z	SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT	4,381	4,381
35	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	998	998
36	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	61,458	61,458
37	0603286E	ADVANCED AEROSPACE SYSTEMS	98,878	98,878
38	0603287E	SPACE PROGRAMS AND TECHNOLOGY	97,541	97,541
39	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	229,235	229,235
40	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	7,287	7,287
41	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	187,707	177,707
		Program Decrease- Unjustified growth		[-10,000]
42	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	23,890	23,890

Line	Program Element	Item	FY 2012 Request	Senate Authorized
43	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	9,235	5,235
		Program Decrease		[-4,000]
44	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,762	10,762
45	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	10,709	5,709
		Program Decrease		[-5,000]
46	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	18,179	14,179
		Excessive growth		[-4,000]
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	17,888	47,888
		Program Increase- Industrial Base Innovation Fund program		[30,000]
48	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	26,972	13,972
		Cargo airship demonstration		[2,000]
		Pelican		[-15,000]
49	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,756	9,756
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,887	23,887
51	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	41,976	35,976
		Excessive growth		[-6,000]
52	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	66,409	66,409
53	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	91,132	61,132
		Program reduction		[-30,000]
54	0603727D8Z	JOINT WARFIGHTING PROGRAM	10,547	10,547
55	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	160,286	160,286
56	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)	0	0
57	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	0	0
58	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	296,537	296,537
59	0603765E	CLASSIFIED DARPA PROGRAMS	107,226	107,226
60	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	235,245	235,245
61	0603767E	SENSOR TECHNOLOGY	271,802	271,802
61A	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM	0	200,000
		Program Increase		[200,000]
62	0603768E	GUIDANCE TECHNOLOGY	0	0
63	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,579	13,579
64	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,424	30,424
65	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	89,925	79,925
		Program Decrease		[-10,000]
66	0603828D8Z	JOINT EXPERIMENTATION	58,130	48,130
		Program adjustment		[-10,000]
67	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	37,029	31,029
		Program Decrease		[-6,000]
68	0603901C	DIRECTED ENERGY RESEARCH	96,329	36,329
		Program Decrease—ALTB		[-60,000]
69	0603902C	NEXT GENERATION AEGIS MISSILE	123,456	123,456
70	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	99,593	99,593
71	0603942D8Z	TECHNOLOGY TRANSFER	0	0
		Program Increase- Technology Transition Initiative		[10,000]
		Technology Transition Initiative		[-10,000]
72	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	20,444	20,444
73	0303310D8Z	CWMD SYSTEMS	7,788	7,788
74	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	35,242	30,242
		Excess to need		[-5,000]
75	1160422BB	AVIATION ENGINEERING ANALYSIS	837	837
76	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,924	4,924
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD), DW			3,270,792	3,321,342
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DW				
77	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,798	36,798
78	0603527D8Z	RETRACT LARCH	21,040	21,040
79	0603600D8Z	WALKOFF	112,142	112,142
80	0603709D8Z	JOINT ROBOTICS PROGRAM	11,129	11,129
81	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	18,408	18,408
82	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	63,606	63,606
83	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	290,452	310,452
		THAAD production improvements		[20,000]
84	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,161,001	1,161,001
85	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	0	0
86	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	261,143	234,155
		JPID program restructure		[-13,988]
		INATS schedule delays		[-13,000]
87	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	222,374	222,374
88	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,071,039	1,022,039
		Program Decrease—Excess funds		[-40,000]
		Excess to need		[-9,000]
89	0603890C	BMD ENABLING PROGRAMS	373,563	373,563
90	0603891C	SPECIAL PROGRAMS—MDA	296,554	296,554
91	0603892C	AEGIS BMD	960,267	1,250,267
		SM-3 Block IB production improvements		[30,000]
		Transfer from procurement to correct test failures		[260,000]
92	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	96,353	96,353
93	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	7,951	7,951
94	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI	364,103	364,103
95	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	0	0
96	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	41,225	41,225

Line	Program Element	Item	FY 2012 Request	Senate Authorized
97	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	69,325	69,325
98	0603906C	REGARDING TRENCH	15,797	15,797
99	0603907C	SEA BASED X-BAND RADAR (SBX)	177,058	157,058
		Program Decrease—Excess funds		[–20,000]
100	0603911C	BMD EUROPEAN CAPABILITY	0	0
101	0603913C	ISRAELI COOPERATIVE PROGRAMS	106,100	156,100
		David's Sling development		[25,000]
		Arrow System Improvement Program		[20,000]
		Arrow–3 interceptor development		[5,000]
102	0603920D8Z	HUMANITARIAN DEMINING	14,996	14,996
103	0603923D8Z	COALITION WARFARE	12,743	12,743
104	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,221	35,321
		Program increase—funding shortfall		[32,100]
105	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	25,120	25,120
106	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	0	0
107	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	10,309	8,309
		Program Decrease		[–2,000]
108	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	13,024	8,024
		Program Decrease		[–5,000]
109	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	9,290	9,290
110	0604880C	LAND-BASED SM-3 (LBSM3)	306,595	306,595
111	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	424,454	444,454
		Program Increase—software Integration		[20,000]
112	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	160,818	160,818
113	0604884C	AIRBORNE INFRARED (ABIR)	46,877	46,877
114	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	0	0
115	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,358	3,358
TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DW			6,808,233	7,117,345
SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD), DW				
116	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	0	0
117	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,220	7,220
118	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	204,824	204,824
119	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	400,608	390,608
		Decontamination FOS delays		[–10,000]
120	0604709D8Z	JOINT ROBOTICS PROGRAM	2,782	2,782
121	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,198	44,198
		Cyber threat discovery		[20,000]
		Program growth		[–25,000]
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	17,395	17,395
123	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,888	5,285
		Due to slow execution		[–603]
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,228	12,228
125	0605018BT A	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	0	0
126	0605020BT A	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	0	0
127	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	389	389
128	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,929	1,929
129	0605027D8Z	OUSDC(C) IT DEVELOPMENT INITIATIVES	4,993	4,993
130	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	134,285	84,285
		Program Growth		[–50,000]
131	0605075D8Z	DCMO POLICY AND INTEGRATION	41,808	31,808
		Program Growth		[–10,000]
132	0605140D8Z	TRUSTED FOUNDRY	0	0
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	14,950	14,950
134	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	0	0
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,837	19,837
136	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE	0	0
TOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD), DW			918,334	842,731
RDT&E MANAGEMENT SUPPORT, DW				
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,658	6,658
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,731	4,731
139	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	140,231	140,231
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,757	2,757
141	0604943D8Z	THERMAL VICAR	7,827	7,827
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,479	10,479
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	34,213	28,213
		OSD recommendation due to underexecution		[–6,000]
144	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT	1,486	1,486
145	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	64,524	64,524
146	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	79,859	61,490
		Underexecution		[–18,369]
147	0605128D8Z	CLASSIFIED PROGRAM USD(P)	0	0
148	0605130D8Z	FOREIGN COMPARATIVE TESTING	19,080	19,080
149	0605142D8Z	SYSTEMS ENGINEERING	41,884	41,884
150	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,261	4,261
151	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,437	9,437
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,549	6,549
153	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,806	92,806
154	0605502BP	SMALL BUSINESS INNOVATIVE RESEARCH—CHEMICAL BIOLOGICAL DEF	0	0

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155	0605502BR	SMALL BUSINESS INNOVATION RESEARCH	0	0
156	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA	0	0
157	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
158	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
159	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
160	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S	1,924	1,924
161	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	16,135	16,135
162	0605799D8Z	EMERGING CAPABILITIES	0	0
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	56,269	52,269
		Program Decrease		[-4,000]
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	49,810	49,810
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,805	20,805
		Program Increase		[5,000]
166	0605897E	DARPA AGENCY RELOCATION	1,000	1,000
167	0605898E	MANAGEMENT HQ—R&D	66,689	66,689
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,528	4,528
169	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	6,925	6,925
170	0203345D8Z	OPERATIONS SECURITY (OPSEC)	1,777	1,777
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT	18	18
174	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	12,209	12,209
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,288	4,288
176	0305103E	CYBER SECURITY INITIATIVE	10,000	5,000
		Execution delays		[-5,000]
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	15,002	15,002
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	861	861
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	59,958	59,958
181	0901585C	PENTAGON RESERVATION	0	0
182	0901598C	MANAGEMENT HQ—MDA	28,908	28,908
183	0901598D8W	IT SOFTWARE DEV INITIATIVES	167	167
184A	9999999999	CLASSIFIED PROGRAMS	82,627	82,627
		TOTAL, RDT&E MANAGEMENT SUPPORT, DW	961,682	933,313
		OPERATIONAL SYSTEMS DEVELOPMENT, DW		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,706	8,706
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA	2,165	2,165
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	15,956	15,956
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	29,880	29,880
190	0208043J	CLASSIFIED PROGRAMS	2,402	2,402
191	0208045K	C4I INTEROPERABILITY	72,403	72,403
193	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	7,093	7,093
200	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	481	481
201	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	8,366	18,366
		Cybersecurity pilots		[20,000]
		Cybersecurity pilots		[-10,000]
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,324	11,324
203	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,514	12,514
204	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,548	6,548
205	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	33,751	33,751
206	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,753	11,753
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	348,593	351,593
		File sanitization tool (FiST)		[3,000]
208	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,500	5,500
209	0303148K	DISA MISSION SUPPORT OPERATIONS	0	0
210	0303149J	C4I FOR THE WARRIOR	0	0
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	54,739	54,739
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	29,154	29,154
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,830	1,830
214	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	1,241	1,241
215	0303610K	TELEPORT PROGRAM	6,418	6,418
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	5,045	5,045
220	0305103D8Z	CYBER SECURITY INITIATIVE	411	411
222	0305103K	CYBER SECURITY INITIATIVE	4,341	4,341
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	13,008	13,008
227	0305186D8Z	POLICY R&D PROGRAMS	6,603	2,892
		OSD recommendation due to underexecution		[-3,711]
229	0305199D8Z	NET CENTRICITY	14,926	11,693
		OSD recommendation due to underexecution		[-3,233]
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	4,303	4,303
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,154	3,154
237	0305219BB	MQ-1 PREDATOR A UAV	2,499	2,499
239	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,660	2,660
240	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,444	1,444
248	0708011S	INDUSTRIAL PREPAREDNESS	23,103	23,103
249	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,466	2,466
250	0902298J	MANAGEMENT HEADQUARTERS (JCS)	2,730	2,730
251	1001018D8Z	NATO AGS	0	0
252	1105219BB	MQ-9 UAV	2,499	2,499
253	1105232BB	RQ-11 UAV	3,000	3,000
254	1105233BB	RQ-7 UAV	450	450

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
255	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG	0	0
256	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	89,382	89,382
257	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	799	799
258	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	27,916	27,916
259	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,915	60,915
260	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT	10,775	10,775
261	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	0	0
262	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	0	0
263	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	4,617	4,617
264	1160428BB	UNMANNED VEHICLES (UV)	0	0
265	1160429BB	AC/MC-130J	18,571	18,571
266	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,392	1,392
267	1160476BB	SOF TACTICAL RADIO SYSTEMS	0	0
268	1160477BB	SOF WEAPONS SYSTEMS	2,610	2,610
269	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	2,971	2,971
270	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,000	3,000
271	1160480BB	SOF TACTICAL VEHICLES	3,522	3,522
272	1160481BB	SOF MUNITIONS	1,500	1,500
273	1160482BB	SOF ROTARY WING AVIATION	51,123	51,123
274	1160483BB	SOF UNDERWATER SYSTEMS	92,424	92,424
275	1160484BB	SOF SURFACE CRAFT	14,475	14,475
276	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS	2,990	2,990
277	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	8,923	8,923
278	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,473	9,473
278A	9999999999	CLASSIFIED PROGRAMS	4,227,920	4,263,700
		Classified Adjustment		[35,780]
		TOTAL OPERATIONAL SYSTEMS DEVELOPMENT, DW	5,399,045	5,440,881
		DARPA—UNDISTRIBUTED	0	–200,000
		Undistributed reduction—Underexecution		[–150,000]
		Undistributed reduction—additional unrestricted cut to DARPA topline		[–50,000]
		TOTAL, RDT&E DW	19,755,678	19,813,751
		OPERATIONAL TEST & EVAL, DEFENSE		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	60,444	60,444
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,126	12,126
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	118,722	118,722
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	191,292	191,292
		TOTAL RDT&E	75,325,082	71,840,593

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		RDT&E MANAGEMENT SUPPORT, ARMY		
140	0605601A	ARMY TEST RANGES AND FACILITIES	8,513	8,513
		TOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	8,513	8,513
		TOTAL, RDT&E ARMY	8,513	8,513
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY		
54	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	1,500	1,500
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	1,500	1,500
		SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY		
97	0604270N	ELECTRONIC WARFARE DEVELOPMENT	5,600	5,600
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	3,500	3,500
126	0604771N	MEDICAL DEVELOPMENT	1,950	1,950
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY	11,050	11,050
		OPERATIONAL SYSTEMS DEVELOPMENT, NAVY		
172	0204136N	F/A-18 SQUADRONS	2,000	2,000
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	1,500	1,500
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	4,050	4,050
216	0305231N	MQ-8 UAV	0	104,600
		ECP for SOCOM urgent needs statement—transfer from Title II		[104,600]
227A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, NAVY	41,334	145,934
		TOTAL, RDT&E NAVY	53,884	158,484
		RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
		OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE		
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,000	58,000
		Blue Devil ARGUS Sensors—Already Funded Through Reprogramming Actions		[-15,000]
242A	9999999999	CLASSIFIED PROGRAMS	69,000	69,000
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	142,000	127,000
		TOTAL, RDT&E AIR FORCE	142,000	127,000
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		RDT&E MANAGEMENT SUPPORT, DW		
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	9,200	9,200
		TOTAL, RDT&E MANAGEMENT SUPPORT, DW	9,200	9,200
		OPERATIONAL SYSTEMS DEVELOPMENT, DW		
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,500	10,500
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	32,850	32,850
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,000	2,000
254	1105233BB	RQ-7 UAV	2,450	2,450
278A	9999999999	CLASSIFIED PROGRAMS	135,361	120,581
		Classified Adjustment		[-14,780]
		TOTAL OPERATIONAL SYSTEMS DEVELOPMENT, DW	183,161	168,381
		TOTAL, RDT&E DW	192,361	177,581
		TOTAL RDT&E	396,758	471,578

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	OPERATION & MAINTENANCE, ARMY		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	1,399,804	1,249,071
	Transfer to OCO: MRAP Vehicle Sustainment.		[-2,539]
	Transfer to OCO: Theater Demand Reduction.		[-148,194]
020	MODULAR SUPPORT BRIGADES	104,629	102,347
	Transfer to OCO: Theater Demand Reduction.		[-2,282]
030	ECHELONS ABOVE BRIGADE	815,920	815,920
040	THEATER LEVEL ASSETS	825,587	796,595
	Transfer to OCO: Theater Demand Reduction.		[-18,692]
	Transfer to OCO: UAS--Gray Eagle Satellite Service.		[-10,300]
050	LAND FORCES OPERATIONS SUPPORT	1,245,231	1,199,827
	Transfer to OCO: MRAP Vehicle Sustainment at Combat Training Centers.		[-6,420]
	Transfer to OCO: National Training Center Tier Two Level Maintenance Contract.		[-24,000]
	Transfer to OCO: Theater Demand Reduction.		[-14,984]
060	AVIATION ASSETS	1,199,340	1,137,835
	Transfer to OCO: Theater Demand Reduction.		[-61,505]
070	FORCE READINESS OPERATIONS SUPPORT	2,939,455	2,847,795
	FOB Baseline Not Taken into Account in Requested Program Growth.		[-20,000]
	Transfer to OCO: Body Armor Sustainment.		[-71,660]
080	LAND FORCES SYSTEMS READINESS	451,228	431,228
	Deny Requested Growth for Civilian and Contractor Positions.		[-20,000]
090	LAND FORCES DEPOT MAINTENANCE	1,179,675	1,179,675
100	BASE OPERATIONS SUPPORT	7,637,052	7,329,552
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities.		[-37,500]
	Removal of FY11 Costs Budgeted for Detainee Operations (Full FY12 Requirement Funded in OCO).		[-70,000]
	Transfer to OCO: Overseas Security Guards.		[-200,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,495,667	2,495,667

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
120	MANAGEMENT AND OPERATIONAL HQ	397,952	397,952
130	COMBATANT COMMANDERS CORE OPERATIONS	171,179	171,179
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	459,585	459,585
	TOTAL, BA 01: OPERATING FORCES	21,322,304	20,614,228
	BA 02: MOBILIZATION		
180	STRATEGIC MOBILITY	390,394	390,394
190	ARMY PREPOSITIONING STOCKS	169,535	169,535
200	INDUSTRIAL PREPAREDNESS	6,675	6,675
	TOTAL, BA 02: MOBILIZATION	566,604	566,604
	BA 03: TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	113,262	113,262
220	RECRUIT TRAINING	71,012	71,012
230	ONE STATION UNIT TRAINING	49,275	49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS	417,071	417,071
250	SPECIALIZED SKILL TRAINING	1,045,948	1,045,948
260	FLIGHT TRAINING	1,083,808	1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,073	191,073
280	TRAINING SUPPORT	607,896	607,896
290	RECRUITING AND ADVERTISING	523,501	523,501
300	EXAMINING	139,159	139,159
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,978	238,978
320	CIVILIAN EDUCATION AND TRAINING	221,156	221,156
330	JUNIOR ROTC	170,889	170,889
	TOTAL, BA 03: TRAINING AND RECRUITING	4,873,028	4,873,028
	BA 04: ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	995,161	995,161
350	SERVICEWIDE TRANSPORTATION	524,334	524,334
360	CENTRAL SUPPLY ACTIVITIES	705,668	705,668
370	LOGISTIC SUPPORT ACTIVITIES	484,075	484,075
380	AMMUNITION MANAGEMENT	457,741	387,741
	Requested Growth Unjustified by Metrics Provided in Performance Criteria.		[-70,000]
390	ADMINISTRATION	775,313	775,313
400	SERVICEWIDE COMMUNICATIONS	1,534,706	1,504,706
	Budget Justification Does Not Match Summary of Price and Program Changes for DISA.		[-30,000]
410	MANPOWER MANAGEMENT	316,924	316,924
420	OTHER PERSONNEL SUPPORT	214,356	214,356
430	OTHER SERVICE SUPPORT	1,093,877	1,033,877
	Unjustified program growth-Joint DOD Support		[-5,000]
	Unjustified program growth-PA Strategic Communications		[-5,000]
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS.		[-50,000]
440	ARMY CLAIMS ACTIVITIES	216,621	216,621
450	REAL ESTATE MANAGEMENT	180,717	157,813
	Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund.		[-10,000]
	BA-4 Adjustment for Defense Efficiency—Civilian Staffing Reduction.		[-12,904]
460	SUPPORT OF NATO OPERATIONS	449,901	449,901
470	MISC. SUPPORT OF OTHER NATIONS	23,886	23,886
	TOTAL, BA 04: ADMIN & SRVWIDE ACTIVITIES	6,978,119	6,795,215
	UNDISTRIBUTED		
480	UNDISTRIBUTED		-3,942,465
	Reduction in funding for contract services		[-121,700]
	Reduction in funding for DoD business systems		[-46,000]
	Management efficiencies in the military intelligence program		[-29,900]
	Unobligated balances		[-275,000]
	Adjustment for Defense Efficiency—Civilian Staffing Reduction.		[-166,365]
	Transfer to OCO: Readiness and Depot Maintenance (BA-1 Undistributed).		[-3,000,000]
	Printing & Reproduction (10% cut)—Efficiency.		[-10,600]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[-1,400]
	Decrease in OPTEMPO as cited by Army.		[-291,500]
999	CLASSIFIED		1,600
	Classified adjustment		[1,600]
	TOTAL, OPERATION & MAINTENANCE, ARMY	34,735,216	29,903,371
	OPERATION & MAINTENANCE, ARMY RES		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	1,091	1,091
020	MODULAR SUPPORT BRIGADES	18,129	18,129
030	ECHELONS ABOVE BRIGADE	492,705	492,705
040	THEATER LEVEL ASSETS	137,304	137,304
050	LAND FORCES OPERATIONS SUPPORT	597,786	597,786

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
060	AVIATION ASSETS	67,366	67,366
070	FORCE READINESS OPERATIONS SUPPORT	474,966	474,966
080	LAND FORCES SYSTEMS READINESS	69,841	69,841
090	LAND FORCES DEPOT MAINTENANCE	247,010	247,010
100	BASE OPERATIONS SUPPORT	590,078	583,078
	Reduction in Payments to the GSA for Standard Level Service Charges Not Properly Accounted for in Budget Documentation.		[-7,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	255,618	255,618
120	ADDITIONAL ACTIVITIES	0	0
	UNDISTRIBUTED		-91,000
	Decrease in OPTEMPO as cited by Army.		[-87,000]
	Deny Increase Budgeted for FY12 Price Growth for Civilian Compensation.		[-4,000]
	TOTAL, BA 01: OPERATING FORCES	2,951,894	2,853,894
	BA 02: ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	14,447	14,447
140	ADMINISTRATION	76,393	76,393
150	SERVICEWIDE COMMUNICATIONS	3,844	3,844
160	MANPOWER MANAGEMENT	9,033	9,033
170	RECRUITING AND ADVERTISING	53,565	53,565
	TOTAL, BA 02: ADMIN & SRVWD ACTIVITIES	157,282	
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	3,109,176	3,011,176
	OPERATION & MAINTENANCE, ARNG		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	634,181	634,181
020	MODULAR SUPPORT BRIGADES	189,899	189,899
030	ECHELONS ABOVE BRIGADE	751,899	751,899
040	THEATER LEVEL ASSETS	112,971	112,971
050	LAND FORCES OPERATIONS SUPPORT	33,972	33,972
060	AVIATION ASSETS	854,048	854,048
070	FORCE READINESS OPERATIONS SUPPORT	706,299	706,299
080	LAND FORCES SYSTEMS READINESS	50,453	50,453
090	LAND FORCES DEPOT MAINTENANCE	646,608	646,608
100	BASE OPERATIONS SUPPORT	1,028,126	988,626
	Unjustified Growth for Travel.		[-25,000]
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation.		[-10,000]
	Unjustified Growth for Public Affairs.		[-4,500]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	618,513	618,513
120	MANAGEMENT AND OPERATIONAL HQ	792,575	787,575
	Army National Guard-Identified Excess.		[-5,000]
130	ADDITIONAL ACTIVITIES	0	0
	TOTAL, BA 01: OPERATING FORCES	6,419,544	6,375,044
	BA 04: ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	11,703	11,703
150	ADMINISTRATION	178,655	178,655
160	SERVICEWIDE COMMUNICATIONS	42,073	42,073
170	MANPOWER MANAGEMENT	6,789	6,789
180	RECRUITING AND ADVERTISING	382,668	382,668
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	621,888	
	UNDISTRIBUTED		
190	UNDISTRIBUTED		-156,500
	Reduction in non-dual status technician limitation		[-20,000]
	Deny Increase Budgeted for FY12 Price Growth for Civilian Compensation.		[-11,000]
	Decrease in OPTEMPO as cited by Army.		[-125,500]
	TOTAL, OPERATION & MAINTENANCE, ARNG	7,041,432	6,840,432
	OPERATION & MAINTENANCE, NAVY		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,762,887	4,762,887
020	FLEET AIR TRAINING	1,771,644	1,771,644
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	46,321	46,321
040	AIR OPERATIONS AND SAFETY SUPPORT	104,751	104,751
050	AIR SYSTEMS SUPPORT	431,576	431,576
060	AIRCRAFT DEPOT MAINTENANCE	1,030,303	1,030,303
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,403	37,403
080	AVIATION LOGISTICS	238,007	238,007
090	MISSION AND OTHER SHIP OPERATIONS	3,820,186	3,820,186
100	SHIP OPERATIONS SUPPORT & TRAINING	734,866	734,866
110	SHIP DEPOT MAINTENANCE	4,972,609	4,972,609
120	SHIP DEPOT OPERATIONS SUPPORT	1,304,271	1,304,271
130	COMBAT COMMUNICATIONS	583,659	583,659
140	ELECTRONIC WARFARE	97,011	97,011
150	SPACE SYSTEMS AND SURVEILLANCE	162,303	137,303
	Budget Justification Does Not Match Summary of Price and Program Changes.		[-25,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
160	WARFARE TACTICS	423,187	423,187
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	320,141	320,141
180	COMBAT SUPPORT FORCES	1,076,478	1,076,478
190	EQUIPMENT MAINTENANCE	187,037	187,037
200	DEPOT OPERATIONS SUPPORT	4,352	4,352
210	COMBATANT COMMANDERS CORE OPERATIONS	103,830	103,830
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	180,800	180,800
230	CRUISE MISSILE	125,333	125,333
240	FLEET BALLISTIC MISSILE	1,209,410	1,209,410
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	99,063	99,063
260	WEAPONS MAINTENANCE	450,454	450,454
270	OTHER WEAPON SYSTEMS SUPPORT	358,002	358,002
280	ENTERPRISE INFORMATION	971,189	971,189
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,946,779	1,946,779
300	BASE OPERATING SUPPORT	4,610,525	4,590,525
	Savings from In-sourcing Security Contractor Positions Not Properly Accounted for in Budget Documentation.		[-20,000]
	TOTAL, BA 01: OPERATING FORCES	32,164,377	32,119,377
	BA 02: MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	493,326	493,326
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,228	6,228
330	SHIP ACTIVATIONS/INACTIVATIONS	205,898	205,898
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	68,634	68,634
350	INDUSTRIAL READINESS	2,684	2,684
360	COAST GUARD SUPPORT	25,192	25,192
	TOTAL, BA 02: MOBILIZATION	801,962	801,962
	BA 03: TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,540	147,540
380	RECRUIT TRAINING	10,655	10,655
390	RESERVE OFFICERS TRAINING CORPS	151,147	151,147
400	SPECIALIZED SKILL TRAINING	594,799	594,799
410	FLIGHT TRAINING	9,034	9,034
420	PROFESSIONAL DEVELOPMENT EDUCATION	173,452	173,452
430	TRAINING SUPPORT	168,025	168,025
440	RECRUITING AND ADVERTISING	254,860	254,860
450	OFF-DUTY AND VOLUNTARY EDUCATION	140,279	140,279
460	CIVILIAN EDUCATION AND TRAINING	107,561	107,561
470	JUNIOR ROTC	52,689	52,689
	TOTAL, BA 03: TRAINING AND RECRUITING	1,810,041	1,810,041
	BA 04: ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	754,483	754,483
490	EXTERNAL RELATIONS	14,275	14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	112,616	112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	216,483	216,483
520	OTHER PERSONNEL SUPPORT	282,295	282,295
530	SERVICEWIDE COMMUNICATIONS	534,873	534,873
540	MEDICAL ACTIVITIES	0	0
550	SERVICEWIDE TRANSPORTATION	190,662	190,662
560	ENVIRONMENTAL PROGRAMS	0	0
570	PLANNING, ENGINEERING AND DESIGN	303,636	303,636
580	ACQUISITION AND PROGRAM MANAGEMENT	903,885	903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,880	54,880
600	COMBAT/WEAPONS SYSTEMS	20,687	20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,374	68,374
620	NAVAL INVESTIGATIVE SERVICE	572,928	572,928
630	CONSOLIDATED CRYPTOLOGICAL PROGRAM	0	0
650	FOREIGN COUNTERINTELLIGENCE	0	0
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,516	5,516
690	CANCELLED ACCOUNT ADJUSTMENTS	0	0
700	JUDGEMENT FUND	0	0
700A	CLASSIFIED PROGRAMS	552,715	546,715
	Classified adjustment		[-6,000]
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	4,588,308	4,582,308
	UNDISTRIBUTED		
710	UNDISTRIBUTED		-1,320,600
	Reduction in funding for contract services		[-122,800]
	Reduction in funding for DoD business systems		[-52,900]
	Management efficiencies in the military intelligence program		[-11,300]
	Unobligated balances		[-123,800]
	Transfer to OCO: Readiness and Depot Maintenance (BA-1 Undistributed).		[-495,000]
	Deny FY12 Budget Price Growth for Civilian Personnel Compensation.		[-5,000]
	Printing & Reproduction (10% cut)—Efficiency.		[-7,100]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[-2,700]
	Target area for reduction as cited by Navy.		[-500,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	TOTAL, OPERATION & MAINTENANCE, NAVY	39,364,688	37,993,088
	OPERATION & MAINTENANCE, MARINE CORPS		
	BA 01: OPERATING FORCES		
010	OPERATIONAL FORCES	715,196	715,196
020	FIELD LOGISTICS	677,608	677,608
030	DEPOT MAINTENANCE	190,713	78,713
	Transfer to OCO: Depot Maintenance.		[-112,000]
040	MARITIME PREPOSITIONING	101,464	101,464
050	NORWAY PREPOSITIONING	0	0
060	SUSTAINMENT, RESTORATION, & MODERNIZATION	823,390	823,390
070	BASE OPERATING SUPPORT	2,208,949	1,973,949
	Transfer to OCO: Readiness and Depot Maintenance (BA-1 Undistributed).		[-235,000]
	TOTAL, BA 01: OPERATING FORCES	4,717,320	4,370,320
	BA 03: TRAINING AND RECRUITING		
080	RECRUIT TRAINING	18,280	18,280
090	OFFICER ACQUISITION	820	820
100	SPECIALIZED SKILL TRAINING	85,816	85,816
110	FLIGHT TRAINING	0	0
120	PROFESSIONAL DEVELOPMENT EDUCATION	33,142	33,142
130	TRAINING SUPPORT	324,643	324,643
140	RECRUITING AND ADVERTISING	184,432	184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION	43,708	43,708
160	JUNIOR ROTC	19,671	19,671
	TOTAL, BA03: TRAINING AND RECRUITING	710,512	
	BA 04: ADMIN & SRVWD ACTIVITIES		
170	SPECIAL SUPPORT	0	0
180	SERVICEWIDE TRANSPORTATION	36,021	31,021
	Incorrect Price Growth Rate Used for Commercial Transportation.		[-5,000]
190	ADMINISTRATION	405,431	405,431
200	ACQUISITION & PROGRAM MANAGEMENT	91,153	91,153
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	532,605	527,605
	UNDISTRIBUTED		
210	UNDISTRIBUTED		-199,300
	Reduction in funding for DoD business systems		[-5,700]
	Unobligated balances		[-21,600]
	OMMC Request Inconsistent with Information Technology Budget Justification for the Operational Support Systems—Command and Control.		[-20,000]
	Printing & Reproduction (10% cut)—Efficiency.		[-6,500]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[-500]
	Target area for reduction as cited by Marine Corps.		[-145,000]
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	5,960,437	5,409,137
	OPERATION & MAINTENANCE, NAVY RES		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	622,868	622,868
020	INTERMEDIATE MAINTENANCE	16,041	16,041
030	AIR OPERATIONS AND SAFETY SUPPORT	1,511	1,511
040	AIRCRAFT DEPOT MAINTENANCE	123,547	123,547
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	379	379
060	MISSION AND OTHER SHIP OPERATIONS	49,701	49,701
070	SHIP OPERATIONS SUPPORT & TRAINING	593	593
080	SHIP DEPOT MAINTENANCE	53,916	53,916
090	COMBAT COMMUNICATIONS	15,445	15,445
100	COMBAT SUPPORT FORCES	153,942	153,942
110	WEAPONS MAINTENANCE	7,292	7,292
120	ENTERPRISE INFORMATION	75,131	75,131
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	72,083	72,083
140	BASE OPERATING SUPPORT	109,024	109,024
	TOTAL, BA 01: OPERATING FORCES	1,301,473	1,301,473
	BA 04: ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,857	1,857
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,438	14,438
170	SERVICEWIDE COMMUNICATIONS	2,394	2,394
180	ACQUISITION AND PROGRAM MANAGEMENT	2,972	2,972
190	CANCELLED ACCOUNT ADJUSTMENTS	0	0
200	JUDGMENT FUND	0	0
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	21,661	21,661
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	1,323,134	1,323,134
	OPERATION & MAINTENANCE, MC RESERVE		
	BA 01: OPERATING FORCES		
010	OPERATING FORCES	94,604	94,604

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
020	DEPOT MAINTENANCE	16,382	16,382
030	TRAINING SUPPORT	0	0
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	31,520	31,520
050	BASE OPERATING SUPPORT	105,809	105,809
	TOTAL, BA 01: OPERATING FORCES	248,315	248,315
	BA 04: ADMIN & SRVWD ACTIVITIES		
060	SPECIAL SUPPORT	0	0
070	SERVICEWIDE TRANSPORTATION	852	852
080	ADMINISTRATION	13,257	13,257
090	RECRUITING AND ADVERTISING	9,019	9,019
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	23,128	23,128
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	271,443	271,443
	OPERATION & MAINTENANCE, AIR FORCE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,224,400	4,154,400
	Transfer to OCO: Theater Security Package.		[-70,000]
020	COMBAT ENHANCEMENT FORCES	3,417,731	3,379,731
	Unjustified Increase in Travel.		[-10,000]
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions.		[-4,000]
	Removal of One-Time FY11 Costs for Software Maintenance Requirements.		[-24,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,482,814	1,482,814
040	MISSION SUPPORT OPERATIONS	0	0
050	DEPOT MAINTENANCE	2,204,131	2,204,131
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,652,318	1,652,318
070	BASE SUPPORT	2,507,179	2,482,179
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities.		[-25,000]
080	GLOBAL C3I AND EARLY WARNING	1,492,459	1,492,459
090	OTHER COMBAT OPS SPT PROGRAMS	1,046,226	1,032,226
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions.		[-14,000]
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	696,188	696,188
110	LAUNCH FACILITIES	321,484	321,484
120	SPACE CONTROL SYSTEMS	633,738	626,738
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions.		[-7,000]
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	698,128
	Strategic Command Program Decreases Not Accounted for in Budget Documentation.		[-20,000]
	Transfer to OCO: CENTCOM HQ C4.		[-12,500]
	Transfer to OCO: CENTCOM Public Affairs.		[-4,860]
140	COMBATANT COMMANDERS CORE OPERATIONS	170,481	170,481
	TOTAL, BA 01: OPERATING FORCES	20,584,637	20,393,277
	BA 02: MOBILIZATION		
150	AIRLIFT OPERATIONS	2,988,221	2,988,221
160	MOBILIZATION PREPAREDNESS	150,724	150,724
170	DEPOT MAINTENANCE	373,568	373,568
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	388,103	388,103
190	BASE SUPPORT	674,230	634,230
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities.		[-25,000]
	Unjustified Growth for Competitive Sourcing and Privatization.		[-15,000]
	TOTAL, BA 02: MOBILIZATION	4,574,846	4,534,846
	BA 03: TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	114,448	114,448
210	RECRUIT TRAINING	22,192	22,192
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	90,545	90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	430,090	430,090
240	BASE SUPPORT	789,654	789,654
250	SPECIALIZED SKILL TRAINING	481,357	471,357
	Budget Justification Does Not Match Summary of Price and Program Changes for Equipment Maintenance by Contract.		[-10,000]
260	FLIGHT TRAINING	957,538	957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION	198,897	198,897
280	TRAINING SUPPORT	108,248	108,248
290	DEPOT MAINTENANCE	6,386	6,386
300	RECRUITING AND ADVERTISING	136,102	136,102
310	EXAMINING	3,079	3,079
320	OFF-DUTY AND VOLUNTARY EDUCATION	167,660	167,660
330	CIVILIAN EDUCATION AND TRAINING	202,767	202,767
340	JUNIOR ROTC	75,259	75,259
	TOTAL, BA 03: TRAINING AND RECRUITING	3,784,222	3,774,222
	BA 04: ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	1,112,878	1,112,878
360	TECHNICAL SUPPORT ACTIVITIES	785,150	785,150
370	DEPOT MAINTENANCE	14,356	14,356
380	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	416,588	416,588
390	BASE SUPPORT	1,219,043	1,219,043
400	ADMINISTRATION	662,180	497,180

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Program decrease		[-165,000]
410	SERVICEWIDE COMMUNICATIONS	650,689	650,689
420	OTHER SERVICEWIDE ACTIVITIES	1,078,769	953,769
	Air Force funds for Space Shuttle (for museum)		[-14,000]
	Program decrease		[-104,000]
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS.		[-7,000]
430	CIVIL AIR PATROL	23,338	23,338
440	JUDGMENT FUND REIMBURSEMENT	0	0
460	INTERNATIONAL SUPPORT	72,589	72,589
460A	CLASSIFIED PROGRAMS	1,215,848	1,217,348
	Classified adjustment		[1,500]
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	7,251,428	6,962,928
	UNDISTRIBUTED		
470	UNDISTRIBUTED		-1,204,400
	Reduction in funding for contract services		[-144,200]
	Reduction in funding for DoD business systems		[-26,200]
	Management efficiencies in the military intelligence program		[-46,600]
	Unobligated balances		[-143,700]
	Transfer to OCO: Readiness and Depot Maintenance (BA-1 Undistributed).		[-470,000]
	Printing & Reproduction (10% cut)—Efficiency.		[-7,200]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[-2,500]
	Target area for reduction as cited by Air Force.		[-364,000]
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	36,195,133	34,460,873
	OPERATION & MAINTENANCE, AF RESERVE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,171,853	2,171,853
020	MISSION SUPPORT OPERATIONS	116,513	116,513
030	DEPOT MAINTENANCE	471,707	471,707
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	77,161	77,161
050	BASE SUPPORT	308,974	308,974
	TOTAL, BA 01: OPERATING FORCES	3,146,208	3,146,208
	BA 04: ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	84,423	84,423
070	RECRUITING AND ADVERTISING	17,076	17,076
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,688	19,688
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,170	6,170
100	AUDIOVISUAL	794	794
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	128,151	128,151
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	3,274,359	3,274,359
	OPERATION & MAINTENANCE, ANG		
	BA 01: OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,651,900	3,651,900
020	MISSION SUPPORT OPERATIONS	751,519	751,519
030	DEPOT MAINTENANCE	753,525	753,525
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	284,348	284,348
050	BASE SUPPORT	621,942	588,442
	O&M Air National Guard Request Inconsistent with Information Technology Budget Justification for Base Level Communication Infra-structure.		[-23,500]
	O&M Air National Guard Request Inconsistent with MIP Budget Justification for Air Intelligence Systems.		[-10,000]
	TOTAL, BA 01: OPERATING FORCES	6,063,234	6,029,734
	BA 04: ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	39,387	39,387
070	RECRUITING AND ADVERTISING	33,659	33,659
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	73,046	73,046
	TOTAL, OPERATION & MAINTENANCE, ANG	6,136,280	6,102,780
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	BA 01: OPERATING FORCES		
020	SPECIAL OPERATIONS COMMAND	3,986,766	3,893,859
	Civilian pay freeze and projected personnel reductions		[-10,000]
	Sustaining Base Communications—Excessive Growth		[-8,000]
	Aviation Foreign Internal Defense		[-17,607]
	Military Information Support Activities—Transfer to OCO		[-57,300]
010	JOINT CHIEFS OF STAFF	563,787	558,287
	Reduce Civilian Personnel FY12 Average Salary Growth.		[-5,500]
	TOTAL, BA 01: OPERATING FORCES	4,550,553	4,452,146
	BA 03: TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	124,075	124,075
040	NATIONAL DEFENSE UNIVERSITY	93,348	93,348

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	TOTAL, BA 03: TRAINING AND RECRUITING	217,423	217,423
	BA 04: ADMIN & SRVWD ACTIVITIES		
070	DEFENSE BUSINESS TRANSFORMATION AGENCY	0	0
050	CIVIL MILITARY PROGRAMS	159,692	159,692
080	DEFENSE CONTRACT AUDIT AGENCY	508,822	508,822
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,147,366	1,147,366
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	12,000	12,000
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,419	646,419
	Overstatement of FY12 Costs for Civilian Personnel		[-30,000]
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,360,392	1,360,392
150	DEFENSE LOGISTICS AGENCY	450,863	450,863
140	DEFENSE LEGAL SERVICES AGENCY	37,367	37,367
160	DEFENSE MEDIA ACTIVITY	256,133	256,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,768,677	2,648,677
	DoD recommended reduction to MyCAA		[-120,000]
170	DEFENSE POW/MIA OFFICE	22,372	22,372
180	DEFENSE SECURITY COOPERATION AGENCY	682,831	530,551
	Reduction to Global Train and Equip		[-150,000]
	Program decrease—Security Cooperation Assessment Office		[-2,280]
190	DEFENSE SECURITY SERVICE	505,366	505,366
210	DEFENSE THREAT REDUCTION AGENCY	432,133	432,133
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	33,848	33,848
230	MISSILE DEFENSE AGENCY	202,758	202,758
250	OFFICE OF ECONOMIC ADJUSTMENT	81,754	48,754
	Ahead of need—Guam FSRM		[-33,000]
260	OFFICE OF THE SECRETARY OF DEFENSE	2,201,964	2,181,964
	Unjustified Growth for Equipment Maintenance by Contract.		[-10,000]
	Additional Efficiencies Based on Disestablishment of the ASD/NII.		[-10,000]
270	WASHINGTON HEADQUARTERS SERVICE	563,184	550,684
	Removal of FY11 Costs Budgeted for Boards, Commissions and Task Forces.		[-6,000]
	Removal of FY11 Costs Budgeted for the Defense Agencies Initiative.		[-6,500]
270A	CLASSIFIED PROGRAMS	14,068,492	13,911,653
	Classified adjustment		[-156,839]
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	26,172,433	25,647,814
	UNDISTRIBUTED		
280	UNDISTRIBUTED		-874,800
	Reduction in funding for contract services		[-694,800]
	Reduction in funding for DoD business systems		[-27,600]
	Management efficiencies in the military intelligence program		[-41,300]
	Impact Aid		[25,000]
	Severe disabilities		[5,000]
	Unobligated balances		[-119,900]
	Printing & Reproduction (10% cut)—Efficiency.		[-4,300]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[-16,900]
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	30,940,409	29,442,583
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,861	13,861
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	107,662	107,662
010	FORMER SOVIET UNION (FSU) THREAT REDUCTION	508,219	508,219
010	ACQ WORKFORCE DEV FD	305,501	305,501
030	ENVIRONMENTAL RESTORATION, ARMY	346,031	346,031
050	ENVIRONMENTAL RESTORATION, NAVY	308,668	308,668
070	ENVIRONMENTAL RESTORATION, AIR FORCE	525,453	525,453
090	ENVIRONMENTAL RESTORATION, DEFENSE	10,716	10,716
110	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	276,495	276,495
130	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	5,000
	TOTAL, MISCELLANEOUS APPROPRIATIONS	2,407,606	2,407,606
	DEFERRED EXPENSES FOR FOREIGN OPERATIONS		406,605
	Deferred Expenses for foreign operations		[406,605]
	TOTAL, OPERATION & MAINTENANCE	170,759,313	160,846,587

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	OPERATION & MAINTENANCE, ARMY		
	BA 01: OPERATING FORCES		
040	THEATER LEVEL ASSETS	3,424,314	3,453,306
	Transfer from Base: Theater Demand Reduction.		[18,692]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Transfer from Base: UAS—Gray Eagle Satellite Service.		[10,300]
050	LAND FORCES OPERATIONS SUPPORT	1,534,886	1,580,290
	Transfer from Base: MRAP Vehicle Sustainment at Combat Training Centers.		[6,420]
	Transfer from Base: National Training Center Tier Two Level Maintenance Contract.		[24,000]
	Transfer from Base: Theater Demand Reduction.		[14,984]
060	AVIATION ASSETS	87,166	148,671
	Transfer from Base: Theater Demand Reduction.		[61,505]
070	FORCE READINESS OPERATIONS SUPPORT	2,675,821	2,747,481
	Transfer from Base: Body Armor Sustainment.		[71,660]
080	LAND FORCES SYSTEMS READINESS	579,000	579,000
090	LAND FORCES DEPOT MAINTENANCE	1,000,000	1,000,000
100	BASE OPERATIONS SUPPORT	951,371	1,151,371
	Transfer from Base: Overseas Security Guards.		[200,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	22,998,441	23,099,456
	Transfer from Base, SAG 111: MRAP Vehicle Sustainment.		[2,539]
	Transfer from Base, SAG 111: Theater Demand Reduction.		[148,194]
	Transfer from Base, SAG 112: Theater Demand Reduction.		[2,282]
	Synchronization Pre-Deployment and Operational Tracker (SPOT) Fully funded in FY12 OMDW Base Request.		[–12,000]
	ARGUS A–160 Deployment Delays.		[–40,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	425,000	400,000
	Termination of CERP in Iraq		[–25,000]
160	RESET	3,955,429	3,955,429
	UNDISTRIBUTED	0	3,000,000
	Transfer from Base: Readiness and Depot Maintenance (BA–1 Undistributed).		[3,000,000]
	TOTAL, BA 01: OPERATING FORCES	37,881,428	41,365,004
	BA 04: ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	2,476,766	2,476,766
350	SERVICEWIDE TRANSPORTATION	3,507,186	3,507,186
360	CENTRAL SUPPLY ACTIVITIES	50,740	50,740
380	AMMUNITION MANAGEMENT	84,427	84,427
400	SERVICEWIDE COMMUNICATIONS	66,275	66,275
420	OTHER PERSONNEL SUPPORT	143,391	143,391
430	OTHER SERVICE SUPPORT	92,067	92,067
	TOTAL, BA 04: ADMIN & SRVWIDE ACTIVITIES	6,420,852	6,420,852
	TOTAL, OPERATION & MAINTENANCE, ARMY	44,302,280	47,785,856
	OPERATION & MAINTENANCE, ARMY RES		
	BA 01: OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	84,200	84,200
050	LAND FORCES OPERATIONS SUPPORT	28,100	28,100
070	FORCE READINESS OPERATIONS SUPPORT	20,700	10,700
	Duplicate Request for Military Pay Support Contract (requested both in SAG 121 and 131).		[–10,000]
100	BASE OPERATIONS SUPPORT	84,500	84,500
	TOTAL, BA 01: OPERATING FORCES	217,500	207,500
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	217,500	207,500
	OPERATION & MAINTENANCE, ARNG		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	89,930	89,930
060	AVIATION ASSETS	130,848	130,848
070	FORCE READINESS OPERATIONS SUPPORT	110,011	110,011
100	BASE OPERATIONS SUPPORT	34,788	34,788
120	MANAGEMENT AND OPERATIONAL HQ	21,967	21,967
	TOTAL, BA 01: OPERATING FORCES	387,544	387,544
	TOTAL, OPERATION & MAINTENANCE, ARNG	387,544	387,544
	AFGHANISTAN SECURITY FORCES FUND		
	BA 01: MINISTRY OF DEFENSE		
010	INFRASTRUCTURE	1,304,350	1,304,350
020	EQUIPMENT AND TRANSPORTATION	1,667,905	1,432,490
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–235,415]
030	TRAINING AND OPERATIONS	751,073	751,073
040	SUSTAINMENT	3,331,774	3,033,984
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–297,790]
	TOTAL, BA 01: MINISTRY OF DEFENSE	7,055,102	6,521,897
	BA 01: MINISTRY OF INTERIOR		
060	INFRASTRUCTURE	1,128,584	1,128,584
070	EQUIPMENT AND TRANSPORTATION	1,530,420	601,915
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–928,505]
080	TRAINING AND OPERATIONS	1,102,430	1,102,430
090	SUSTAINMENT	1,938,715	1,800,425
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–138,290]
	TOTAL, BA 01: MINISTRY OF INTERIOR	5,700,149	4,633,354

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
BA 03: ASSOCIATED ACTIVITIES			
110	SUSTAINMENT	21,187	21,187
120	TRAINING AND OPERATIONS	7,344	7,344
130	INFRASTRUCTURE	15,000	15,000
150	EQUIPMENT AND TRANSPORTATION	1,218	1,218
	TOTAL, BA 03: ASSOCIATED ACTIVITIES	44,749	44,749
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	12,800,000	11,200,000
AFGHANISTAN INFRASTRUCTURE FUND			
BA 01: AFGHANISTAN INFRASTRUCTURE FUND			
010	POWER	300,000	300,000
020	TRANSPORTATION	100,000	100,000
030	WATER	50,000	50,000
040	OTHER RELATED ACTIVITIES	25,000	25,000
	TOTAL, BA 01: AFGHANISTAN INFRASTRUCTURE FUND	475,000	400,000
UNDISTRIBUTED			
050	UNDISTRIBUTED		-75,000
	Undistributed Reduction		[-75,000]
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	475,000	400,000
OPERATION & MAINTENANCE, NAVY			
BA 01: OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	1,058,114	1,038,114
	Unjustified Growth for TAD/TDY.		[-20,000]
020	FLEET AIR TRAINING	7,700	7,700
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	9,200	9,200
040	AIR OPERATIONS AND SAFETY SUPPORT	12,934	12,934
050	AIR SYSTEMS SUPPORT	39,566	39,566
060	AIRCRAFT DEPOT MAINTENANCE	174,052	174,052
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,586	1,586
080	AVIATION LOGISTICS	50,852	50,852
090	MISSION AND OTHER SHIP OPERATIONS	1,132,948	1,132,948
100	SHIP OPERATIONS SUPPORT & TRAINING	26,822	26,822
110	SHIP DEPOT MAINTENANCE	998,172	998,172
130	COMBAT COMMUNICATIONS	26,533	26,533
160	WARFARE TACTICS	22,657	22,657
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	28,141	28,141
180	COMBAT SUPPORT FORCES	1,932,640	1,932,640
190	EQUIPMENT MAINTENANCE	19,891	19,891
210	COMBATANT COMMANDERS CORE OPERATIONS	5,465	5,465
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	2,093	2,093
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	125,460	125,460
260	WEAPONS MAINTENANCE	201,083	201,083
270	OTHER WEAPON SYSTEMS SUPPORT	1,457	1,457
280	ENTERPRISE INFORMATION	5,095	5,095
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	26,793	26,793
300	BASE OPERATING SUPPORT	352,210	344,880
	Civilian Pay Overstatement Due to No Requirement for FTE in this SAG.		[-7,330]
	UNDISTRIBUTED	0	495,000
	Transfer from Base: Readiness and Depot Maintenance (BA-1 Undistributed).		[495,000]
	TOTAL, BA 01: OPERATING FORCES	6,261,464	6,729,134
BA 02: MOBILIZATION			
310	SHIP PREPOSITIONING AND SURGE	29,010	29,010
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	34,300	34,300
360	COAST GUARD SUPPORT	258,278	0
	Transfer to Department of Homeland Security.		[-258,278]
	TOTAL, BA 02: MOBILIZATION	321,588	63,310
BA 03: TRAINING AND RECRUITING			
400	SPECIALIZED SKILL TRAINING	69,961	69,961
430	TRAINING SUPPORT	5,400	5,400
	TOTAL, BA 03: TRAINING AND RECRUITING	75,361	75,361
BA 04: ADMIN & SRVWD ACTIVITIES			
480	ADMINISTRATION	2,348	2,348
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,142	6,142
520	OTHER PERSONNEL SUPPORT	5,849	5,849
530	SERVICEWIDE COMMUNICATIONS	28,511	28,511
550	SERVICEWIDE TRANSPORTATION	263,593	263,593
580	ACQUISITION AND PROGRAM MANAGEMENT	17,414	17,414
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,075	1,075
620	NAVAL INVESTIGATIVE SERVICE	6,564	6,564
650	FOREIGN COUNTERINTELLIGENCE	14,598	14,598
700A	CLASSIFIED PROGRAMS	2,060	2,060

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	348,154	348,154
	TOTAL, OPERATION & MAINTENANCE, NAVY	7,006,567	7,215,959
	OPERATION & MAINTENANCE, MARINE CORPS		
	BA 01: OPERATING FORCES		
010	OPERATIONAL FORCES	2,069,485	2,096,485
	Family of Shelters and Shelters Equipment		[27,000]
020	FIELD LOGISTICS	575,843	575,843
030	DEPOT MAINTENANCE	251,100	363,100
	Transfer from Base: Depot Maintenance.		[112,000]
070	BASE OPERATING SUPPORT	82,514	82,514
	UNDISTRIBUTED	0	235,000
	Transfer from Base: Readiness and Depot Maintenance (BA-1 Undistributed).		[235,000]
	TOTAL, BA 01: OPERATING FORCES	12,455,768	3,352,942
	BA 03: TRAINING AND RECRUITING		
130	TRAINING SUPPORT	209,784	209,784
	TOTAL, BA03: TRAINING AND RECRUITING	209,784	209,784
	BA 04: ADMIN & SRVWD ACTIVITIES		
180	SERVICEWIDE TRANSPORTATION	376,495	376,495
190	ADMINISTRATION	5,989	5,989
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	382,484	382,484
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	3,571,210	3,945,210
	OPERATION & MAINTENANCE, NAVY RES		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	38,402	38,402
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	11,330	11,330
060	MISSION AND OTHER SHIP OPERATIONS	10,137	10,137
100	COMBAT SUPPORT FORCES	13,827	13,827
140	BASE OPERATING SUPPORT	52	52
	TOTAL, BA 01: OPERATING FORCES	74,148	74,148
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	74,148	74,148
	OPERATION & MAINTENANCE, MC RESERVE		
	BA 01: OPERATING FORCES		
010	OPERATING FORCES	31,284	31,284
050	BASE OPERATING SUPPORT	4,800	4,800
	TOTAL, BA 01: OPERATING FORCES	36,084	36,084
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	36,084	36,084
	OPERATION & MAINTENANCE, AIR FORCE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,115,901	2,185,901
	Transfer from Base: Theater Security Package.		[70,000]
020	COMBAT ENHANCEMENT FORCES	2,033,929	2,033,929
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	46,844	46,844
050	DEPOT MAINTENANCE	312,361	312,361
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	334,950	334,950
070	BASE SUPPORT	641,404	641,404
080	GLOBAL C3I AND EARLY WARNING	69,330	69,330
090	OTHER COMBAT OPS SPT PROGRAMS	297,015	297,015
120	SPACE CONTROL SYSTEMS	16,833	16,833
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	46,390	63,750
	Transfer from Base: CENTCOM HQ C4.		[12,500]
	Transfer from Base: CENTCOM Public Affairs.		[4,860]
	UNDISTRIBUTED	0	470,000
	Transfer from Base: Readiness and Depot Maintenance (BA-1 Undistributed).		[470,000]
	TOTAL, BA 01: OPERATING FORCES	5,914,957	6,472,317
	BA 02: MOBILIZATION		
150	AIRLIFT OPERATIONS	3,533,338	3,533,338
160	MOBILIZATION PREPAREDNESS	85,416	85,416
170	DEPOT MAINTENANCE	161,678	161,678
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	9,485	9,485
190	BASE SUPPORT	30,033	30,033
	TOTAL, BA 02: MOBILIZATION	3,819,950	3,819,950
	BA 03: TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	908	908
240	BASE SUPPORT	2,280	2,280
250	SPECIALIZED SKILL TRAINING	29,592	29,592

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
260	FLIGHT TRAINING	154	154
270	PROFESSIONAL DEVELOPMENT EDUCATION	691	691
280	TRAINING SUPPORT	753	753
	TOTAL, BA 03: TRAINING AND RECRUITING	34,378	34,378
	BA 04: ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	155,121	155,121
390	BASE SUPPORT	20,677	20,677
400	ADMINISTRATION	3,320	3,320
410	SERVICEWIDE COMMUNICATIONS	111,561	111,561
420	OTHER SERVICEWIDE ACTIVITIES	605,223	605,223
460A	CLASSIFIED PROGRAMS	54,000	54,000
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	949,902	949,902
	UNDISTRIBUTED		-25,000
	Unjustified Growth in Civilian Personnel Costs.		[-25,000]
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	10,719,187	11,251,547
	OPERATION & MAINTENANCE, AF RESERVE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,800	4,800
030	DEPOT MAINTENANCE	131,000	131,000
050	BASE SUPPORT	6,250	6,250
	TOTAL, BA 01: OPERATING FORCES	142,050	142,050
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	142,050	142,050
	OPERATION & MAINTENANCE, ANG		
	BA 01: OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	34,050	34,050
	TOTAL, BA 01: OPERATING FORCES	34,050	34,050
	TOTAL, OPERATION & MAINTENANCE, ANG	34,050	34,050
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	BA 01: OPERATING FORCES		
020	SPECIAL OPERATIONS COMMAND	3,269,939	3,283,939
	Trans Regional Web Initiative		[-11,300]
	Unjustified Program Growth in Operating Support for Operation New Dawn		[-25,000]
	Military Information Support Activities—Transfer from Base		[50,300]
010	JOINT CHIEFS OF STAFF	2,000	2,000
	TOTAL, BA 01: OPERATING FORCES	3,271,939	3,285,939
	BA 04: ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	23,478	23,478
090	DEFENSE CONTRACT MANAGEMENT AGENCY	87,925	87,925
120	DEFENSE INFORMATION SYSTEMS AGENCY	164,520	164,520
140	DEFENSE LEGAL SERVICES AGENCY	102,322	67,322
	Unjustified Program Growth.		[-35,000]
160	DEFENSE MEDIA ACTIVITY	15,457	15,457
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	194,100	194,100
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,140,000
	Coalition Support Funds: Excess to Need for Contract Renewal		[-60,000]
260	OFFICE OF THE SECRETARY OF DEFENSE	143,870	143,870
270A	CLASSIFIED PROGRAMS	3,065,800	3,065,800
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	5,997,472	5,902,472
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	9,269,411	9,188,411
	UNDISTRIBUTED		-4,000,000
	Reduction to reflect policy change on troop strength in Afghanistan		[-4,000,000]
	TOTAL, OPERATION & MAINTENANCE	89,035,031	87,868,359

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

SEC. 4401. OTHER AUTHORIZATIONS (In Thousands of Dollars)			
Line	Item	FY 2012 Request	Senate Authorized
WORKING CAPITAL FUND, ARMY			
010	PREPOSITIONED WAR RESERVE STOCKS	101,194	91,594
	Reduction in funding for DoD business systems		[-9,600]
020	PREPOSITIONED WAR RESERVE STOCKS	0	0
	TOTAL, WORKING CAPITAL FUND, ARMY	101,194	91,594
WORKING CAPITAL FUND, AIR FORCE			
010	TRANSPORTATION FALLEN HEROES	0	0
020	CONTAINER DECONSOLIDATION	0	0
030	WAR RESERVE MATERIAL	65,372	55,872
	Reduction in funding for DoD business systems		[-9,500]
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	65,372	55,872
WORKING CAPITAL FUND, DEFENSE-WIDE			
010	DEFENSE LOGISTICS AGENCY (DLA)	31,614	31,614
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	31,614	31,614
WORKING CAPITAL FUND, DECA			
010	WORKING CAPITAL FUND, DECA	1,376,830	1,376,830
	TOTAL, WORKING CAPITAL FUND, DECA	1,376,830	1,376,830
NATIONAL DEFENSE SEALIFT FUND			
010	T-AKE	0	0
020	MPF MLP	425,865	425,865
030	POST DELIVERY AND OUTFITTING	24,161	24,161
040	NATIONAL DEF SEALIFT VESSEL	1,138	1,138
050	LG MED SPD RO/RO MAINTENANCE	92,567	92,567
060	DOD MOBILIZATION ALTERATIONS	184,109	184,109
070	TAH MAINTENANCE	40,831	40,831
080	STRATEGIC SEALIFT SUPPORT	0	0
090	RESEARCH AND DEVELOPMENT	48,443	48,443
100	READY RESERVE FORCE	309,270	309,270
	TOTAL, NATIONAL DEFENSE SEALIFT FUND	1,126,384	1,126,384
DEFENSE HEALTH PROGRAM (DHP)			
DHP, OPERATION & MAINTENANCE			
010	IN-HOUSE CARE	8,148,856	8,148,856
020	PRIVATE SECTOR CARE	16,377,272	16,047,272
	TRICARE Historical Underexecution		[-330,000]
030	CONSOLIDATED HEALTH SUPPORT	2,193,821	2,193,821
040	INFORMATION MANAGEMENT	1,422,697	1,422,697
050	MANAGEMENT ACTIVITIES	312,102	307,102
	Strategic Communications		[-3,000]
	Contract savings from Web site consolidation		[-2,000]
060	EDUCATION AND TRAINING	705,347	693,647
	Unjustified Growth for Travel		[-11,700]
070	BASE OPERATIONS/COMMUNICATIONS	1,742,451	1,742,451
	SUBTOTAL, DHP, OPERATION & MAINTENANCE	30,902,546	30,555,846
DHP, RDT&E			
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,935	2,935
3	APPLIED BIOMEDICAL TECHNOLOGY	33,805	33,805
4	MEDICAL TECHNOLOGY	3,694	3,694
5	MEDICAL ADVANCED TECHNOLOGY	767	767
6	MEDICAL TECHNOLOGY DEVELOPMENT	181,042	181,042
7	MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT	167,481	167,481
8	INFORMATION TECHNOLOGY DEVELOPMENT	176,345	176,345
9	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	34,559	34,559
11	MEDICAL PROGRAM-WIDE ACTIVITIES	48,313	48,313
12	MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES	14,765	14,765
	SUBTOTAL, DHP, RDT&E	663,706	663,706
DHP, PROCUREMENT			
090	PROCUREMENT	632,518	632,518
	SUBTOTAL, DHP, PROCUREMENT	632,518	632,518
	TOTAL, DEFENSE HEALTH PROGRAM (DHP)	32,198,770	31,852,070
CHEM AGENTS & MUNITIONS DESTRUCTION			
01	OPERATION & MAINTENANCE	1,147,691	1,147,691

SEC. 4401. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
02	RD&E	406,731	406,731
	TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION	1,554,422	1,554,422
	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		
010	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,156,282	989,282
	Undistributed reduction for contractor support		[-30,000]
	Undistributed reduction to U.S. European Command's counterdrug activities		[-5,000]
	Office of Naval Intelligence (PC 3359)		[-3,500]
	Strategic communications/program termination (PC 9220)		[-500]
	Undistributed Reduction—Excess to Need		[-128,000]
	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,156,282	989,282
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL, O&M	286,919	327,419
	Program increase—Growth plan		[40,500]
020	OFFICE OF THE INSPECTOR GENERAL, RD&E	1,600	4,500
	Program increase—Growth plan		[2,900]
030	OFFICE OF THE INSPECTOR GENERAL, PROCUREMENT	1,000	1,000
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	289,519	332,919
	TOTAL OTHER AUTHORIZATIONS	37,900,387	37,410,987

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
	WORKING CAPITAL FUND, ARMY		
020	PREPOSITIONED WAR RESERVE STOCKS	54,000	54,000
	TOTAL, WORKING CAPITAL FUND, ARMY	54,000	54,000
	WORKING CAPITAL FUND, AIR FORCE		
010	TRANSPORTATION FALLEN HEROES	10,000	10,000
020	CONTAINER DECONSOLIDATION	2,000	2,000
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	12,000	12,000
	WORKING CAPITAL FUND, DEFENSE-WIDE		
010	DEFENSE LOGISTICS AGENCY (DLA)	369,013	316,413
	Reduction in funding for DoD business systems		[-52,600]
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	369,013	316,413
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	641,996	641,996
020	PRIVATE SECTOR CARE	464,869	464,869
030	CONSOLIDATED HEALTH SUPPORT	95,994	95,994
040	INFORMATION MANAGEMENT	5,548	5,548
050	MANAGEMENT ACTIVITIES	751	751
060	EDUCATION AND TRAINING	16,859	16,859
070	BASE OPERATIONS/COMMUNICATIONS	2,271	2,271
	DEFENSE HEALTH PROGRAM	1,228,288	1,228,288
	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		
010	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	486,458	486,458
	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	486,458	486,458
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL	11,055	11,055
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	11,055	11,055
	TOTAL OTHER AUTHORIZATIONS	2,160,814	2,108,214

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

SEC. 4501. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Military Construction, Army				
<i>Alaska</i>				
Army	Fort Wainwright	Aviation Complex, Ph 3a	114,000	57,000
Army	Jb Elmendorf-Richardson	Physical Fitness Facility	26,000	26,000
Army	Jb Elmendorf-Richardson	Brigade Complex, Ph 2	74,000	74,000
Army	Jb Elmendorf-Richardson	Organizational Parking	3,600	3,600
<i>Alabama</i>				
Army	Fort Rucker	Combat Readiness Center	11,600	11,600
<i>California</i>				
Army	Fort Irwin	Qualification Training Range	15,500	15,500
Army	Fort Irwin	Infantry Squad Battle Course	7,500	7,500
Army	Presidio Monterey	General Instruction Building	3,000	3,000
<i>Colorado</i>				
Army	Fort Carson	Brigade Headquarters	14,400	14,400
Army	Fort Carson	Barracks	67,000	67,000
Army	Fort Carson	Barracks	46,000	46,000
Army	Fort Carson	Control Tower	14,200	14,200
Army	Fort Carson	Aircraft Maintenance Hangar	63,000	63,000
Army	Fort Carson	Aircraft Loading Area	34,000	34,000
<i>Georgia</i>				
Army	Fort Benning	Rail Loading Facility	13,600	13,600
Army	Fort Benning	Trainee Barracks Complex, Ph 3	23,000	23,000
Army	Fort Gordon	Hand Grenade Familiarization Range	1,450	1,450
Army	Fort Stewart	Dog Kennel	2,600	2,600
Army	Fort Benning	Land Acquisition	5,100	5,100
Army	Fort Benning	Land Acquisition	25,000	25,000
<i>Hawaii</i>				
Army	Fort Shafter	Child Development Center	17,500	17,500
Army	Schofield Barracks	Centralized Wash Facility	32,000	32,000
Army	Schofield Barracks	Combat Aviation Brigade Complex, Ph 1	73,000	73,000
<i>Kansas</i>				
Army	Fort Riley	Physical Fitness Facility	13,000	13,000
Army	Fort Riley	Chapel	10,400	10,400
Army	Fort Riley	Unmanned Aerial Vehicle Maintenance Hangar	60,000	60,000
Army	Forbes Air Field	Deployment Support Facility	5,300	5,300
<i>Kentucky</i>				
Army	Fort Campbell	Vehicle Maintenance Facility	16,000	16,000
Army	Fort Campbell	Vehicle Maintenance Facility	40,000	40,000
Army	Fort Campbell	Physical Fitness Facility	18,500	18,500
Army	Fort Campbell	Unmanned Aerial Vehicle Maintenance Hangar	67,000	67,000
Army	Fort Campbell	Scout/Recce Gunnery Range	18,000	18,000
Army	Fort Campbell	Barracks Complex	65,000	65,000
Army	Fort Campbell	Barracks	23,000	23,000
Army	Fort Knox	Automated Infantry Platoon Battle Course	7,000	7,000
Army	Fort Knox	Battalion Complex	48,000	48,000
<i>Louisiana</i>				
Army	Fort Polk	Fire Station	9,200	9,200
Army	Fort Polk	Military Working Dog Facility	2,600	2,600
Army	Fort Polk	Brigade Complex	23,000	23,000
Army	Fort Polk	Multipurpose Machine Gun Range	8,300	8,300
Army	Fort Polk	Land Acquisition	27,000	27,000
<i>Maryland</i>				
Army	Aberdeen Proving Ground	Auto Technology Evaluation Fac, Ph 3	15,500	15,500
Army	Aberdeen Proving Ground	Command and Control Facility	63,000	63,000
Army	Fort Meade	Applied Instruction Facility	43,000	43,000
Army	Fort Meade	Brigade Complex	36,000	36,000
<i>Missouri</i>				
Army	Fort Leonard Wood	Vehicle Maintenance Facility	49,000	49,000
<i>North Carolina</i>				
Army	Fort Bragg	Nco Academy	42,000	42,000
Army	Fort Bragg	Access Roads, Ph 2	18,000	18,000
Army	Fort Bragg	Unmanned Aerial Vehicle Maintenance Hangar	54,000	54,000
Army	Fort Bragg	Brigade Complex Facilities	49,000	49,000
Army	Fort Bragg	Battle Command Training Center	23,000	23,000
<i>New York</i>				
Army	Fort Drum	Ammunition Supply Point	5,700	5,700
Army	Fort Drum	Chapel	7,600	7,600

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
<i>Oklahoma</i>				
Army	Fort Sill	Physical Fitness Facility	25,000	25,000
Army	Fort Sill	Chapel	13,200	13,200
Army	Fort Sill	Reception Station, Ph 1	36,000	36,000
Army	Fort Sill	Rail Deployment Facility	3,400	3,400
Army	Fort Sill	Vehicle Maintenance Facility	51,000	51,000
Army	Fort Sill	Battle Command Training Center	23,000	23,000
Army	Fort Sill	Thaad Instruction Facility	33,000	33,000
Army	Mcalester	Railroad Tracks	6,300	6,300
Army	Mcalester	Ammunition Loading Pads	1,700	1,700
<i>South Carolina</i>				
Army	Fort Jackson	Trainee Barracks Complex, Ph 2	59,000	59,000
Army	Fort Jackson	Modified Record Fire Range	4,900	4,900
<i>Texas</i>				
Army	Fort Bliss	Vehicle Maintenance Facility	24,000	0
Army	Fort Bliss	Electronics Maintenance Facility	14,600	14,600
Army	Fort Bliss	Infrastructure	14,600	0
Army	Fort Bliss	Vehicle Maintenance Facility	14,600	14,600
Army	Fort Bliss	Barracks Complex	13,000	13,000
Army	Fort Bliss	Vehicle Maintenance Facility	19,000	19,000
Army	Fort Bliss	Jlens Tactical Training Facility	39,000	39,000
Army	Fort Bliss	Water Well, Potable	2,400	2,400
Army	Fort Bliss	Applied Instruction Building	8,300	8,300
Army	Fort Hood	Operational Readiness Training Complex	51,000	51,000
Army	Fort Hood	Unmanned Aerial Vehicle Maintenance Hangar	47,000	47,000
Army	Fort Hood	Vehicle Maintenance Facility	15,500	15,500
Army	Fort Hood	Vehicle Maintenance Facility	18,500	18,500
Army	Red River Army Depot	Maneuver Systems Sustainment Ctr, Ph 3	44,000	44,000
Army	Jb San Antonio	Vehicle Maintenance Facility	10,400	10,400
<i>Utah</i>				
Army	Dugway Proving Ground	Life Sciences Test Facility Addition	32,000	32,000
<i>Virginia</i>				
Army	Fort Belvoir	Information Dominance Center, Ph 1	52,000	52,000
Army	Fort Belvoir	Road and Infrastructure Improvements	31,000	0
Army	Jb Langley Eustis	Aviation Training Facility	26,000	26,000
<i>Washington</i>				
Army	Jb Lewis Mcchord	Brigade Complex, Ph 2	56,000	56,000
Army	Jb Lewis Mcchord	Operational Readiness Training Cplx, Ph 1	28,000	28,000
Army	Jb Lewis Mcchord	Air Support Operations Facilities	7,300	7,300
Army	Jb Lewis Mcchord	Battalion Complex	59,000	59,000
Army	Jb Lewis Mcchord	Infrastructure, Ph 1	64,000	64,000
Army	Jb Lewis Mcchord	Aviation Unit Complex, Ph 1a	34,000	34,000
Army	Jb Lewis Mcchord	Aviation Complex, Ph 1b	48,000	48,000
<i>Afghanistan</i>				
Army	Bagram Air Base	Entry Control Point	20,000	20,000
Army	Bagram Air Base	Construct Drainage System, Ph 3	31,000	31,000
Army	Bagram Air Base	Barracks, Ph 5	29,000	29,000
<i>Germany</i>				
Army	Germersheim	Infrastructure	16,500	0
Army	Germersheim	Central Distribution Facility	21,000	0
Army	Grafenwoehr	Chapel	15,500	0
Army	Grafenwoehr	Convoy Live Fire Range	5,000	5,000
Army	Grafenwoehr	Barracks	17,500	17,500
Army	Landstuhl	Satellite Communications Center	24,000	24,000
Army	Landstuhl	Satellite Communications Center	39,000	39,000
Army	Stuttgart	Access Control Point	12,200	12,200
Army	Vilseck	Barracks	20,000	20,000
Army	Oberdachstetten	Automated Record Fire Range	12,200	12,200
<i>Honduras</i>				
Army	Honduras Various	Barracks	25,000	0
<i>Korea</i>				
Army	Camp Carroll	Barracks	41,000	41,000
Army	Camp Henry	Barracks Complex	48,000	48,000
<i>Worldwide Unspecified</i>				
Army	Unspecified	Minor Construction	20,000	20,000
Army	Unspecified	Host Nation Support	25,500	25,500
Army	Unspecified	Planning & Design	229,741	169,741
Total Military Construction, Army			3,235,991	2,971,391
Military Construction, Navy				
<i>Arizona</i>				
Navy	Yuma	Double Aircraft Maintenance Hangar	81,897	81,897
Navy	Yuma	Aircraft Maintenance Hangar	39,515	39,515
Navy	Yuma	JSF Auxiliary Landing Field	41,373	41,373
<i>California</i>				
Navy	Barstow	Dip Tank Cleaning Facility	8,590	8,590
Navy	Bridgeport	Multi-Purpose Building—Addition	19,238	16,138
Navy	Camp Pendleton	New Potable Water Conveyance	113,091	113,091

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<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
Navy	Camp Pendleton	North Area Waste Water Conveyance	78,271	78,271
Navy	Camp Pendleton	Armory, 1st Marine Division	12,606	12,606
Navy	Camp Pendleton	Infantry Squad Defense Range	29,187	29,187
Navy	Camp Pendleton	Intersection Bridge and Improvements	12,476	12,476
Navy	Camp Pendleton	Individual Equipment Issue Warehouse	16,411	16,411
Navy	Camp Pendleton	Mv-22 Double Hangar Replacement	48,345	48,345
Navy	Camp Pendleton	Mv-22 Aviation Pavement	18,530	18,530
Navy	Camp Pendleton	Mv-22 Aviation Fuel Storage	6,163	6,163
Navy	Point Mugu	E-2d Aircrew Training Facility	15,377	15,377
Navy	Twentynine Palms	Multi-Use Operational Fitness Area	18,819	18,819
Navy	Twentynine Palms	Tracked Vehicle Maintenance Cover	15,882	15,882
Navy	Twentynine Palms	Child Development Center	23,743	23,743
Navy	Twentynine Palms	Land Expansion	8,665	8,665
Navy	Coronado	Fitness Center North Island	46,763	32,063
Navy	Coronado	Rotary Aircraft Depot Maint Fac (North Is.)	61,672	61,672
<i>Florida</i>				
Navy	Jacksonville	P-8a Training Facility	25,985	25,985
Navy	Jacksonville	P-8a Hangar Upgrades	6,085	6,085
Navy	Jacksonville	Bams UAS Operator Training Facility	4,482	4,482
Navy	Mayport	Massey Avenue Corridor Improvements	14,998	14,998
Navy	Whiting Field	Applied Instruction Facilities, EOD Course	20,620	20,620
<i>Georgia</i>				
Navy	Kings Bay	Crab Island Security Enclave	52,913	52,913
Navy	Kings Bay	Wra Land/Water Interface	33,150	33,150
<i>Hawaii</i>				
Navy	Barking Sands	North Loop Electrical Replacement	9,679	9,679
Navy	Kaneohe Bay	MCAS Operations Complex	57,704	57,704
Navy	Joint Base Pearl Harbor-Hickam	Navy Information Operations Command Fes Fac	7,492	7,492
<i>Illinois</i>				
Navy	Great Lakes	Decentralize Steam System	91,042	91,042
<i>Maryland</i>				
Navy	Indian Head	Decentralize Steam System	67,779	67,779
Navy	Patuxent River	Aircraft Prototype Facility, Ph 2	45,844	45,844
<i>North Carolina</i>				
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek	27,439	27,439
Navy	Camp Lejeune	Squad Battle Course	16,821	16,821
Navy	Camp Lejeune	2nd Combat Engineer Maintenance/Ops Complex	75,214	75,214
Navy	Camp Lejeune	Base Entry Point and Road	81,008	81,008
Navy	Cherry Point Marine Corps Air Station	H-1 Helicopter Gearbox Repair & Test Facility	17,760	17,760
Navy	New River	Aircraft Maintenance Hangar and Apron	69,511	69,511
Navy	New River	Ordnance Loading Area Addition	9,419	9,419
<i>South Carolina</i>				
Navy	Beaufort	Vertical Landing Pads	21,096	21,096
<i>Virginia</i>				
Navy	Norfolk	Bachelor Quarters, Homeport Ashore	81,304	81,304
Navy	Norfolk	Decentralize Steam System	26,924	26,924
Navy	Portsmouth	Controlled Industrial Facility	74,864	74,864
Navy	Quantico	Waste Water Treatment Plant—Upshur	9,969	9,969
Navy	Quantico	Realign Purvis Rd/Russell Rd Intersection	6,442	6,442
Navy	Quantico	Bachelor Enlisted Quarters	31,374	31,374
Navy	Quantico	Enlisted Dining Facility	5,034	5,034
Navy	Quantico	the Basic School Student Quarters, Ph 6	28,488	28,488
Navy	Quantico	Embassy Security Group Facilities	27,079	27,079
Navy	Quantico	Academic Instruction Facility	75,304	75,304
<i>Washington</i>				
Navy	Bremerton	Integrated Dry Dock Water Treatment Fac, Ph1	13,341	13,341
Navy	Kitsap	Waterfront Restricted Area Vehicle Barriers	17,894	17,894
Navy	Kitsap	Ehew Security Force Facility (Bangor)	25,948	25,948
Navy	Kitsap	Explosives Handling Wharf #2, Inc 1	78,002	78,002
<i>Bahrain Island</i>				
Navy	Sw Asia	Bachelor Enlisted Quarters	55,010	0
Navy	Sw Asia	Waterfront Development, Ph 4	45,194	0
<i>Diego Garcia</i>				
Navy	Diego Garcia	Potable Water Plant Modernization	35,444	35,444
<i>Djibouti</i>				
Navy	Camp Lemonier	Bachelor Quarters	43,529	43,529
Navy	Camp Lemonier	Aircraft Logistics Apron	35,170	35,170
Navy	Camp Lemonier	Taxiway Enhancement	10,800	10,800
<i>Guam</i>				
Navy	Joint Region Marianas	North Ramp Utilities—Anderson AFB, Inc 2	78,654	0
Navy	Joint Region Marianas	Finegayan Water Utilities	77,267	0
<i>Worldwide Unspecified</i>				
Navy	Unspecified	Unspecified Minor Constr	21,495	21,495
Navy	Unspecified	Planning and Design	84,362	69,362
Total Military Construction, Navy			2,461,547	2,172,622

Military Construction, Air Force

Alaska

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<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
AF	Eielson AFB	Dormitory (168 Rm)	45,000	45,000
AF	Jb Elmendorf-Richardson	Brigade Combat Team (Light) Complex, (480 Rm)	97,000	97,000
	Arizona			
AF	Davis-Monthan AFB	Ec-130h Simulator/Training Operations	20,500	20,500
AF	Davis-Monthan AFB	HC-130J Joint Use Fuel Cell	12,500	12,500
AF	Luke AFB	F-35 Adal Aircraft Maintenance Unit	6,000	6,000
AF	Luke AFB	F-35 Squad Ops/AMU 2	18,000	18,000
	California			
AF	Travis AFB	Dormitory (144 Rm)	22,000	22,000
AF	Vandenberg AFB	Education Center	14,200	14,200
	Colorado			
AF	U.S. Air Force Academy	Construct Large Vehicle Inspection Facility	13,400	13,400
	Delaware			
AF	Dover AFB	C-5m Formal Training Unit Facility	2,800	2,800
	Florida			
AF	Patrick AFB	Air Force Technical Applications Ctr, Inc 2	79,000	79,000
	Kansas			
AF	Fort Riley	Air Support Operations Center	7,600	7,600
	Louisiana			
AF	Barksdale AFB	Mission Support Group Complex	23,500	23,500
	Missouri			
AF	Whiteman AFB	Wsa Security Control Facility	4,800	4,800
	North Carolina			
AF	Pope AFB	C-130 Flight Simulator	6,000	6,000
	North Dakota			
AF	Minot AFB	Dormitory (168 Rm)	22,000	22,000
AF	Minot AFB	B-52 3-Bay Conventional Munitions Maintenance	11,800	11,800
AF	Minot AFB	B-52 Two-Bay Phase Maintenance Dock	34,000	34,000
	Nebraska			
AF	Offutt AFB	STRATCOM Replacement Facility, Inc 1	150,000	120,000
	New Mexico			
AF	Cannon AFB	Dormitory (96 Rm)	15,000	15,000
AF	Cannon AFB	Adal Wastewater Treatment Plant	7,598	7,598
AF	Holloman AFB	Child Development Center	11,200	11,200
AF	Holloman AFB	Parallel Taxiway 07/25	8,000	8,000
AF	Holloman AFB	F-16 Academic Facility	5,800	5,800
AF	Holloman AFB	F-16 Sead Training Facility	4,200	4,200
AF	Kirtland AFB	Afnwc Sustainment Center	25,000	25,000
	Nevada			
AF	Nellis AFB	F-35a Age Facility	21,500	21,500
AF	Nellis AFB	Communications Network Control Center	11,600	11,600
AF	Nellis AFB	F-35 Add/Alter Engine Shop	2,750	2,750
	Texas			
AF	Jb San Antonio	Bmt Recruit Dormitory 4, Ph 4	64,000	64,000
AF	Joint Base San Antonio	Adv Indiv Training (Ait) Barracks (300 Rm)	46,000	46,000
	Utah			
AF	Hill AFB	F-35 Adal Hangar 45e/AMU	6,800	0
AF	Hill AFB	F-22 System Support Facility	16,500	16,500
	Virginia			
AF	Jb Langley Eustis	Ait Barracks Complex, Ph 2	50,000	50,000
	Washington			
AF	Fairchild AFB	Wing Headquarters	13,600	13,600
AF	Fairchild AFB	Sere Force Support, Ph 2	14,000	14,000
	Greenland			
AF	Thule AFB	Dormitory (72 Pn)	28,000	28,000
	Guam			
AF	Joint Region Marianas	Prtc Red Horse Cantonment Operations Facility	14,000	14,000
AF	Joint Region Marianas	Prtc Combat Communications Transmission Syst	5,600	5,600
AF	Joint Region Marianas	Prtc Combat Communications Combat Support	9,800	9,800
AF	Joint Region Marianas	Guam Strike Clear Water Rinse Facility	7,500	0
AF	Joint Region Marianas	Guam Strike Fuel Systems Maintenance Hangar	128,000	0
AF	Joint Region Marianas	Guam Strike Conventional Munitions Maintenance	11,700	0
AF	Joint Region Marianas	Air Freight Terminal Complex	35,000	35,000
	Germany			
AF	Ramstein Ab	Dormitory (192 Rm)	34,697	34,697
	Italy			
AF	Signonella	UAS SATCOM Relay Pads and Facility	15,000	15,000
	Korea			
AF	Osan Ab	Dormitory (156 Rm)	23,000	23,000
	Qatar			
AF	AL Udeid	Blatchford Preston Complex, Ph 4	37,000	0
	Worldwide Unspecified			
AF	Unspecified	Unspecified Minor Construction	20,000	20,000
AF	Unspecified	Planning & Design	81,913	67,913
Total Military Construction, Air Force			1,364,858	1,129,858
Military Consntruction, Defense-Wide				

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<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
Def-Wide	Bolling AFB	Diac Parking Garage	13,586	13,586
Def-Wide	Bolling AFB	Electrical Upgrades	1,080	1,080
Def-Wide	Bolling AFB	Cooling Tower Expansion	2,070	2,070
	Virginia			
Def-Wide	Charlottesville	Remote Delivery Facility	10,805	10,805
	Germany			
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,434	2,434
	Alaska			
Def-Wide	Eielson AFB	Upgrade Rail Line	14,800	14,800
	Arizona			
Def-Wide	Davis-Monthan AFB	Replace Hydrant Fuel System	23,000	23,000
	California			
Def-Wide	Defense Distribution Depot-Tracy	Replace Public Safety Center	15,500	15,500
Def-Wide	Point Loma Annex	Replace Fuel Storage Facilities, Inc 4	27,000	27,000
Def-Wide	San Clemente	Replace Fuel Storage Tanks & Pipeline	21,800	21,800
	Florida			
Def-Wide	Whiting Field	Truck Load/Unload Facility	3,800	3,800
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	Upgrade Refueler Truck Parking Area	5,200	5,200
Def-Wide	Joint Base Pearl Harbor-Hickam	Alter Warehouse Space	9,200	9,200
	Louisiana			
Def-Wide	Barksdale AFB	Hydrant Fuel System	6,200	6,200
	Massachusetts			
Def-Wide	Westover ARB	Replace Hydrant Fuel System	23,300	23,300
	Mississippi			
Def-Wide	Columbus AFB	Replace Refueler Parking Facility	2,600	2,600
	Ohio			
Def-Wide	Columbus AFB	Security Enhancements	10,000	10,000
	Oklahoma			
Def-Wide	Altus AFB	Replace Fuel Transfer Pipeline	8,200	8,200
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Enclose Open-Sided Shed	3,000	0
Def-Wide	Def Distribution Depot New Cumberland	Replace General Purpose Warehouse	25,500	0
Def-Wide	Def Distribution Depot New Cumberland	Upgrade Access Control Points	17,500	17,500
Def-Wide	Philadelphia	Upgrade Hvac System	8,000	8,000
	South Carolina			
Def-Wide	Joint Base Charleston	Replace Fuel Storage & Distribution Facility	24,868	24,868
	Washington			
Def-Wide	Whidbey Island	Replace Fuel Pipeline	25,000	25,000
Def-Wide	Joint Base Lewis-Mcchord	Replace Fuel Distribution Facilities	14,000	14,000
	West Virginia			
Def-Wide	Camp Dawson	Replace Hydrant Fuel System	2,200	2,200
	Georgia			
Def-Wide	Fort Benning	Replace McBride Elementary School	37,205	37,205
	Kentucky			
Def-Wide	Fort Knox	Replace Kingsolver-Pierce Elementary Schools	38,845	38,845
	Massachusetts			
Def-Wide	Hanscom AFB	Replace Hanscom Middle School	34,040	34,040
	North Carolina			
Def-Wide	Fort Bragg	Replace District Superintendent's Office	3,138	3,138
Def-Wide	New River	Replace Delalio Elementary School	22,687	22,687
	Virginia			
Def-Wide	Dahlgren	Dahlgren E/MS School Addition	1,988	1,988
	Germany			
Def-Wide	Ansbach	Ansbach Middle/High School Addition	11,672	11,672
Def-Wide	Baumholder	Replace Wetzel-Smith Elementary Schools	59,419	0
Def-Wide	Grafenwoehr	Netzaberg MS School Addition	6,529	6,529
Def-Wide	Spangdahlem Ab	Replace Bitburg Elementary School	41,876	41,876
Def-Wide	Spangdahlem Ab	Replace Bitburg Middle & High School	87,167	87,167
	Italy			
Def-Wide	Vicenza	Replace Vicenza High School	41,864	41,864
	Japan			
Def-Wide	Yokota Ab	Replace Temp Classrm/Joan K. Mendel Es	12,236	12,236
Def-Wide	Yokota Ab	Replace Yokota High School	49,606	49,606
	United Kingdom			
Def-Wide	Royal Air Force Alconbury	Replace Alconbury High School	35,030	35,030
	Virginia			
Def-Wide	Quantico	Dss Headquarters Addition	42,727	42,727
Def-Wide	Quantico	Defense Access Road Improvements-Telegraph Rd	4,000	4,000
	Alabama			
Def-Wide	Redstone Arsenal	Von Braun Complex, Ph 4	58,800	58,800
	Missouri			
Def-Wide	Arnold	Data Ctr West #1 Power & Cooling Upgrade	9,253	9,253
	Virginia			
Def-Wide	Fort Belvoir	Technology Center Third Floor Fit-Out	54,625	0
	Colorado			
Def-Wide	Buckley Air Force Base	Mountainview Operations Facility	140,932	70,432
	Georgia			
Def-Wide	Fort Gordon	Whitelaw Wedge Building Addition	11,340	17,705

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<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
Def-Wide	Maryland Fort Meade	High Performance Computing Capacity, Inc 1	29,640	0
Def-Wide	Utah Camp Williams	1c Cnci Data Center 1, Inc 3	246,401	123,201
Def-Wide	United Kingdom Menwith Hill Station	Mhs Psc Construction Generator Plant	68,601	68,601
Def-Wide	Alaska Anchorage	SOF Cold Weather Maritime Training Facility	18,400	18,400
Def-Wide	California Camp Pendleton	SOF Range 130 Support Projects	8,641	8,641
Def-Wide	Camp Pendleton	SOF Military Working Dog Facility	3,500	3,500
Def-Wide	Coronado	SOF Support Activity Operations Facility	42,000	42,000
Def-Wide	Florida Eglin AFB	SOF Company Operations Facility (Gstb)	19,000	19,000
Def-Wide	Eglin AFB	SOF Company Operations Facility (Gsb)	21,000	21,000
Def-Wide	Eglin Aur 9	SOF Enclosed Engine Noise Suppressors	3,200	3,200
Def-Wide	Eglin Aur 9	SOF Simulator Facility	6,300	6,300
Def-Wide	Macdill AFB	SOF Acquisition Center, Ph 2	15,200	15,200
Def-Wide	Kentucky Fort Campbell	SOF Rotary Wing Hangar	38,900	38,900
Def-Wide	Fort Campbell	SOF Mh47 Aviation Facility	43,000	43,000
Def-Wide	North Carolina Camp Lejeune	SOF Armory Facility Expansion	6,670	6,670
Def-Wide	Fort Bragg	SOF Communications Training Complex	10,758	10,758
Def-Wide	Fort Bragg	SOF Squadron HQ Addition	11,000	11,000
Def-Wide	Fort Bragg	SOF Entry Control Point	2,300	2,300
Def-Wide	Fort Bragg	SOF Battalion Operations Complex	23,478	23,478
Def-Wide	Fort Bragg	SOF Brigade Headquarters	19,000	19,000
Def-Wide	Fort Bragg	SOF Group Headquarters	26,000	26,000
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	41,000	41,000
Def-Wide	Fort Bragg	SOF Administrative Annex	12,000	12,000
Def-Wide	Pope AFB	SOF Training Facility	5,400	5,400
Def-Wide	New Mexico Cannon AFB	SOF C-130 Squadron Operations Facility	10,941	10,941
Def-Wide	Cannon AFB	SOF C-130 Wash Rack Hangar	10,856	10,856
Def-Wide	Cannon AFB	SOF Aircraft Maintenance Squadron Facility	15,000	15,000
Def-Wide	Cannon AFB	SOF Apron and Taxiway	28,100	28,100
Def-Wide	Cannon AFB	SOF Hangar Aircraft Maintenance Unit	41,200	41,200
Def-Wide	Cannon AFB	SOF Adal Simulator Facility	9,600	9,600
Def-Wide	Cannon AFB	SOF Squadron Operations Facility	17,300	17,300
Def-Wide	Virginia Dam Neck	SOF Logistic Support Facility	14,402	14,402
Def-Wide	Dam Neck	SOF Building Renovation	3,814	3,814
Def-Wide	Dam Neck	SOF Military Working Dog Facility	4,900	4,900
Def-Wide	Joint Expeditionary Base Little Creek— Story	SOF Seal Team Operations Facility	37,000	37,000
Def-Wide	Washington Jb Lewis Mcchord	SOF Company Operations Facility	21,000	21,000
Def-Wide	Florida Eglin AFB	Medical Clinic	11,600	11,600
Def-Wide	Georgia Fort Stewart	Hospital Addition/Alteration, Ph 2	72,300	72,300
Def-Wide	Illinois Great Lakes	Health Clinic Demolition	16,900	16,900
Def-Wide	Kentucky Fort Campbell	Hospital Addition/Alteration	56,600	56,600
Def-Wide	Maryland Aberdeen Proving Ground	USAMRICD Replacement, Inc 4	22,850	22,850
Def-Wide	Bethesda Naval Hospital	Child Development Center Addition/Alteration	18,000	18,000
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc 6	137,600	137,600
Def-Wide	Joint Base Andrews	Dental Clinic Replacement	22,800	22,800
Def-Wide	Joint Base Andrews	Ambulatory Care Center	242,900	121,400
Def-Wide	Mississippi Gulfport	Medical Clinic Replacement	34,700	34,700
Def-Wide	North Carolina Fort Bragg	Hospital Alteration	57,600	57,600
Def-Wide	New York Fort Drum	Medical Clinic	15,700	15,700
Def-Wide	Fort Drum	Dental Clinic Addition/Alteration	4,700	4,700
Def-Wide	Texas Fort Bliss	Hospital Replacement, Inc 3	136,700	109,400
Def-Wide	Joint Base San Antonio	Hospital Nutrition Care Department Add/Alt	33,000	33,000
Def-Wide	Joint Base San Antonio	Ambulatory Care Center, Ph 3	161,300	80,600
Def-Wide	Germany Rhine Ordnance Barracks	Medical Center Replacement, Inc 1	70,592	0
Def-Wide	Virginia Pentagon	Helipoint Control Tower/Fire Station	6,457	6,457
Def-Wide	Pentagon	Pentagon Memorial Pedestrian Plaza	2,285	2,285
Def-Wide	Belgium			

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Def-Wide	Brussels	NATO Headquarters Facility	24,118	0
	Worldwide Unspecified			
Def-Wide	Unspecified	Energy Conservation Investment Program	135,000	135,000
Def-Wide	Unspecified	Contingency Construction	10,000	10,000
Def-Wide	Unspecified	Exercise Related Construction	8,417	8,417
Def-Wide	Unspecified	Unspecified Minor Construction	6,571	6,571
Def-Wide	Unspecified	Unspecified Minor Milcon	6,365	0
Def-Wide	Unspecified	Unspecified Minor Construction	8,876	8,876
Def-Wide	Unspecified	Minor Construction	6,100	6,100
Def-Wide	Unspecified	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified	Planning and Design	1,993	1,993
Def-Wide	Unspecified	Planning and Design	3,043	3,043
Def-Wide	Unspecified	Planning and Design	6,000	6,000
Def-Wide	Unspecified	Planning and Design	3,000	3,000
Def-Wide	Unspecified	Planning and Design	66,974	61,974
Def-Wide	Unspecified	Planning and Design	8,368	8,368
Def-Wide	Unspecified	Planning and Design	52,974	35,474
Def-Wide	Unspecified	Planning and Design	31,468	28,968
Def-Wide	Unspecified	Planning and Design	227,498	202,498
Def-Wide	Unspecified	Planning and Design	48,007	43,007
Def-Wide	Unspecified	Planning and Design	5,277	5,277
		Total Military Construction, Defense-Wide	3,848,757	3,103,663
		Military Construction, Army NG		
Army NG	Alabama			
	Fort MC Clellan	Readiness Center, Ph 2	16,500	16,500
Army NG	Arkansas			
	Fort Chaffee	Convoy Live Fire/Entry Control Point Range	3,500	3,500
Army NG	Arizona			
	Papago Military Reservation	Readiness Center	17,800	17,800
Army NG	California			
	Camp Roberts	Utilities Replacement, Ph 1	32,000	32,000
Army NG	Camp Roberts	Tactical Unmanned Aircraft System Facility	6,160	6,160
Army NG	Camp San Luis Obispo	Field Maintenance Shop	8,000	8,000
Army NG	Colorado			
	Fort Carson, Colorado	Barracks Complex (Ortc)	43,000	43,000
Army NG	Aurora	Tactical Unmanned Aircraft System Facility	3,600	3,600
Army NG	Alamosa	Readiness Center	6,400	6,400
Army NG	District of Columbia			
	Anacostia	US Property & Fiscal Office Add/Alt	5,300	5,300
Army NG	Florida			
	Camp Blanding	Convoy Live Fire/Entry Control Point Range	2,400	2,400
Army NG	Camp Blanding	Live Fire Shoot House	3,100	3,100
Army NG	Georgia			
	Atlanta	Readiness Center	11,000	11,000
Army NG	Hinesville	Maneuver Area Training & Equipment Site Ph1	17,500	17,500
Army NG	Macon	Readiness Center, Ph 1	14,500	14,500
Army NG	Hawaii			
	Kalaeloa	Readiness Center, Ph 1	33,000	33,000
Army NG	Illinois			
	Normal	Readiness Center	10,000	10,000
Army NG	Indiana			
	Camp Atterbury	Railhead Expansion & Container Facility	21,000	21,000
Army NG	Camp Atterbury	Deployment Processing Facility	8,900	8,900
Army NG	Camp Atterbury	Operations Readiness Training Complex 1	25,000	25,000
Army NG	Camp Atterbury	Operations Readiness Training Complex 2	27,000	27,000
Army NG	Indianapolis	JFHQ Add/Alt	25,700	25,700
Army NG	Massachusetts			
	Natick	Readiness Center	9,000	9,000
Army NG	Maryland			
	Dundalk	Readiness Center Add/Alt	16,000	16,000
Army NG	Westminster	Readiness Center Add/Alt	10,400	10,400
Army NG	LA Plata	Readiness Center	9,000	9,000
Army NG	Maine			
	Bangor	Readiness Center	15,600	15,600
Army NG	Brunswick	Armed Forces Reserve Center	23,000	23,000
Army NG	Minnesota			
	Camp Ripley	Multipurpose Machine Gun Range	8,400	8,400
Army NG	Mississippi			
	Camp Shelby	Troop Housing (Ortc), Ph 1	25,000	25,000
Army NG	Camp Shelby	Deployment Processing Facility	12,600	12,600
Army NG	Camp Shelby	Operational Readiness Training Complex, Ph1	27,000	27,000
Army NG	North Carolina			
	Greensboro	Readiness Center Add/Alt	3,700	3,700
Army NG	Nebraska			
	Mead	Readiness Center	9,100	9,100
Army NG	Grand Island	Readiness Center	22,000	22,000
Army NG	New Jersey			

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(In Thousands of Dollars)

<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
Army NG	Lakehurst	Army Aviation Support Facility	49,000	49,000
	New Mexico			
Army NG	Santa Fe	Readiness Center Add/Alt	5,200	5,200
	Nevada			
Army NG	Las Vegas	Field Maintenance Shop	23,000	23,000
	Oklahoma			
Army NG	Camp Gruber	Upgrade-Combined Arms Collective Training Facility	10,361	10,361
Army NG	Camp Gruber	Live Fire Shoot House	3,000	3,000
	Oregon			
Army NG	the Dalles	Readiness Center	13,800	13,800
	South Carolina			
Army NG	Allendale	Readiness Center Add/Alt	4,300	4,300
	Utah			
Army NG	Camp Williams	Multi Purpose Machine Gun Range	6,500	6,500
	Virginia			
Army NG	Fort Pickett	Combined Arms Collective Training Facility	11,000	11,000
	Wisconsin			
Army NG	Camp Williams	Tactical Unmanned Aircraft System Facility	7,000	7,000
	West Virginia			
Army NG	Buckhannon	Readiness Center, Ph1	10,000	10,000
	Wyoming			
Army NG	Cheyenne	Readiness Center	8,900	8,900
	Puerto Rico			
Army NG	Fort Buchanan	Readiness Center	57,000	57,000
	Worldwide Unspecified			
Army NG	Unspecified	Unspecified Minor Construction	11,700	11,700
Army NG	Unspecified	Planning and Design	20,671	20,671
		Total Military Construction, Army NG	773,592	773,592
		Military Construction, Air NG		
	California			
Air NG	Beale AFB	Wing Operations and Training Facility	6,100	6,100
Air NG	Moffett Field	Replace Pararescue Training Facility	26,000	26,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Flight Simulator Facility	19,800	19,800
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Weapons Load Crew Training Facilit	7,000	7,000
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Aircraft Parking Apron	12,721	12,721
	Indiana			
Air NG	Fort Wayne IAP	a-10 Facility Conversion—Munitions	4,000	4,000
	Massachusetts			
Air NG	Otis ANGB	TFI—CNAF Beddown—Upgrade Facility	7,800	7,800
	Maryland			
Air NG	Martin State Airport	TFI—C-27 Conversion—Squadron Operations	4,900	4,900
	Ohio			
Air NG	Springfield Beckley-Map	Alter Predator Operations Center	6,700	6,700
	Worldwide Unspecified			
Air NG	Unspecified	Minor Construction	9,000	9,000
Air NG	Unspecified	Planning and Design	12,225	12,225
		Total Military Construction, Air NG	116,246	116,246
		Military Construction, Army Reserve		
	California			
Army Res	Fort Hunter Liggett	Automated Multipurpose Machine Gun (Mpmg)	5,200	5,200
	Colorado			
Army Res	Fort Collins	Army Reserve Center	13,600	13,600
	Illinois			
Army Res	Homewood	Army Reserve Center	16,000	16,000
Army Res	Rockford	Army Reserve Center/Land	12,800	12,800
	Indiana			
Army Res	Fort Benjamin Harrison	Army Reserve Center	57,000	57,000
	Kansas			
Army Res	Kansas City	Army Reserve Center/Land	13,000	13,000
	Massachusetts			
Army Res	Attleboro	Army Reserve Center/Land	22,000	22,000
	Minnesota			
Army Res	Saint Joseph	Army Reserve Center	11,800	11,800
	Missouri			
Army Res	Saint Charles	Army Reserve Center	19,000	19,000
	North Carolina			
Army Res	Greensboro	Army Reserve Center/Land	19,000	19,000
	New York			
Army Res	Schenectady	Army Reserve Center	20,000	20,000
	South Carolina			
Army Res	Orangeburg	Army Reserve Center/Land	12,000	12,000
	Wisconsin			
Army Res	Fort McCoy	Container Loading Facility	5,300	5,300
Army Res	Fort McCoy	Modified Record Fire Known Distance Range	5,400	5,400

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Army Res	Fort Mccoy	Automated Record Fire Range	4,600	4,600
Army Res	Fort Mccoy	Ncoa Phase Iii—Billeting	12,000	12,000
	Worldwide Unspecified			
Army Res	Unspecified	Unspecified Minor Construction	2,925	2,925
Army Res	Unspecified	Planning and Design	28,924	28,924
Total Military Construction, Army Reserve			280,549	280,549
Military Construction, Navy and MC Reserve				
N/MC Res	Pennsylvania Pittsburgh	Armed Forces Reserve Center (Pittsburgh)	13,759	13,759
N/MC Res	Tennessee Memphis	Reserve Training Center	7,949	7,949
	Worldwide Unspecified			
N/MC Res	Unspecified	Mcnr Unspecified Minor Construction	2,000	2,000
N/MC Res	Unspecified	Planning and Design	2,591	2,591
			
Total Military Construction, Navy and MC Reserve			26,299	26,299
Military Construction, Air Force Reserve				
AF Res	California March AFB	Airfield Control Tower/Base Ops	16,393	16,393
AF Res	South Carolina Charleston AFB	TFI Red Horse Readiness & Trng Center	9,593	9,593
	Worldwide Unspecified			
AF Res	Unspecified	Unspecified Minor Construction	5,434	5,434
AF Res	Unspecified	Planning & Design	2,200	2,200
Total Military Construction, Air Force Reserve			33,620	33,620
Homeowners Assistance Program				
HAP	Worldwide Unspecified Unspecified	Homeowers Assistance Program	1,284	1,284
Total Homeowners Assistance Program			1,284	1,284
NATO Security Investment Program				
NATO	Worldwide Unspecified Unspecified	NATO Security Investment Program	272,611	240,611
Total NATO Security Investment Program			272,611	240,611
Housing Improvement Fund				
FHIF	Worldwide Unspecified Unspecified	Family Housing Improvement Fund	2,184	2,184
Total Housing Improvement Fund			2,184	2,184
Chemical Demilitarization Construction, Defense				
Chem Demil	Colorado Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiii	15,338	15,338
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization Ph Xii	59,974	59,974
Total Chemical Demilitarization Construction, Defense			75,312	75,312
Family Housing O&m, Defense-Wide				
	Worldwide Unspecified			
FH Ops DW	Unspecified	Utilities Account	280	280
FH Ops DW	Unspecified	Utilities Account	10	10
FH Ops DW	Unspecified	Furnishings Account	2,699	2,699
FH Ops DW	Unspecified	Furnishings Account	19	19
FH Ops DW	Unspecified	Services Account	30	30
FH Ops DW	Unspecified	Management Account	347	347
FH Ops DW	Unspecified	Furnishings Account	70	70
FH Ops DW	Unspecified	Leasing	36,552	36,552
FH Ops DW	Unspecified	Leasing	10,100	10,100
FH Ops DW	Unspecified	Maintenance of Real Property	546	546
FH Ops DW	Unspecified	Maintenance of Real Property	70	70
Total Family Housing O&m, Defense-Wide			50,723	50,723
BRAC Account 1990				
BRAC IV	Worldwide Unspecified Unspecified	Base Realignment & Closure	129,351	129,351
BRAC IV	Unspecified	Base Realignment & Closure	70,716	70,716
BRAC IV	Unspecified	Base Realignment & Closure	123,476	123,476
Total BRAC Account 1990			323,543	323,543

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<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
BRAC Account 2005				
	Worldwide Unspecified			
BRAC 05	Unspecified	Usa-121: Fort Gillem, GA	8,903	8,903
BRAC 05	Unspecified	Usa-222: Fort McPherson, GA	9,921	9,921
BRAC 05	Unspecified	Program Management Various Locations	32,298	32,298
BRAC 05	Unspecified	Usa-223: Fort Monmouth, NJ	21,908	21,908
BRAC 05	Unspecified	Usa-36: Red River Army Depot	1,207	1,207
BRAC 05	Unspecified	Usa-113: Fort Monroe, VA	23,601	23,601
BRAC 05	Unspecified	Usa-242: Rc Transformation in NY	259	259
BRAC 05	Unspecified	Usa-63: U.S. Army Garrison (Selfridge)	1,609	1,609
BRAC 05	Unspecified	Usa-167: USAR Command and Control—NE	250	250
BRAC 05	Unspecified	Usa-166: USAR Command and Control—Nu	1,000	1,000
BRAC 05	Unspecified	Usa-131: USAR Command and Control -Se	250	250
BRAC 05	Unspecified	Usa-168: USAR Command and Control—Sw	250	250
BRAC 05	Unspecified	Ind-112: River Bank Army Ammo Plant, CA	320	320
BRAC 05	Unspecified	Ind-119: Newport Chemical Depot, in	467	467
BRAC 05	Unspecified	Ind-106: Kansas Army Ammunition Plant, KS	45,769	45,769
BRAC 05	Unspecified	Ind-110: Mississippi Army Ammo Plant, MS	122	122
BRAC 05	Unspecified	Ind-120: Umatilla Chemical Depot, OR	9,092	9,092
BRAC 05	Unspecified	Ind-122: Lone Star Army Ammo Plant, TX	19,367	19,367
BRAC 05	Unspecified	Ind-117: Deseret Chemical Depot, UT	34,011	34,011
BRAC 05	Unspecified	Int-4: NGA Activities	1,791	1,791
BRAC 05	Unspecified	Med-2: Walter Reed Nmmc, Bethesda, MD	18,586	18,586
BRAC 05	Unspecified	Don-172: NWS Seal Beach, Concord, CA	9,763	9,763
BRAC 05	Unspecified	Don-126: Nscs, Athens, GA	325	325
BRAC 05	Unspecified	Don-158: NSA New Orleans, LA	2,056	2,056
BRAC 05	Unspecified	Don-138: NAS Brunswick, ME	421	421
BRAC 05	Unspecified	Don-157: Mca Kansas City, MO	1,442	1,442
BRAC 05	Unspecified	Don-2: Ns Pascagoula, MS	515	515
BRAC 05	Unspecified	Don-84: JRB Willow Grove & Cambria Reg Ap	196	196
BRAC 05	Unspecified	Don-100: Planing, Design and Management	6,090	6,090
BRAC 05	Unspecified	Don-101: Various Locations	5,021	5,021
BRAC 05	Unspecified	Program Management Various Locations	828	828
BRAC 05	Unspecified	Med-57: Brooks City Base, TX	205	205
BRAC 05	Unspecified	Comm Add 3: Galena Fpl, AK	933	933
Total BRAC Account 2005			258,776	258,776
Family Housing Construction, Army				
	Belgium			
FH Con Army	Brussels	Land Purchase for Gfoq (10 Units)	10,000	0
	Germany			
FH Con Army	Grafenwoehr	Family Housing New Construction (26 Units)	13,000	13,000
FH Con Army	Illesheim	Family Housing Replacement Construc(80 Units)	41,000	41,000
FH Con Army	Vilseck	Family Housing New Construction (22 Units)	12,000	12,000
	Worldwide Unspecified			
FH Con Army	Unspecified	Construction Improvements (276 Units)	103,000	103,000
FH Con Army	Unspecified	Family Housing P&d	7,897	7,897
Total Family Housing Construction, Army			186,897	176,897
Family Housing O&m, Army				
	Worldwide Unspecified			
FH Ops Army	Unspecified	Utilities Account	73,637	73,637
FH Ops Army	Unspecified	Services Account	15,797	15,797
FH Ops Army	Unspecified	Management Account	54,728	54,728
FH Ops Army	Unspecified	Miscellaneous Account	605	605
FH Ops Army	Unspecified	Furnishings Account	14,256	14,256
FH Ops Army	Unspecified	Leasing	204,426	204,426
FH Ops Army	Unspecified	Maintenance of Real Property	105,668	105,668
FH Ops Army	Unspecified	Privatization Support Costs	25,741	25,741
Total Family Housing O&m, Army			494,858	494,858
Family Housing Construction, Navy				
	Worldwide Unspecified			
FH Con Navy	Unspecified	Improvements	97,773	97,773
FH Con Navy	Unspecified	Design	3,199	3,199
Total Family Housing Construction, Navy			100,972	100,972
Family Housing O&m, Navy				
	Worldwide Unspecified			
FH Ops Navy	Unspecified	Utilities Account	70,197	70,197
FH Ops Navy	Unspecified	Furnishings Account	15,979	15,979
FH Ops Navy	Unspecified	Management Account	61,090	61,090
FH Ops Navy	Unspecified	Miscellaneous Account	476	476
FH Ops Navy	Unspecified	Services Account	14,510	14,510

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<i>Account</i>	<i>State or Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Agreement</i>
FH Ops Navy	Unspecified	Leasing	79,798	79,798
FH Ops Navy	Unspecified	Maintenance of Real Property	97,231	97,231
FH Ops Navy	Unspecified	Privatization Support Costs	28,582	28,582
Total Family Housing O&m, Navy			367,863	367,863
Family Housing Construction, Air Force				
Worldwide Unspecified		Construction Improvements	80,546	80,546
FH Con AF	Unspecified	Classified Improvements	50	50
FH Con AF	Unspecified	Planning and Design	4,208	4,208
FH Con AF	Unspecified			
Total Family Housing Construction, Air Force			84,804	84,804
Family Housing O&m, Air Force				
Worldwide Unspecified		Utilities Account	67,639	67,639
FH Ops AF	Unspecified	Management Account	1,996	1,996
FH Ops AF	Unspecified	Management Account	55,395	55,395
FH Ops AF	Unspecified	Services Account	13,675	13,675
FH Ops AF	Unspecified	Furnishings Account	35,290	35,290
FH Ops AF	Unspecified	Miscellaneous Account	2,165	2,165
FH Ops AF	Unspecified	Leasing Account	122	122
FH Ops AF	Unspecified	Leasing	80,775	80,775
FH Ops AF	Unspecified	Maintenance Account	2,001	2,001
FH Ops AF	Unspecified	Maintenance (Rpma & Rpmc)	98,132	98,132
FH Ops AF	Unspecified	Housing Privatization	47,571	47,571
Total Family Housing O&m, Air Force			404,761	404,761

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,187	0
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,629,716	7,628,716
Defense nuclear nonproliferation	2,549,492	2,378,679
Naval reactors	1,153,662	1,153,662
Office of the administrator	450,060	405,092
Total, National nuclear security administration	11,782,930	11,566,149
Environmental and other defense activities:		
Defense environmental cleanup	5,406,781	5,060,126
Other defense activities	859,952	859,952
Total, Environmental & other defense activities	6,266,733	5,920,078
Total, Atomic Energy Defense Activities	18,049,663	17,486,227
Total, Discretionary Funding	18,055,850	17,486,227
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,187	0
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	223,562	223,562
W76 Life extension program	257,035	257,035
Total, Life extension programs	480,597	480,597
Stockpile systems		
B61 Stockpile systems	72,396	72,396
W76 Stockpile systems	63,383	63,383

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
W78 Stockpile systems	109,518	107,518
W80 Stockpile systems	44,444	44,444
B83 Stockpile systems	48,215	48,215
W87 Stockpile systems	83,943	83,943
W88 Stockpile systems	75,728	75,728
Total, Stockpile systems	497,627	495,627
Weapons dismantlement and disposition		
Operations and maintenance	56,770	56,770
Stockpile services		
Production support	354,502	354,502
Research and development support	30,264	30,264
R&D certification and safety	190,892	190,892
Management, technology, and production	198,700	198,700
Plutonium sustainment	154,231	154,231
Total, Stockpile services	928,589	928,589
Total, Directed stockpile work	1,963,583	1,961,583
Campaigns:		
Science campaign		
Advanced certification	94,929	94,929
Primary assessment technologies	86,055	86,055
Dynamic materials properties	111,836	111,836
Advanced radiography	27,058	27,058
Secondary assessment technologies	86,061	86,061
Total, Science campaign	405,939	405,939
Engineering campaign		
Enhanced surety	41,696	41,696
Weapon systems engineering assessment technology	15,663	15,663
Nuclear survivability	19,545	19,545
Enhanced surveillance	66,174	66,174
Total, Engineering campaign	143,078	143,078
Inertial confinement fusion ignition and high yield campaign		
Ignition	109,888	109,888
Diagnostics, cryogenics and experimental support	86,259	91,259
Pulsed power inertial confinement fusion	4,997	4,997
Joint program in high energy density laboratory plasmas	9,100	9,100
Facility operations and target production	266,030	266,030
Total, Inertial confinement fusion and high yield campaign	476,274	481,274
Advanced simulation and computing campaign	628,945	628,945
Readiness Campaign		
Nonnuclear readiness	65,000	65,000
Tritium readiness	77,491	70,491
Total, Readiness campaign	142,491	135,491
Total, Campaigns	1,796,727	1,794,727
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	156,217	151,217
Lawrence Livermore National Laboratory	83,990	83,990
Los Alamos National Laboratory	318,526	318,526
Nevada Test Site	97,559	97,559
Panther	164,848	164,848
Sandia National Laboratory	120,708	120,708
Savannah River Site	97,767	97,767
Y-12 National security complex	246,001	246,001
Institutional site support	199,638	199,638
Total, Operations of facilities	1,485,254	1,480,254
Program readiness	74,180	74,180
Material recycle and recovery	85,939	85,939
Containers	28,979	28,979
Storage	31,272	31,272
Subtotal, Readiness in technical base and facilities	1,705,624	1,700,624
Construction:		
12-D-301 TRU waste facilities, LANL	9,881	9,881
11-D-801 TA-55 Reinvestment project, LANL	19,402	19,402
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN	35,387	35,387
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	25,168	25,168
08-D-802 High explosive pressing facility Panther Plant, Amerillo, TX	66,960	66,960
07-D-140 Project engineering and design (PED) various locations	3,518	3,518
06-D-141 Project engineering & design (PED) Y-12 National Security Complex, Oakridge, TN	160,194	160,194
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	300,000	300,000
Total, Construction	620,510	620,510
Total, Readiness in technical base and facilities	2,326,134	2,321,134

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
Secure transportation asset		
Operations and equipment	149,274	149,274
Program direction	101,998	101,998
Total, Secure transportation asset	251,272	251,272
Nuclear counterterrorism incident response	222,147	222,147
Facilities and infrastructure recapitalization program		
Operations and maintenance	96,380	96,380
Total, Facilities and infrastructure recapitalization program	96,380	96,380
Site stewardship		
Operations and maintenance	104,002	104,002
Total, Site stewardship	104,002	104,002
Safeguards and security		
Defense nuclear security		
Operations and maintenance	711,105	711,105
Construction:		
08-D-701 Nuclear materials S&S upgrade project Los Alamos National Laboratory	11,752	9,752
Total, Construction	11,752	9,752
Total, Defense nuclear security	722,857	720,857
Cyber security	126,614	126,614
Total, Safeguards and security	849,471	847,471
National security applications	20,000	30,000
Subtotal, Weapons activities	7,629,716	7,628,716
Total, Weapons Activities	7,629,716	7,628,716
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	417,598	426,959
Total, Operations and maintenance	417,598	426,959
Total, Nonproliferation and verification R&D		
Nonproliferation and international security	161,833	159,833
GIPP		
International nuclear materials protection and cooperation	571,639	571,639
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	274,790	234,790
U.S. uranium disposition	26,435	26,435
Total, Operations and maintenance	301,225	261,225
Construction:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	385,172	385,172
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC	176,000	48,000
99-D-141-02 Waste Solidification Building, Savannah River, SC	17,582	17,582
Total, Construction	578,754	450,754
Total, U.S. surplus fissile materials disposition	879,979	711,979
Russian surplus materials disposition	10,174	0
Total, Fissile materials disposition	890,153	711,979
Global threat reduction initiative	508,269	508,269
Total, Defense Nuclear Nonproliferation	2,549,492	2,378,679
Naval Reactors		
Naval reactors development		
Operation and maintenance		
Operation and maintenance	1,069,262	1,069,262
Construction:		
10-D-903, Security upgrades, KAPL	100	100
10-D-904, NRF infrastructure upgrades, Idaho	12,000	12,000
08-D-190 Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID	27,800	27,800
Total, Construction	39,900	39,900
Total, Naval reactors development	1,109,162	1,109,162
Program direction	44,500	44,500
Total, Naval Reactors	1,153,662	1,153,662
Office Of The Administrator		
Office of the administrator	450,060	405,092
Total, Office Of The Administrator	450,060	405,092

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(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Senate Authorized</i>
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	5,375	5,375
Total, Closure sites	5,375	5,375
Hanford site:		
Nuclear facility D&D—remainder of Hanford	56,288	56,288
Nuclear facility D&D river corridor closure project	330,534	330,534
Nuclear material stabilization and disposition PFP	48,458	48,458
SNF stabilization and disposition	112,250	112,250
Soil and water remediation—groundwater vadose zone	222,285	222,285
Solid waste stabilization and disposition 200 area	143,897	143,897
Total, Hanford site	913,712	913,712
Idaho National Laboratory:		
SNF stabilization and disposition—2012	20,114	20,114
Solid waste stabilization and disposition	165,035	165,035
Radioactive liquid tank waste stabilization and disposition	110,169	110,169
Soil and water remediation—2012	87,451	87,451
Total, Idaho National Laboratory	382,769	382,769
NNSA sites		
Lawrence Livermore National Laboratory	873	873
Nuclear facility D & D Separations Process Research Unit	1,500	1,500
Nevada	63,380	63,380
Los Alamos National Laboratory	357,939	188,939
Total, NNSA sites and Nevada off-sites	423,692	254,692
Oak Ridge Reservation:		
Nuclear facility D & D ORNL	44,000	44,000
Nuclear facility D & D Y-12	30,000	30,000
Nuclear facility D & D, E. Tennessee technology park	100	100
Soil and water remediation—offsites	3,000	3,000
Solid waste stabilization and disposition—2012	99,000	99,000
Total, Oak Ridge Reservation	176,100	176,100
Office of River Protection:		
Waste treatment and immobilization plant		
ORP-0060 / Major construction Waste treatment plant (WTP)	840,000	740,000
Total, Waste treatment and immobilization plant	840,000	740,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	521,391	467,001
Total, Office of River protection	1,361,391	1,207,001
Savannah River sites:		
Nuclear material stabilization and disposition	235,000	245,000
Radioactive liquid tank waste stabilization and disposition	748,896	715,631
05-D-405 Salt waste processing facility, Savannah River	170,071	170,071
SNF stabilization and disposition	40,137	40,137
Solid waste stabilization and disposition	30,040	30,040
Total, Savannah River site	1,224,144	1,200,879
Waste Isolation Pilot Plant		
Waste isolation pilot plant	147,136	147,136
Central characterization project	23,975	23,975
Transportation	29,044	29,044
Community and regulatory support	28,771	28,771
Total, Waste Isolation Pilot Plant	228,926	228,926
Program direction	321,628	321,628
Community, regulatory and program support	91,279	91,279
Safeguards and Security:		
Oak Ridge Reservation	17,300	17,300
Paducah	9,435	9,435
Portsmouth	16,412	16,412
Richland/Hanford Site	69,234	69,234
Savannah River Site	130,000	130,000
Waste Isolation Pilot Project	4,845	4,845
West Valley	1,600	1,600
Total, Safeguards and Security	248,826	248,826
Technology development	32,320	32,320
Subtotal, Defense environmental cleanup	5,410,162	5,063,507
Use of prior year balances	-3,381	-3,381
Total, Defense Environmental Cleanup	5,406,781	5,060,126

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Senate Authorized
Other Defense Activities		
Health, safety and security		
Health, safety and security	349,445	349,445
Program direction	107,037	107,037
Total, Health, safety and security	456,482	456,482
Office of Legacy Management		
Legacy management	157,514	157,514
Program direction	12,586	12,586
Total, Office of Legacy Management	170,100	170,100
Defense-related activities		
Infrastructure		
Idaho facilities management		
Idaho sitewide safeguards and security	98,500	98,500
Total, Defense-related activities	98,500	98,500
Defense related administrative support	118,836	118,836
Acquisitions workforce improvement	11,892	11,892
Office of hearings and appeals	4,142	4,142
Total, Other Defense Activities	859,952	859,952

**DIVISION E—SBIR AND STTR
REAUTHORIZATION**

SEC. 5001. SHORT TITLE.

This division may be cited as the “SBIR/STTR Reauthorization Act of 2011”.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5003. REPEAL.

Subtitle E of title VIII of this Act is amended by striking section 885.

**TITLE LI—REAUTHORIZATION OF THE
SBIR AND STTR PROGRAMS**

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2011” and inserting “2019, except as provided in subsection (cc)”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2011” and inserting “2019”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The Continuing Appropriations Act, 2012 (Public Law 112–36), as amended by division D of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55), is amended by striking section 123.

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(B), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in fiscal year 2013;

“(D) not less than 2.6 percent of such budget in fiscal year 2014;

“(E) not less than 2.7 percent of such budget in fiscal year 2015;

“(F) not less than 2.8 percent of such budget in fiscal year 2016;

“(G) not less than 2.9 percent of such budget in fiscal year 2017;

“(H) not less than 3.0 percent of such budget in fiscal year 2018;

“(I) not less than 3.1 percent of such budget in fiscal year 2019;

“(J) not less than 3.2 percent of such budget in fiscal year 2020;

“(K) not less than 3.3 percent of such budget in fiscal year 2021;

“(L) not less than 3.4 percent of such budget in fiscal year 2022; and

“(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”; and

(3) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2012”;

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2013 and 2014;

“(iv) 0.5 percent for fiscal years 2015 and 2016;

and

“(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.”; and

(4) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking “once every 5 years to reflect economic adjustments and programmatic considerations” and inserting “every year for inflation”; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting “(each of which the Administrator shall adjust for inflation annually)” after “\$1,000,000.”

(d) **LIMITATION ON SIZE OF AWARDS.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) **LIMITATION ON SIZE OF AWARDS.**—

“(1) **LIMITATION.**—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) **MAINTENANCE OF INFORMATION.**—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

“(3) **REPORTS.**—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”

SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) **SUBSEQUENT PHASE II AWARDS.**—

“(1) **AGENCY FLEXIBILITY.**—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) **SBIR AND STTR PROGRAM FLEXIBILITY.**—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

“(3) **PREVENTING DUPLICATIVE AWARDS.**—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.”

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) **IN GENERAL.**—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-

screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(cc) **PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.**—

“(1) **AUTHORITY.**—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

“(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

“(2) **DETERMINATION.**—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

“(A) induce additional venture capital funding of small business innovations;

“(B) substantially contribute to the mission of the Federal agency;

“(C) demonstrate a need for public research; and

“(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(3) **REGISTRATION.**—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

“(4) **COMPLIANCE.**—

“(A) **IN GENERAL.**—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

“(B) **ANNUAL REPORTING.**—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

“(5) **ENFORCEMENT.**—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

“(6) **FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘covered small business concern’ means a small business concern that—

“(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

“(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

“(B) **IN GENERAL.**—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

“(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

“(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

“(7) **EVALUATION CRITERIA.**—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.

“(8) **TERMINATION.**—The authority under this subsection shall terminate on September 30, 2016.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(aa) **VENTURE CAPITAL OPERATING COMPANY.**—In this Act, the term ‘venture capital operating company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”

(c) **RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.**—

(1) **STATEMENT OF CONGRESSIONAL INTENT.**—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR

program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or
(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) DEFINITION.—In this subsection, the term “venture capital operating company” has the same meaning as in section 3(a) of the Small Business Act, as added by this section.

(d) ASSISTANCE FOR DETERMINING AFFILIATION.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after

the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

“(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) PROHIBITION.—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”

SEC. 5111. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and”

(b) *STTR PROGRAM*.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

“(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.”.

SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) *ADDITIONAL PHASE II SBIR AND STTR AWARDS*.—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.”.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) *IN GENERAL*.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) *FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM*.—

“(1) *DEFINITIONS*.—In this subsection, the following definitions apply:

“(A) *APPLICANT*.—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

“(B) *FAST PROGRAM*.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this subsection.

“(C) *RECIPIENT*.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this subsection.

“(D) *STATE*.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(E) *DEFINITIONS RELATING TO MENTORING NETWORKS*.—The terms ‘business advice and counseling’, ‘mentor’, and ‘mentoring network’ have the meanings given those terms in section 34(e).

“(2) *ESTABLISHMENT OF PROGRAM*.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

“(3) *GRANTS AND COOPERATIVE AGREEMENTS*.—

“(A) *JOINT REVIEW*.—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

“(i) technology research and development by small business concerns;

“(ii) technology transfer from university research to technology-based small business concerns;

“(iii) technology deployment and diffusion benefitting small business concerns;

“(iv) the technological capabilities of small business concerns through the establishment or

operation of consortia comprised of entities, organizations, or individuals, including—

“(I) State and local development agencies and entities;

“(II) representatives of technology-based small business concerns;

“(III) industries and emerging companies;

“(IV) universities; and

“(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

“(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

“(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

“(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

“(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

“(B) *SELECTION CONSIDERATIONS*.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

“(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

“(ii) shall consider, at a minimum—

“(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by small business concerns in the State or area of the State;

“(III) whether the projected costs of the proposed activities are reasonable;

“(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

“(V) the manner in which the applicant will measure the results of the activities to be conducted; and

“(VI) whether the proposal addresses the needs of small business concerns—

“(aa) owned and controlled by women;

“(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

“(cc) that are HUBZone small business concerns;

“(dd) located in areas that have historically not participated in the SBIR and STTR programs;

“(ee) owned and controlled by service-disabled veterans;

“(ff) owned and controlled by Native Americans; and

“(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

“(C) *PROPOSAL LIMIT*.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

“(D) *PROCESS*.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

“(4) *COOPERATION AND COORDINATION*.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

“(A) Federal agencies required by this section to have an SBIR program; and

“(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(i) State and local development agencies and entities;

“(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(iii) State science and technology councils; and

“(iv) representatives of technology-based small business concerns.

“(5) *ADMINISTRATIVE REQUIREMENTS*.—

“(A) *COMPETITIVE BASIS*.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

“(B) *MATCHING REQUIREMENTS*.—

“(i) *IN GENERAL*.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

“(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

“(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

“(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

“(ii) *LOW-INCOME AREAS*.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

“(iii) *RURAL AREAS*.—

“(I) *IN GENERAL*.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or

under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

“(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

“(III) DEFINITION OF RURAL AREA.—In this clause, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

“(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

“(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

“(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

“(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(7) PROGRAM LEVELS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, \$15,000,000 for each of fiscal years 2011 through 2016.

“(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of \$500,000, may be used by the Administration to carry out section 34(d).

“(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 35(d)” and inserting “section 34(d)”;

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking “section 34(c)(1)(E)(ii)” and inserting “section 9(s)(3)(A)(v)(II)”;

(B) by striking “section 34” each place it appears and inserting “section 9(s)”;

(C) by adding at the end the following:

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) BUSINESS ADVICE AND COUNSELING.—The term ‘business advice and counseling’ means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

“(2) FAST PROGRAM.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under section 9(s).

“(3) MENTOR.—The term ‘mentor’ means an individual described in subsection (c)(2).

“(4) MENTORING NETWORK.—The term ‘Mentoring Network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

“(5) RECIPIENT.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

“(6) SBIR PROGRAM.—The term ‘SBIR program’ has the same meaning as in section 9(e)(4).

“(7) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(8) STTR PROGRAM.—The term ‘STTR program’ has the same meaning as in section 9(e)(6).”;

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting “or STTR program” after “SBIR program”;

(B) by striking “SBIR projects” and inserting “SBIR or STTR projects”;

(2) in paragraph (2), by striking “3 years” and inserting “5 years”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “or STTR” after “SBIR”;

(ii) by striking “\$4,000” and inserting “\$5,000”;

(B) by striking subparagraph (B) and inserting the following:

“(B) PHASE II.—A Federal agency described in paragraph (1) may—

“(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than \$5,000 per year; or

“(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than \$5,000 per year, which shall be in addition to the amount of the recipient’s award.”;

(C) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall

provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT” and inserting “READINESS”;

(2) by striking “Pilot” each place that term appears and inserting “Readiness”;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(B) by adding at the end the following: “The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting “(including awards under subsection (y))” after “the number of awards”.

SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

“(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

“(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

“(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(7) DEFINITIONS.—In this subsection—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

“SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of

the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

“(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).”.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR Awardees THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR Awardees.—

“(1) DEFINITION.—In this subsection, the term ‘covered awardee’ means a small business concern that—

“(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

“(B) has not received a Phase II award—

“(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

“(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

“(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.”.

SEC. 5207. CLARIFYING THE DEFINITION OF “PHASE III”.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program” after “phase”;

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program” after “phase”;

(3) in paragraph (8), by striking “and” at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(10) the term ‘commercialization’ means—

“(A) the process of developing products, processes, technologies, or services; and

“(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking “scientific review criteria” and inserting “merit-based selection procedures”;

(ii) in paragraph (9), by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(iii) by adding at the end the following:

“(11) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(12) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(13) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”;

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”;

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”;

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”;

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”;

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”;

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”;

(D) in subsection (l)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”;

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”;

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(ii) in paragraph (3)—

(I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”;

(II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and

(III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”;

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and

(II) by striking “first phase” and inserting “Phase I”; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and

(II) by striking “second phase” and inserting “Phase II”;

(H) in subsection (r)—

(i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”;

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking “for the second phase” and inserting “for Phase II”;

(bb) by striking “third phase” and inserting “Phase III”; and

(cc) by striking “second phase period” and inserting “Phase II period”; and

(II) in the second sentence—

(aa) by striking “second phase” and inserting “Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and

(I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 5201 of this Act, by striking “third phase” and inserting “Phase III”.

SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting “(A)” after “(4)”; and

(B) by adding “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(B) make a final decision on each proposal submitted under the SBIR program—

“(i) not later than 90 days after the date on which the solicitation closes; or

“(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”;

and

(2) in subsection (o)(4)—

(A) by inserting “(A)” after “(4)”; and

(B) by adding “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(B) make a final decision on each proposal submitted under the STTR program—

“(i) not later than 90 days after the date on which the solicitation closes; or

“(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”.

(b) **NIH PEER REVIEW PROCESS.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) **NIH PEER REVIEW PROCESS.**—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of

Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and

(ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”; and

(B) in subsection (b)(5)—

(i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and

(ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”.

TITLE LIII—OVERSIGHT AND EVALUATION

SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data.”.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary

to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”.

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “Not later” and all that follows through “Act of 2000” and inserting “Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011”;

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

“(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

“(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

“(ii) an abstract of the project;

“(iii) the specific aims of the project;

“(iv) the number of employees of the small business concern;

“(v) the names of key individuals that will carry out the project;

“(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

“(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

“(viii) the Federal agency to which the application is made, and contact information for the

person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;”;

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively; (F) by inserting after subparagraph (C), as so redesignated, the following:

“(D) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”.

(G) in subparagraph (E), as so redesignated, by striking “and” at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting “; and”; and

(I) by adding at the end the following:

“(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.”; and

(2) in paragraph (3), by adding at the end the following:

“(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.”.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR

program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) **DEFINITION OF APPLICABLE PERIOD.**—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) **EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

“(A) continue the most recent study under this section relating to—

“(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

“(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

“(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

“(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

“(2) **CONSULTATION.**—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

“(3) **REPORTING.**—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/

STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) **PHASE III REPORTING.**—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ji) **CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.**—

“(1) **ENABLING CONCERN TO GIVE CONSENT.**—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

“(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

“(B) release the contact information of the concern to such organizations.

“(2) **RULES.**—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).”.

SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(kk) **ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

“(A) the administration of the SBIR program or the STTR program of the Federal agency;

“(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

“(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

“(D) carrying out the program under subsection (y);

“(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

“(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

“(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

“(H) carrying out subsection (cc);

“(I) carrying out subsection (ff);

“(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

“(K) funding for additional personnel and assistance with application reviews.

“(2) **PERFORMANCE CRITERIA.**—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

“(3) **RULES.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking “shall not” and all that follows through “make available for the purpose” and inserting “shall not make available for the purpose”; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) **TRANSITIONAL RULE.**—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as amended by subsection (a).

(3) **PROSPECTIVE REPEAL.**—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking “shall not make available for the purpose” and inserting the following: “shall not—

“(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

“(ii) make available for the purpose”; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

“(4) FUNDING.—

“(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

“(B) LIMITATIONS.—The funds described in subparagraph (A)—

“(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(ii) shall not be used to make Phase III awards.”.

SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR

program include the telephone number of the hotline established under paragraph (2)—

(1) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 5314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the “Director”), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the “Committee”) comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant

potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking “SIMPLIFIED REPORTING REQUIREMENTS” and inserting “REDUCING PAPERWORK AND COMPLIANCE BURDEN”; and

(2) by striking “The Administrator” and inserting the following:

“(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator”; and

(3) by adding at the end the following:

“(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.”.

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE LV—OTHER PROVISIONS

SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

“(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rate that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of

the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) in paragraph (15), by striking “and” at the end;

(3) in paragraph (16), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rate that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(II) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”

SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”

U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 239, S. 384.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 384) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking "2011" and inserting "2015".

COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 343.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 343) commemorating the 84th birthday of his Majesty King Bhumibol Adulyadej on December 5, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas on June 9, 1946, His Majesty King Bhumibol Adulyadej ascended to the throne and celebrated his 65th year as King of Thailand earlier this year;

Whereas King Bhumibol is the world's longest-serving monarch;

Whereas King Bhumibol has enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts in 1927, while his father was completing his studies in the United States;

Whereas on March 20, 1933, the United States and Thailand (then known as Siam) signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the first treaty ally of the United States in the Asia-Pacific region;

Whereas bilateral trade between Thailand and the United States grew by 38 percent between 2002 and 2010;

Whereas the United States and Thailand have remained strong security allies for 57 years, as memorialized in the Manila Pact in 1954, and later expanded under the Thanat-Rusk Communique of 1962;

Whereas President Bush designated Thailand as a major Non-NATO Ally on December 30, 2003;

Whereas Secretary of State Hillary Clinton, while in Bangkok on November 16, 2011, stated "Our nations are connected through not only security cooperation and business ties, but the democratic values we share and the bonds of family and friendship that link our people";

Whereas the Fulbright Program, which was established between Thailand and the United States in 1950, and other exchanges, provide graduate, undergraduate, and high school students from each country the opportunity to study in the other country;

Whereas collaboration between Thailand and the United States has resulted in significant public health achievements;

Whereas in response to the worst flooding in Thailand's history—

(1) the United States Government—

(A) has provided humanitarian assistance and disaster relief;

(B) is working to help improve Thailand's capacity to prepare and respond to such disasters in the future; and

(C) has declared the United States will support Thailand's long-term recovery; and

(2) United States citizens and the private sector have donated to reconstruction efforts; and

Whereas more than 150,000 people of Thai descent live in the United States.

Now, therefore, be it

Resolved, That the Senate—

(1) sends warm wishes to the people of Thailand as they celebrate the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011, and commemorate his 65-year reign as King of Thailand;

(2) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 178-year diplomatic history, and, most importantly, shared values, including democracy, good governance, and the rule of law; and

(3) expresses its deepest sympathies for the recent historic floods in Thailand, and supports continuing efforts to provide civilian and military assistance to save lives, restore health, and facilitate Thailand's economic recovery.

MEASURE READ THE FIRST TIME—S. 1944

Mr. REID. Mr. President, I am told that S. 1944, introduced earlier today by Senator CASEY, is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1944) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

Mr. REID. Mr. President, I now ask for the second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

ORDERS FOR TUESDAY, DECEMBER 6, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, December 6, 2011; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each with the time

equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session under the previous order; finally, that the Senate recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, about noon tomorrow there will be a cloture vote on the nomination of Caitlin Halligan to be U.S. Circuit Judge for the District of Columbia.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, December 6, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

PAULINE R. MAIER, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2017, VICE J. C. A. STAGG, TERM EXPIRED.

DEPARTMENT OF STATE

JONATHAN DON FARRAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

PHYLLIS MARIE POWERS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO REPUBLIC OF NICARAGUA.

WILLIAM E. TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

POSTAL REGULATORY COMMISSION

TONY HAMMOND, OF MISSOURI, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 14, 2012, VICE DAN GREGORY BLAIR, RESIGNED.

MERIT SYSTEMS PROTECTION BOARD

MARK A. ROBBINS, OF CALIFORNIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2018, VICE MARY M. ROSE, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE

GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

BENJAMIN M. LACOUR
ANDREW R. COLEGROVE
ANNA-ELIZABETH B. VILLARD-HOWE
JEFFREY G. PEREIRA
COLIN T. KLIEWER
PAUL M. CHAMBERLAIN
KYLE A. BYERS
ANDREW J. OSTAPENKO
LAURA T. GALLANT
GREGORY R. SCHWEITZER
MEGAN R. GUBERSKI
NATHAN E. WITHERLY
CHRISTINE L. SCHULTZ
CLAIRE V. SURREY-MARSDEN
RONALD L. MOYERS, JR.
BRIAN D. PRESTCOTT

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

To be major general

COL. JIMMIE O. KEENAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 3042 AND 3064:

To be colonel

TODD S. ALBRIGHT
CLETUS A. ARCIERO
KAREN C. BAKER
VINCENT J. BARNHART
JOHN P. BARRETT
TIMOTHY P. BARRON
JAMES D. BARRY
WILLIAM K. BAXTER
PHILIP J. BELMONT
PAUL D. BENNE
MARK E. BOSELEY
BARBARA L. BOWSHER
STEVEN M. BRADY
TIMOTHY J. CAFFREY
ARTHUR B. CAJIGAL
SEAN T. CARROLL
KENDALL R. CLARK
DAVID S. COBB
JOHN J. COMBS
AMY B. CONNORS
PATRICK R. COOK
GEORGE L. COPPIT III
CORY N. COSTELLO
EUGENE D. COX
SCOTT M. CROLL
GEORGE H. CUMMINGS, JR.
SHELTON A. DAVIS
TROY M. DENUNZIO
KATHRYN K. ELLIS
ANDRE FALLOT
JOHN W. FAUGHT

TOMAS M. FERGUSON
ROGER K. FINCHER
LOUIS N. FINELLI
CHARLES J. FOX
WILLIAM C. FREY
BARNETT T. GIBBS
JAMES D. GRADY
SCOTT D. GREENWALD
STEPHEN A. HARRISON
FRANKLIN H. HAUGER
MICHAEL A. HELWIG
CHARLES G. HENDERSON
MICHAEL D. HENRY
ELIZABETH C. HERSCH
CHRISTY W. JONES
JENNIFER S. JURGENS
SEAN KEENAN
CHRISTOPHER KLEM
STACEY G. KOFF
GEORGE M. KYLE
KRISTIE J. LOWRY
MIGDALIA MACHADO
MARYANN MASONE
PARNELL C. MATTISON
EDWARD L. MCDANIEL
MARK K. MCPHERSON
MICHAEL S. MEYER
BART J. MEYERS
KEVIN E. MOORE
DAN S. MOSELY III
CLINTON K. MURRAY
ALEXANDER S. E. NIVEN
RICARDO C. ONG
JOSEPH R. ORCHOWSKI
JOHN M. PAGE
NEIL E. PAGE
MARK P. PALLIS
JAMES L. PERSSON
CHRISTIAN POPA
MAXIMILIAN PSOLKA
MITCHELL J. RAMSEY
JOHN C. RAYFIELD
SCOTT T. REHRIG
MIN S. RO
DONALD W. ROBINSON
MICHAEL K. ROSNER
ROBERTO J. SARTORI
SAMUAL W. SAUER
BRETT J. SCHNEIDER
JAMES A. SEBESTA
SCOTT B. SHAWEN
CLAYTON D. SIMON
JAMES J. STEIN
EDWARD J. SWANTON
STEVEN J. TANKSLEY
STEVEN K. TOBLER
RAYMOND F. TOPP
LADD A. TREMAINE
DAVID M. WALLACE
ALDEN L. WEG
ROBERT B. WENZEL
JASON S. WIEMAN
RONALD N. WOOL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LARRINGTON R. CONNELL
MICHAEL E. DINOS
VESNA ELE
WENDELL J. FOX
MICHAEL K. GREGORY
ERIC A. HALL
JAE I. HWANG
SIMUEL L. JAMISON
HEKYUNG L. JUNG
TODD S. KIMURA
LEE A. KNOX, JR.
VALERIE G. MCDAVID
ANDREW D. PALALAY
DONG S. PARK
KIMBERLEY L. PERKINS
MANUEL POZO-ALONSO
ANA L. RIVERA
THOMAS K. SCHREIBER
JACK N. SEIDENBERG
GLORIA T. TORRES
RICARDO J. VENDRELL

CONFIRMATIONS

Executive nominations confirmed by the Senate December 5, 2011:

THE JUDICIARY

EDGARDO RAMOS, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

ANDREW L. CARTER, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JAMES RODNEY GILSTRAP, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

DANA L. CHRISTENSEN, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 5, 2011 withdrawing from further Senate consideration the following nomination:

JONATHAN DON FARRAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA, WHICH WAS SENT TO THE SENATE ON APRIL 14, 2011.

EXTENSIONS OF REMARKS

HONORING THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. MORAN. Mr. Speaker, I rise today to acknowledge the American Society for Training and Development, ASTD, as the largest association dedicated to the training and development profession, recognizing them for their annual Employee Learning Week, held December 5 through the 9, 2011.

Members of ASTD come from more than 100 countries and connect locally in 125 U.S. chapters with 20 international partners. They work in thousands of organizations of all sizes, in government, as independent consultants, and as suppliers.

Established in 1943, ASTD is a leader in the training and development field. As businesses seek competitive advantages and growth, learning and development professionals make sure an organization's best asset, its employees, have the skills they need to help achieve business growth. ASTD serves this important community of professionals with research and resources.

To further these goals, ASTD has declared December 5 through December 9, 2011, as "Employee Learning Week" and designated time for organizations to recognize the strategic value of employee learning. I applaud ASTD and its members for their dedication to developing knowledgeable and skilled employees during Employee Learning Week.

I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

U.S. CENTENNIAL CAMPAIGN HONORS JAN KARSKI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Helsinki Commission and Co-Chairman of the Congressional Poland Caucus, I rise today to speak about the legacy of Jan Karski, the Polish resistance fighter who risked his life over and over again to bring first-hand reports of the mass murder of Jews in German-occupied Poland to the allied governments. 2014 will be the centennial of Karski's birth, making this a fitting time to remember and honor the heroism of this man.

To that end, a "Jan Karski U.S. Centennial Campaign" has been launched. This campaign will shine a spotlight on this historic figure of towering moral authority, and will in-

crease public knowledge about Jan Karski's extraordinary courage and commitment. This American campaign is joined by a similar undertaking by the Polish History Museum in Warsaw, Poland.

I would like to have reprinted with my remarks today the eloquent tribute to Jan Karski made recently by David Harris, Executive Director of the American Jewish Committee. For those who are unfamiliar with Karski's singular effort to sound the alarm regarding the unfolding Holocaust in Europe, I urge them to read David's description, published in the Jerusalem Post, of what Jan Karski did, and why it still matters today.

[Oct. 17, 2011]

ODE TO JAN KARSKI

(By David Harris)

He passed away in 2000, at the age of 86.

The more time goes by, the more I miss him. Precisely when his voice is needed more than ever, he is no longer among us.

In 1914, Jan Karski (né Kozielewski) was born to a Catholic family in Poland. The youngest of eight children, in 1939 he was mobilized in the Polish army just before the Nazi invasion on September 1. His wartime saga as officer, as Soviet prisoner, as escapee, in the hands of the Gestapo, and as a Polish Underground activist and courier, is beyond remarkable.

In a world today where words such as "courage" and "heroism" have been so overused—applied freely from sports to entertainment to politics—as to be rendered practically meaningless, Jan Karski was the rare human being who embodied both.

He put his life on the line repeatedly in defense of higher principles—the struggle against Nazism and the defense of his homeland, Poland. He carried with him all his life the physical scars of his experience, including the wrists he slit in an attempted suicide after prolonged beating by his Nazi captors.

The emotional scars never healed, either. Nor did he want them to. After the war, serving on the faculty of Georgetown University for four decades, he would not allow what he had witnessed to fade from memory, though, given his unusual modesty, he refused to make a second career from his past exploits.

He had seen the monstrous, indescribable bestiality of the Third Reich unleashed throughout Poland. And Poland was the epicenter of the Nazi grand design.

In 1944, he wrote a book, *Story of a Secret State: My Report to the World*, after he had reached the United States on assignment to recount what he had seen in Poland to American officials. Once here, he was told by his superiors not to return because his underground cover had been blown.

The book was an instant bestseller. Over the years, however, it faded into obscurity. Now it has been republished by Penguin in the United Kingdom, with, it is to be hoped, an American edition to follow.

It is a gripping account. Indeed, it should be must-reading for an understanding of the Second World War from the ground up.

In effect, it tells three stories.

The first is of Karski, especially from the years 1939 to 1944.

The narrative is straightforward, unadorned, and moving—a sobering reminder of what man is capable of when moral and physical courage meld into one.

The second is of wartime Poland, and especially the development of the Polish resistance movement.

There is no other story like it in occupied Europe. Not only did local officials refuse to collaborate with the Nazis, unlike the experience in France, Norway, and many other countries, but the combined efforts of the Polish government-in-exile and the elaborately woven underground were beyond anything imaginable at the time.

And the third was of the Polish Jewish tragedy.

Before the clandestine journey that took him to London and Washington, to meetings with the likes of British Foreign Minister Anthony Eden and U.S. President Franklin Roosevelt, Karski, wearing a Star of David armband, was smuggled twice into the Warsaw ghetto. Later, disguised as a guard, he spent hours in a Nazi camp that shipped Jews to the Belzec death camp.

What he saw in the Warsaw Ghetto and Izbica Lubelska never left him.

Here is what he wrote in *Story of a Secret State*: "I know history. I have learned a great deal about the evolution of nations, political systems, social doctrines, methods of conquest, persecution, and extermination, and I know, too, that never in the history of mankind, never anywhere in the realm of human relations did anything occur to compare with what was inflicted on the Jewish population of Poland."

Then he asks: "Is it still necessary to describe the Warsaw ghetto?"

Fortunately, he answered his own question. Unfortunately, however, not everyone read his response.

In the past decade alone, after Karski's death, we have witnessed a flurry of pro-Palestinian activists—from members of the British Parliament like George Galloway, Oona King and Jenny Tonge, to Norwegian diplomat Trine Lelling; from U.N. rapporteur Richard Falk to Portuguese Nobel laureate José Saramago; from Venezuelan President Hugo Chavez to Spanish newspaper cartoonists—who superimpose Nazi terminology on Israel with abandon, including obscene comparisons of the Warsaw Ghetto and Gaza Strip.

Here's Karski's reply at the time: "So much has already been written about it, there have been so many accounts by unimpeachable witnesses. A cemetery? No, for these bodies were still moving, were indeed often violently agitated. These were still living people, if you could call them such. For apart from their skin, eyes, and voice there was nothing human left in these palpitating figures. Everywhere there was hunger, misery, the atrocious stench of decomposing bodies, the pitiful moans of dying children, the desperate cries and gasps of a people struggling for life against impossible odds."

And then, perhaps anticipating what the impact of time and distance might mean for understanding this era, Karski wrote: "I know that many people will not believe me, will not be able to believe me, will think I exaggerate or invent. But I saw it."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Until his dying day, Karski stood as a guardian of the past and its relevance to the present. He remained a fierce anti-communist and, fortunately, lived to see his beloved Poland return to the democratic family of nations, including accession to NATO. He served as an early warning system against the recurrence of anti-Semitism. And he understood the central role of Israel in the life of the Jewish people.

In 1993, AJC gave Karski its highest award. In his acceptance speech, he memorably declared that he was confident there would never again be a Holocaust against the Jews and said he knew why. He paused for a moment and then, summoning his one-word explanation from the depths of his soul, he pronounced each of the three syllables of "Israel" as if they were separate words, allowing the moment to linger.

Jan Karski is gone, leaving no immediate family behind. But with his eyewitness account, his recorded words, and his towering example of courage, conviction, and compassion, there is hope the world won't descend into an abyss of moral fog and historical relativism or denial.

May Story of a Secret State become required reading, as a source of both information and inspiration, in every 20th century history course. And may copies find their way into the hands of those today who display their shameful ignorance by misrepresenting history.

IN RECOGNITION OF SENIOR VICE
COMMANDER EARL COURTER, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Senior Vice Commander Earl Courter, Jr., honoree at the Veterans of Foreign Wars Testimonial Dinner. This highly decorated veteran has proven to be a valuable member of the community. His actions are deserving of this body's recognition.

Commander Earl Courter enlisted in the United States Army on April 30, 1964 and subsequently endured 13 weeks of basic training in Fort Knox, Kentucky. It was followed by another thirteen weeks of Advanced Infantry Training at Fort Polk, Louisiana. He was later assigned to the 1st Battalion 28th Infantry Mechanized Headquarters. Commander Earl completed two months of intense jungle training and later volunteered to serve in Vietnam. He was assigned to the reconnaissance platoon of the 2nd Battalion 18th Infantry Division as a radio/telephone operator, platoon leader aide and driver. While deeply entrenched in "Operation Mastiff" in the Dau Tieng region of Vietnam, the Commander's reconnaissance platoon came under intense fire and sustained extensive wounds, forcing him to return home.

As a result of his heroic actions in Vietnam, Commander Earl was awarded with multiple medals. He is the recipient of the Purple Heart, Vietnam Service Medal with two Bronze Service Stars, Republic of Vietnam Campaign Medial Ribbon with Device, National Defense Service Medal, Good Conduct Medal, Combat Infantry Badge, U.S. Presidential Citation, Vietnam Presidential Citation, Republic of Vietnam Gallantry Cross with Palm Unit Citation

Badge, New Jersey Vietnam Service Medal, among others.

Commander Earl has conducted various philanthropic services and holds multiple leadership positions. He served as Post Commander of VFW Post 3620 from 1971 through 1972, and earned the position of Assistant District Quartermaster after twelve years of service. Throughout his tenure, he has also held various prestigious titles which include District 7 Assistant Quartermaster, District Convention Chairman and Public Relations Chairman. Mr. Courter was appointed state Commander on June 18, 2011 and continues to hold this title to this day. As a member of the Townsend C. Young VFW Post #3620, Commander Courter has counseled other amputees of various Veterans Organizations. He has remained an active member of the community, assisting wounded warriors and hospitalized veterans. Commander Courter is a true testament to the VFW's mission, Honor the Dead by Helping the Living. The Commander is married to the former Janet Walter Kerney and they are residents of Delran, New Jersey. Together they have six children and thirteen grandchildren and are life members of VFW Post 3620 Auxiliary.

Mr. Speaker, once again, please join me in congratulating Commander Earl Courter, Jr. His heroic actions in Vietnam and commitment dedicated toward other wounded warriors are inspirations to us all.

IN RECOGNITION OF THE 50TH AN-
NIVERSARY OF SAVE THE AMER-
ICAN RIVER ASSOCIATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Save the American River Association (SARA), as the organization's staff, volunteers, and supporters celebrate its 50th anniversary. It is my pleasure to recognize SARA's dedication to preserving the American River for future generations, and I ask all my colleagues to join me in honoring their leadership in protecting the American River.

Established in 1961, SARA, a grassroots non-profit organization, has grown to a group of over 600 members. Initially, SARA was founded to establish the American River Parkway. The American River is designated both as a state and national wild and scenic river. It is governed by the American River Parkway Plan, which is approved by the State Legislature upon recommendation of the Sacramento County Board of Supervisors.

The efforts of thousands of SARA volunteers who contributed countless work hours to maintaining and improving the parkway over the last 50 years are evident as the American River Parkway has come to be known as the "Jewel of Sacramento." The American River offers a unique wildlife and recreation area that provides for fishing, boating, rafting, picnicking sites, golfing, and nature historic tours for Sacramento residents and visitors.

SARA has been able to ensure a clean, comfortable and safe environment along the

river. Volunteers work to preserve the native habitat and vegetation, improve public safety, reduce the threat of fires and increase the public's stewardship of the American River.

Mr. Speaker, I am honored to pay tribute to the Save the American River Association and the organization's continuous commitment to providing the public with access to the incredibly beautiful American River. Their past 50 years have been tremendously successful and I am confident SARA will continue to enjoy great success in the future. While the SARA staff, volunteers and supporters gather together to celebrate the organization's 50th anniversary, I ask my colleagues to join me in honoring their outstanding work in keeping the American River the "Jewel of Sacramento."

IN RECOGNITION OF THE 100TH
BIRTHDAY OF ELEANOR NORRIS

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. KEATING. Mr. Speaker, I rise today in recognition of Mrs. Eleanor Norris, a resident of my district in Norwell, Massachusetts, who today celebrates her 100th birthday.

Eleanor was born on December 5, 1911, in Chicago with her family later moving to Boston. A product of dedicated homeschooling, she went on to attend Vassar College and became a first-grade teacher, working in Hanson, among other towns. Shortly after that she met, Albert Norris, a World War II naval aviator, with whom she had a 17-year courtship before they married.

Starting in the 1920s, Albert and Eleanor began purchasing land along the North River, a National Natural Landmark and a Commonwealth of Massachusetts Scenic River. They eventually built a cottage, cut a trail system, opened up the shady forest to attract wildflowers and ferns, and created a haven for woodland and riverside wildlife. Sadly, in 1962, six years after they married, Albert passed away.

Upon his death, she inherited 100 acres along the North River. Many people would have caved to the numerous developers who made her offers, but not Eleanor. She decided, rather, that the land should not be sold but left to the public to enjoy forever. So starting in 1970, she donated those 100 acres to The Trustees of Reservations, a non-profit land management organization. The plot was named the Norris Reservation. This was an extraordinary gift to all of us from a woman who to this day lives very simply next door to the land she donated.

In addition to this timeless gift, Eleanor helped launch the South Shore Natural Science Center in 1962 and was named Norwell Citizen of the Year for 1994. Adding to her numerous achievements, she became an accomplished ballroom dancer in her 60s.

Eleanor's greatest pleasure in life now comes from "seeing people enjoying themselves with the right thing," such as nature and music. And on occasion, she still gets out into the woods of the reservation.

Her legacy of service and commitment to our community will live forever in the Norris

Reservation. It seems to me that there is no more fitting a memorial for a woman who contributed so much to Norwell than a living, breathing, growing part of the town she and her husband loved. The Norris Reservation, like the people it is named for, has made its mark on the lives of countless members of our community and will continue to for generations to come.

Mr. Speaker, I am proud to honor Eleanor Norris on this joyous occasion. I ask that my colleagues join me in wishing her many more years of health and happiness.

HONORING THE THAI MONARCHY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. COBLE. Mr. Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our best wishes to the King of Thailand, Bhumibol Adulyadej, today on his birthday. For more than half a century, King Bhumibol Adulyadej has applied technical ingenuity and resources to build his vision of a modern, prosperous Thailand. He has continually sought to improve the lives of the Thai people.

King Bhumibol's philosophy of a "sufficiency economy," developed and refined since the 1970s, provides guidelines for individuals and businesses on how to conduct themselves in life. The King's philosophy emphasizes moderation, responsible consumption and resiliency. In 2006, in recognition of King Bhumibol's contributions to sustainable, human-centered development, the United Nations Development Programme awarded him its first-ever Human Development Lifetime Achievement Award.

Thailand has been America's friend since 1833 and our oldest Treaty ally in Asia. Our economies are tied together, our militaries train together, and our people-to-people ties have never been stronger. Again, on behalf of the citizens of the Sixth District of North Carolina, we are pleased to join our friends in Thailand as its people celebrate the Seventh Cycle Birthday Anniversary of His Majesty King Bhumibol Adulyadej on December 5, 2011.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,073,380,701,589.57. We've added \$10,271,975,526,295.29 to our debt in 16 years. This is \$10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 6, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 7

9:30 a.m.

Homeland Security and Governmental Affairs

To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.

HVC-210

10 a.m.

Finance

To hold hearings to examine drug shortages, focusing on why they happen and what they mean.

SD-215

Judiciary

To hold hearings to examine reauthorizing the EB-5 Regional Center Program, focusing on promoting job creation and economic development in American communities.

SD-226

2 p.m.

Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions.

SD-538

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine turning the investigation on the science of forensics.

SR-253

Judiciary

To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

SD-226

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster.

SD-342

United States Senate Caucus on International Narcotics Control

To hold hearings to examine government efforts to curtail marijuana cultivation on United States public lands, focusing on exploitation of public lands as grow sites for marijuana and discuss barriers to the criminal prosecution of drug traffickers.

SD-562

Commission on Security and Cooperation in Europe

To receive a briefing on conflicts in the Caucasus, focusing on prospects for resolution, where these conflicts stand today, what factors impede a settlement, whether the resumption of armed hostilities is a serious threat, whether changes in the negotiating format might yield a better outcome, and what, if anything, could the United States do to facilitate a resolution.

B318, Rayburn Building

DECEMBER 8

Time to be announced

Commerce, Science, and Transportation

Business meeting to consider the nominations of Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner, Maureen K. Ohlhausen, of Virginia, to be a Federal Trade Commissioner, Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission, and Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission.

Room to be announced

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy.

SD-366

Environment and Public Works

Business meeting to consider S. 432, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, S. 1296, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in the State of Rhode Island, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, S. 1740, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network, the nomination of Rebecca R. Wodder, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife,

- and proposed resolutions relating to the General Services Administration.
SD-406
- 9:45 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine barriers facing the long-term unemployed.
SD-106
- 10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Internet Corporation for Assigned Names and Numbers' (ICANN) expansion of top level domains.
SR-253
- Foreign Relations
To hold hearings to examine the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary for Public Diplomacy, Anne Claire Richard, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic, all of the Department of State, and Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development.
SD-419
- Judiciary
Business meeting to consider S. 1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage, S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels, and the nominations of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri.
SD-226
- 2:15 p.m.
Indian Affairs
Business meeting to consider S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and S. 1065, to settle land claims within the Fort Hall Reservation; to be immediately followed by an oversight hearing to examine state and Federal tax policy, focusing on building new markets in Indian country.
SD-628
- 2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.
SD-366
- Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219
- DECEMBER 13
- 9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine MF Global bankruptcy.
SH-216

SENATE—Tuesday, December 6, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who has blessed us abundantly with inner joy and an outer supply of all good things, we are grateful for Your helping us in our poor attempts to do Your will. Lord, forgive the things that keep us divided, the false pride that leads from unity. Give us a yearning for a life shaped and supported by a will better than our own.

Guide our Senators during today's labors. Help them know the strengthening joys of Your spirit. Keep them from being intimidated by the world's problems and threats, because You have overcome the world.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business until 11 a.m. this morning. The majority will control the first half and the Republicans will control the second half.

ORDER OF PROCEDURE

I ask unanimous consent that the order be changed to allow both sides a half an hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following morning business, the Senate will be in executive session to consider the nomination of Caitlin Halligan to be a judge for the District of Columbia Circuit. At noon there will be a cloture vote. I want to make sure that the consent I asked doesn't change that at all. There will be a little less time to debate that, but I think it will be sufficient. So at noon there will be a cloture vote on Halligan.

Following the vote, the Senate will recess until 2:15 this afternoon to allow for our weekly caucus meetings.

MEASURE PLACED ON THE CALENDAR—S. 1944

Mr. REID. I understand that S. 1944 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1944) to create jobs by providing payroll tax relief for middle-class families and businesses, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PAYROLL TAX EXTENSION

Mr. MCCONNELL. Madam President, yesterday my friend the majority lead-

er unveiled what he rather misleadingly referred to as a compromise on the payroll tax. I say it was misleading because we had to find out about it from reporters.

This was not a compromise. This was nothing more than another bill designed to fail so Democrats can have another week of fun and games on the Senate floor while tens of millions of working Americans go another week wondering whether they are going to see a smaller paycheck at the end of the year.

I have said I support this extension. I don't think working Americans should have to suffer any more than they already are for the President's failure to turn this jobs crisis around. Unfortunately, the majority leader has yet to introduce legislation that can actually pass the Senate or the House. One would think if that is one of the President's top priorities, then the Democratic leader of the Senate would put together a proposal that is designed to actually pass. But we haven't seen it yet. We all know what a successful bill would look like. So I hope the majority leader comes forward with a real proposal soon because time is running out. It makes absolutely no sense at a moment when 14 million Americans are looking for jobs to raise taxes on the very people we are counting on to create them. That is why the Senate rejected the idea last week on a bipartisan basis.

Look, the Democrats know as well as we do that this is a terrible idea. They have seen the same letters I have. The National Association of Manufacturers says this tax hike would seriously impair the ability of their members to put unemployed Americans back to work. The Democrats know as well as I do that four out of five of those who would be hit by this are business owners, people who create jobs. The only reason—the only reason—we even went through this exercise is because it obviously polls well.

So this is what Washington has been reduced to: a President and a Senate who would rather spend their time doing cheap political theater than giving people the certainty they want. What we need to do is to step back and realize that the only reason we are talking about a one-shot stimulus measure nearly 3 years into this Presidency is because of the President's failure to turn this jobs crisis around. We need to get beyond the temporary fixes and start talking about fundamental tax reform that puts the American worker in charge of this recovery, not Washington.

But for now, it is perfectly clear that the path to an accomplishment on this issue does not run through tax hikes. Yesterday, the President warned Congress to keep its word to the American people and “don’t raise taxes on them now.” I wish to remind my colleagues and the President that the Republican plan is the only plan that meets the President’s standard. The President just warned us: Don’t raise taxes on the American people. The proposal we offer is the only one that meets that standard.

If our friends are serious about passing this extension of the payroll tax cut, they have a choice: We can have an accomplishment or we can have additional partisan show votes.

CONSUMER FINANCIAL PROTECTION BUREAU

Mr. McCONNELL. Madam President, later this week the Senate will vote on whether the new Consumer Financial Protection Bureau should move forward with a director before addressing concerns that have been raised about the bureau’s lack of transparency or accountability to the American people.

I understand through press reports that the President plans to make a big push for this nominee to the CFPB. Let me tell my colleagues something the President hasn’t done when it comes to this position: In the 7 months since 44 Republicans sent the President a letter outlining some very serious and very reasonable concerns about it, he hasn’t done a thing to address these concerns—not one thing. If he picked up the phone to talk these issues over with anybody in our conference, I haven’t heard about it. If he has put some thought into how he could ensure the perfectly legitimate concerns we raised in that letter are addressed, he hasn’t let us in on the game plan.

Here is what we asked for in that letter, which has now been signed by 45 Republican Senators—not 44, 45: All we asked for before we vote to confirm anybody to run the CFPB—regardless of their party affiliation, regardless of who the President is—are three clear, simple, commonsense reforms that would make sure this new agency is accountable to the American people.

No. 1, replace the single director with a board of directors that would oversee the bureau. Under the deeply flawed Dodd-Frank bill, the Director of the CFPB, by design, is set to lead one of the least accountable and most powerful agencies in Washington. What we are saying is no single person who is unaccountable to the American people should have that much power. We are asking for the same structure as the SEC, the CFTC, the FDIC, the FTC, the NLRB, and the Consumer Product Safety Commission—the same structure we use anytime we give unelected bureaucrats new powers that need to be checked to protect against abuse.

No. 2, subject the bureau to the congressional appropriations process. Subject this new CFPB to the congressional appropriations process. Currently, the CFPB is housed at the Federal Reserve and funded through a percentage of their annual budget, giving it a funding stream that is completely unique in government, entirely without a check from the American people and making it one of the least transparent agencies in Washington. If one likes the level of accountability over at the Fed, one will love the CFPB.

A journalist who wanted some information about the Fed’s lending practices recently had to sue to find it out. This is information not even Congress could have gotten on its own.

If my colleagues ask me, the American people should be getting more transparency out of this administration, not less. We don’t need any more unelected, unaccountable czars in Washington.

No. 3, we asked for a safety and soundness check for the prudential financial regulators who oversee the safety and soundness of financial institutions. This would help ensure that we are not inadvertently causing bank failures through excessive regulations.

Our proposal would do nothing more than give congressional committees a proper level of oversight and accountability over this new bureau and ensure that its decisions were subject to the checks and balances that were meant to be inherent in our system—something we owe the American people.

Everybody supports strong and effective consumer protection, but the CFPB, in its current form, cannot stand. In its current form, the CFPB could easily be used for political purposes at the expense of access to credit, job creation, economic growth, and financial stability.

What is needed is transparency and accountability. That is all we have asked for, and the President has done nothing to address these concerns. Instead, he has ignored these perfectly legitimate concerns, and now he is suddenly making a push to confirm his nominee because it fits into some picture he wants to paint about who the good guys and the bad guys are in Washington.

So once again he has used the Senate floor this week to stage a little political theater. He is setting up a vote he knows will fail so he can show up afterward and say he is shocked. This is what passes for leadership right now in the White House, and it is truly unfortunate.

Look, we all believe Americans need access to financial products that are not rigged against them. We just think nobody should be above oversight, including the overseers. We do not think a bureau designed to watch Wall Street should have the ability to squeeze out hiring on Main Street. Frankly, the

President’s refusal to even consider our calls for oversight and transparency only serve to deepen our concerns about this agency. So, once again, we call on the President to take these concerns seriously and work with us on achieving something positive.

The fact is the CFPB needs a drastic overhaul before any nominee can be confirmed. This will not come as a surprise to anybody at the White House, and our doors remain open.

NOMINATION OF CAITLIN HALLIGAN

Mr. McCONNELL. Now, Madam President, on yet another topic—there are a number of things going on this week—today the Senate will vote on the nomination of Caitlin Halligan to the U.S. Court of Appeals for the D.C. Circuit. I will be opposing this nominee, and I would like to explain why.

First and foremost is Ms. Halligan’s record of advocacy for an activist view of the judiciary and a legal career that leads any reasonable person to conclude that she would bring that activism right on to the court. As I have said many times before, the proper role of a judge is that of an impartial arbiter who gives everybody a fair shake under the law as it exists. The role of a judge in our system, in other words, is to determine what the law says not what they or anybody else wants it to say. Yet looking over Ms. Halligan’s record, it is pretty clear she does not share that view.

In Ms. Halligan’s view, the courts are not so much a forum for the evenhanded application of the law as a place where a judge can work out his or her own idea of what society should look like. As she herself once put it: The courts are a means to achieve “social progress,” with judges presumably writing the script.

Well, my own view is that if the American people want to change the law, then they have elected representatives to do that, and these elected representatives are accountable to them. This also happens to be how the Founders intended it, and it is what the American people expect of their judges: to be fair, impartial arbiters. But that is not what they would get from a Judge Halligan.

So how do we know this? Well, it is true that like many of this President’s other judicial nominees, Ms. Halligan repudiated President Obama’s own off-stated “empathy standard” for choosing judges and disclaimed an activist bent in her confirmation hearings. But her record belies this now familiar confirmation conversion.

Let’s take a quick look at her record to see what it does suggest about the kind of judge she would be.

On the second amendment: As solicitor general of New York, Ms. Halligan advanced the dubious legal theory that

those who make firearms should be liable for third parties who misuse them criminally. The State court in New York rejected the theory, noting it had never recognized such a novel claim. Moreover, the court called what Ms. Halligan wanted it to do to manufacturers of a legal product “legally inappropriate.”

So let me say again, the New York Appellate Court termed Ms. Halligan’s activist and novel legal theory to be “legally inappropriate.” The Congress passed legislation on a wide bipartisan basis to stop these sorts of lawsuits because they were an abuse of the legal process. Undeterred, Ms. Halligan then chose to file an amicus brief in the Second Circuit Court of Appeals in another frivolous case against firearms manufacturers. Not surprisingly, she lost that case too.

What about her views on enemy combatants?

In 2005, the U.S. Supreme Court ruled in *Hamdi v. Rumsfeld* that the President has the legal authority to detain as enemy combatants individuals who are associated with al-Qaida. Yet despite this ruling, Ms. Halligan filed an amicus brief years later—years after that—arguing that the President did not possess this legal authority.

On abortion: Ms. Halligan filed an amicus brief in the U.S. Supreme Court arguing that pro-life protesters—protesters—had engaged in “extortion” within the meaning of Federal law. The Supreme Court roundly rejected this theory 8 to 1.

On immigration: Ms. Halligan chose to file an amicus brief in the Supreme Court arguing that the National Labor Relations Board should have the legal authority to grant backpay to illegal aliens even though Federal law prohibits illegal aliens from working in the United States in the first place. Fortunately, the Court sided with the law and disagreed with Ms. Halligan on that legal theory too.

The point is that even in cases where the law is perfectly clear or the courts have already spoken, including the Supreme Court, Ms. Halligan chose to get involved anyway, using arguments that had already been rejected either by the courts, the legislature or, in the case of frivolous claims against gun manufacturers, by both. In other words, Ms. Halligan has time and time again sought to push her own views over and above those of the courts or those of the people as reflected in the law.

Ms. Halligan’s record strongly suggests that she would not view a seat on the U.S. appeals court as an opportunity to evenhandedly adjudicate disputes between parties based on the law but instead as an opportunity to put her thumb on the scale in favor of whatever individual or group cause in which she happens to believe.

So, Madam President, we should not be putting these kinds of activists on

the bench. I have nothing against the nominee personally. I just believe, as I think most Americans do, that we should be putting people on the bench who are committed to an evenhanded interpretation of the law so everyone who walks into a courtroom knows he or she will have a fair shake. In my view, Ms. Halligan is not such a nominee. On the contrary, based on her record and her past statements, I think she would use the court to put her activist judicial philosophy into practice, and for that reason alone she should not be confirmed. So I will be voting against cloture on this nomination, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, would the Chair announce morning business, please.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

EXECUTIVE SESSION

NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION

CLOTURE MOTION

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 413, and I send a cloture motion to the desk. In fact, it is at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection:

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Jack Reed, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Richard J. Durbin, Robert Menendez, Jon Tester, Sherrod Brown, Tom Harkin, Tim Johnson.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Madam President, I now ask unanimous consent that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DURBIN. Madam President, can the Acting President pro tempore notify me in what stage we are in the proceedings?

The ACTING PRESIDENT pro tempore. There is 28½ minutes left for the majority in morning business, followed by 30 minutes for the minority in morning business.

Mr. DURBIN. Thank you, Madam President.

NOMINATION OF CAITLIN HALLIGAN

Mr. DURBIN. Madam President, I would like to speak in morning business, and I would like to respond to several things said by the Republican leader of the Senate. The first relates to Caitlin Halligan, who is a nominee to serve on the D.C. Circuit Court. The D.C. Circuit Court is the appellate court in the District of Columbia which, I would argue, next to the U.S. Supreme Court is one of our most important.

The decisions of government are often sent to this court for review. At the current time, there are eight who

are sitting on that court, and there are three vacancies. Of the eight who are on the court, five are Republican appointments. So it is clear that any effort now to bring a new nominee to the court may tip that political balance. I am afraid that has a lot more to do with the fate of Caitlin Halligan than anything that has been said on the Senate floor this morning.

It is mystifying to me that Senate Republicans would filibuster her nomination. She is extraordinarily well qualified. She served for 7 years as the solicitor general of the State of New York and currently serves as the general counsel at the New York County district attorney's office.

She has argued five cases before the U.S. Supreme Court and has served as counsel of record in dozens of other cases before that Court.

The American Bar Association looked at the qualifications of Caitlin Halligan, and here is what they said: She is unanimously "well-qualified" to serve in this position.

Ms. Halligan's legal views are well within the judicial mainstream. She has received widespread support from across the political spectrum.

What I have heard this morning from the Republican leader are isolated examples of cases she may have argued, but he certainly does not speak to the fact that the National District Attorneys Association, the district attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, William Fitzpatrick, James Reams, and Scott Burns have all publicly endorsed her nomination. Raymond Kelly, police commissioner for the City of New York; Robert Morgenthau—one of the most respected district attorneys who ever served in this country; served New York County for 34 years—endorses her; the New York Association of Chiefs of Police; and the New York State Sheriff's Association.

When you listen to these endorsements, you wonder: Is that the same woman the Senate Republican leader just questioned as to whether she was serious about stopping terrorism? I listened to some of these things, and I wonder how people of her quality would ever consider putting their name in nomination—that there could be suggestions on the Senate floor that perhaps she is not as strong as she should be in keeping America safe.

There is simply nothing in the background of Caitlin Halligan that suggests we have any extraordinary circumstances that warrant the defeat of the cloture motion on her nomination.

A moment in history, please. When there was a suggestion of filibustering judicial nominations years ago, and the so-called nuclear option was being discussed, a Gang of 14, a bipartisan group of Senators, came up and said: Unless there are extraordinary circumstances, we should vote on these nominees on the Senate floor.

There are no extraordinary circumstances in the case of Caitlin Halligan. The only thing that is extraordinary is how many people from different walks of life have endorsed her candidacy and the American Bar Association finding her unanimously "well-qualified."

There are no legitimate questions about her competence, ethics, temperament, or ideology. All she has done throughout her career is serve as an excellent lawyer on behalf of her client.

The Republican arguments against Ms. Halligan's nomination boil down to just two: First, it does not matter if there are vacancies on the D.C. Circuit; and, in fact, in the past, they have argued to fill those same vacancies when they had an opportunity to install Republicans. Their second argument: Republicans are not happy with how certain nominees were treated years ago, and they see no problem taking out their unhappiness on this nominee.

This is a dangerous path. I believe our country needs excellent judges. Time and again—in the Acting President pro tempore's State of New Hampshire, in my State of Illinois—you go to people who are sitting on the bench in a State court or in private practice and ask them if they would consider serving their Nation on the Federal court, and they know it is a big decision: whether they are going to change a career. But they know just as well that by submitting their name to the process, they are subjecting themselves to criticism, which many people just do not care to withstand.

In this case, the criticism against Caitlin Halligan is baseless. If judicial nominees cannot be considered fairly by the Senate on their own merits, good lawyers are simply going to stop putting their name into the process for consideration and our country will suffer as a result.

We should give Ms. Halligan an up-or-down vote on her merits. On that standard, she should clearly be confirmed.

TRIBUTE TO JOAQUIN LUNA

Mr. DURBIN. Madam President, I come to the floor today with a sad story for my colleagues. On the day after Thanksgiving, a young man named Joaquin Luna committed suicide in the town of Mission, TX. This is a picture of Joaquin Luna with his mother—a handsome young man full of promise. He took his own life on the day after Thanksgiving.

He was a senior at Juarez-Lincoln High School, where he was a straight-A student, in Mission, TX. He had a passion for architecture. In fact, he designed the home where his family lives. He was an accomplished musician, played guitar in his church choir. His family said he loved helping his neighbors with their landscaping, and he always had a smile on his face.

Joaquin Luna dreamed of becoming an engineer. He had been accepted into a number of excellent schools, including Rice University and Texas A&M. But Joaquin Luna was struggling with a problem most American kids do not even imagine. Joaquin was brought to the United States of America when he was 6 months old by his parents. He came here as a baby, lived his entire life in the United States, and was undocumented. Because of his immigration status, Joaquin Luna was unable to obtain financial aid to attend the universities that accepted him. He was unable to find a legitimate job. Joaquin's brother said his world just closed. He saw that everything he was doing was for nothing. He was never going to be able to succeed.

Joaquin's death is still under investigation, so I do not want to jump to any conclusions about why this tragedy took place. But I felt it was important to come to the floor today to pay tribute to this young man's all-too-brief life and to deliver a message to other young people like Joaquin Luna.

There are tens of thousands of young people in this country facing the same challenges as Joaquin. They were brought to the United States as children. They grew up every single day—just as we did a few moments ago in the Senate—pledging allegiance to the only flag they have ever known, our American flag. They would sing the only national anthem they ever knew. It was not their decision to come to America. Certainly Joaquin did not make any decision at the age of 6 months. But America is their home. And for tens of thousands of others in his status, America is their home and their future, but they are undocumented and their future is uncertain.

I have a message today for all of the young people like Joaquin. Do not give up hope. Keep your dreams alive. America is a generous and caring country. We can and we will find a way—a fair and just way—to give you a chance to be part of our Nation's future. If you or someone you know is feeling hopeless because of the failure of the DREAM Act to pass in the Senate, there are people available to help and talk to you. You can call the National Suicide Prevention Lifeline. The number is 1-800-273-TALK. That is 1-800-273-8255.

Today, my thoughts and prayers are with Joaquin Luna's family. I send them my sympathy and condolences and assure them I will honor his memory by continuing to fight for all of the young people in America who are just like Joaquin.

I never dreamed 10 years ago when I introduced the DREAM Act that I would be standing on this floor 10 years later with that bill still not enacted into law. Time and again, we have had a majority vote in the Senate stopped by a Republican filibuster. Time and

again, we have brought this issue to the floor and argued the cases of young people just like Joaquin Luna. We are only asking that they be given a chance to earn their way to legal status. That is it. They have to graduate high school. They cannot have any serious criminal issues. They have to be willing to either serve 2 years in the military or graduate from college. Those requirements say that they have to be people who are determined to make America a better place.

We just had a debate going on now about bringing in talented people from all over the world to work in the United States. Think about that. We are going to bend the immigration laws so that more talented graduates from other countries can come to our country and help build it into a better nation, creating more jobs and opportunity. At the same time as that is being proposed, we are saying to tens of thousands like Joaquin Luna: There is no place for you in America because your parents brought you here when you were a child, and therefore you are forever banished from being part of America's future. That is a cruel outcome and one we should not accept as Americans. This is a great and caring nation. It is a nation of immigrants.

Madam President, 100 years ago, in 1911, a ship arrived in Baltimore, MD. A woman walked down the stairs, two little children by her side and a baby in her arms. She did not speak a word of English. She came from Lithuania. She was bringing her children to America and trying to find out how to get from Baltimore, MD, to East St. Louis, IL, where my grandfather lived. He was there waiting for her, had a job and a place they could call home. I do not know how she possibly made it, but she did. That baby in her arms, that 2-year-old infant, was my mother. I am a first-generation American. I have the honor of serving in this Senate. I do not know if my mom was legal or not legal. Later in life, after she was married and had two children, she became a naturalized citizen. Upstairs in my office, her naturalization certificate is right behind my desk as a reminder about who I am.

That is my story. That is the story of many families in America. It is the story of America. If we cannot open our arms and our hearts to those who will come here and work hard to make this a stronger nation, we will have lost one of the core elements of America's strength and America's future. We are great in our diversity. We are great in the fact that so many people are willing to work hard to come to this Nation and make it a better place to live.

Sadly, Joaquin Luna will not be part of America's future, but I hope his story will inspire others to step up and speak up for those who are promoting the DREAM Act. I want to bring this

to the floor again. I want to pass it. I want to make sure that the hopelessness and despair that many young people feel is replaced by the hopeful belief that if they continue to work hard in their lives and continue to be dedicated to America, they can make this a better and stronger nation.

In honor and memory of Joaquin Luna, I ask my colleagues to reconsider their position and join us in passing the DREAM Act.

EXTENDING THE PAYROLL TAX DEDUCTION

Mr. DURBIN. Madam President, there was a question raised this morning by the Republican leader about where we stand in the closing 2 weeks before the holiday recess. We have a lot of important issues left. One of the most important is the payroll tax cut. Here is what it means. If you have a job in Illinois, an average job in Illinois that pays about \$50,000 a year, currently you have a break on your payroll taxes that are collected of about 2 percent. So what that means for those families is that they have an additional \$100 a month to spend.

For some Members of the Senate and the House of Representatives, \$100 a month might not make much of a difference, but for a lot of families struggling from paycheck to paycheck, \$100 can make a big difference. When gasoline prices go through the roof, you can fill the gas tank in your car or pickup truck and make it to work. You might have a little extra money left for a utility bill when the natural gas prices and oil prices go up during the course of a cold winter. You might be able to afford some Christmas gifts for your kids, maybe even some clothes for them to go to school, a warm jacket for cold weather. So \$125 dollars is important.

If we do not act, and act before we leave at Christmas, as of January 1 that payroll tax will go up 2 percent on working Americans, and they will have less money to spend. As they spend less money, our economy struggles. When they buy things, goods and services, it creates more economic activity in businesses small and large and creates profitability and jobs—job opportunities we desperately need with our high unemployment.

Now, we have taken a position with Senator BOB CASEY's bill here when it comes to the payroll tax cut that it is not unreasonable to ask that the wealthiest people in America, the top 0.2 percent in America, pay a little bit more in taxes so that we do not add to our deficit with this payroll tax cut.

There were times in the past, as the President noted yesterday, when the Republicans actually argued: You never have to pay for a payroll tax cut or a tax cut. Now they have taken a different position—it has to be paid for.

Well, we do pay for it. We pay for it with a surtax on millionaires. Unfortunately, some Republicans opposed that.

Senator KYL said yesterday on the floor, in a statement relative to an exchange we had, that it is hard to say the rich are not paying taxes. I am not arguing that point. They are paying taxes. But, frankly, under our system of government, with a progressive tax system, those who are well off—Members of Congress and the Senate—those with high salaries should pay more than those who are struggling from paycheck to paycheck.

The people we are talking about, the top 1 percent wage earners in America, will have an average annual income in 2013 of \$1.4 million a year—\$1.4 million a year. By my calculation, that is a paycheck of \$28,000 a week. To say that those people cannot afford to pay a little more in taxes is hard for most families to understand—it is hard for me to understand. The Bush tax cuts, incidentally, which the Republicans support making permanent have been very generous to those people. If the Bush tax cuts for the wealthiest Americans are extended, those in the top 1 percent, making more than \$1.4 million a year, are going to see a tax cut in the year 2013 of \$68,000—a tax cut at a time when we have Federal deficits and needs in our country to get beyond this recession.

These people in the top 1 percent control almost 25 percent of the income in America—1 percent of the population, more than 25 percent of the income. That is up from 12 percent just 25 years ago. They control 40 percent of all of the wealth in the United States. They are comfortable. In 1986, they only controlled 33 percent. In fact, we can say that in the last 25 years, the wealthy in America have become even more comfortable, and to ask them to make even a small sacrifice for the good of this Nation is not unreasonable.

Senator MCCONNELL came to the floor and suggested that what we are dealing with on the floor here is political showmanship. Well, last week we went beyond showmanship and we actually called a vote. We had a proposal—Senator CASEY's proposal—to reinstitute this payroll tax cut and pay for it, as I mentioned, with a surtax on the wealthiest people in America. At the end of the day, out of 53 Democratic Senators, 50 voted yes, and 1 Republican Senator joined us. We had 51 votes in favor. It took 60 votes to pass, so it did not prevail.

Then Senator MCCONNELL had his chance. He brought to the floor the Republican alternative. They would extend the payroll tax cut by eliminating jobs—over 200,000 jobs in the Federal Government at a time when, frankly, we need more workers in veterans hospitals and we need more people working on medical research at the National Institutes of Health and we need

more involved in law enforcement to keep America safe. But Senator MCCONNELL said that the way to pay any tax cut for working families is to eliminate Federal jobs. They called it for a vote. There are 47 Republican Senators on the floor. So how did the vote turn out when the Republicans called their proposal to extend the payroll tax cut? If I am not mistaken, only 20 Republican Senators voted for that proposal. In fact, Senator MCCONNELL was the only Member of the Senate Republican leadership who voted for the proposal.

So you have to ask, when it comes to the competition of ideas, who won that exchange? The answer is, no one won because at the end of the day we did not extend the payroll tax cut.

Back home in Chicago this last week, I had a press conference with a lady, a single mom, three kids, struggling with three jobs, with an annual income—combined income of less than \$25,000 a year. I cannot imagine how she gets by. But she said that \$50 more a month—that is what the payroll tax cuts means to her—would be significant—\$50. That is how close so many people live to the edge.

It is time for us, in the closing days of the session before Christmas, to reach a bipartisan agreement to make sure the payroll tax cut is extended, to make sure the unemployment benefits that are needed so desperately by so many people out of work are there to help them and their families. The only way we can achieve that is in a bipartisan agreement. We now know that the notion of just cutting away at Federal jobs has been rejected soundly, even by the Republican side of the aisle. Let's come to a reasonable conclusion on how to pay for this in a manner that does not add to unemployment but adds more jobs to the American economy, something which most Americans agree should be our highest priority.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF CAITLIN HALLIGAN

Mr. GRASSLEY. Madam President, soon we will be taking up the nomination of Caitlin Halligan to the D.C. District Court. I oppose the nomination. This is why the nomination should not be confirmed.

Nominations to the D.C. Circuit deserve special scrutiny. The Court of

Appeals, D.C. Circuit, hears cases affecting all Americans. This court frequently is the last stop for cases involving Federal statutes and regulations. Many view this court as second in importance only to our Supreme Court.

As we all know, judges who sit on the D.C. Circuit are frequently considered for the Supreme Court. So there is a lot at stake with any nominee appointed to the D.C. Circuit.

Ms. Halligan has an activist record. There are additional concerns regarding her judicial philosophy and her approach to interpreting the Constitution.

The second amendment, for instance, in 2003, Ms. Halligan gave a speech where she discussed her role in suing gun manufacturers for criminal acts committed with handguns.

At the time, Congress was debating the Protection of Lawful Commerce in Arms Act or, as most of us called it at the time, the gun liability bill. Those lawsuits, of course, were based on meritless legal theories and were specifically designed to drive gun manufacturers out of business.

As it turns out, while many of us were fighting in Congress to stop these nuisance lawsuits, Ms. Halligan was pursuing this precise type of litigation, based on the same bogus legal theories on behalf of the State of New York.

In *New York v. Sturm*, Ms. Halligan argued that gun manufacturers contributed to a public nuisance of illegal handguns in the State. Therefore, she argued that gun manufacturers should be liable for criminal conduct of third parties. The New York appellate court, however, explicitly rejected her theory. The court explained that it had "never recognized [the] common law public nuisance cause of action" that Ms. Halligan had advanced. Moreover, the court correctly concluded that "the Legislative and Executive branches are better suited to address the societal problems concerning the already heavily regulated commercial activity at issue."

While we were debating the gun liability bill, Ms. Halligan delivered a speech where she expressed her strong opposition to that legislation. She opposed it because it would stop the type of lawsuit she was pursuing. She said:

If enacted, this would nullify lawsuits brought by nearly 30 cities and counties—including one filed by my office—as well as scores of lawsuits brought by individual victims or groups harmed by gun violence. . . . Such an action would likely cut off at the pass any attempt by States to find solutions—through the legal system or their own legislatures—that might reduce gun crime or promote greater responsibility among gun dealers.

Later in that same speech, she expressed her view of the law and legal system. She said:

Courts are the special friend of liberty. Time and again, we have seen how the dy-

namics of our rule of law enables enviable social progress and mobility.

This statement is very troubling, especially as it relates to the nuisance lawsuit against gun manufacturers. Those lawsuits are a prime example of how activists on the far left try to use the courts to effect social policy changes they are somehow unable or unwilling to fight to achieve through the ballot box. That is why I believe those lawsuits represent not only bad policy but, more broadly, an activist approach to the law.

I am also concerned about Ms. Halligan's views on the war on terror and the detention of enemy combatants. This is especially troubling because Ms. Halligan is the nominee for the D.C. Circuit Court, where we know a lot of these issues are often heard.

In 2004, Ms. Halligan was a member of the New York City Bar Association that published a report entitled "The Indefinite Detention of Enemy Combatants and National Security in the Context of the War on Terror." That report argued there were constitutional concerns with the detention of terrorists in military custody. It also argued vigorously against trying enemy combatants in military tribunals. Instead, it argued in favor of trying terrorists in civilian article III courts.

As I said, Ms. Halligan is listed as one of the authors of that report. But when it came to testifying at her hearing, Ms. Halligan tried to distance herself from that report. She testified she did not become aware of the report until 2010. In a followup letter after her hearing, Ms. Halligan did concede "it is quite possible that [a draft of the report] was sent to me," but she could not recall reading the report.

I recognize memories fade over time. But as I assess her testimony, I think it is noteworthy that at least four other members of the committee abstained from the final report. Ms. Halligan did not.

I also point out that she coauthored an amicus brief before the Supreme Court in a 2009 case of *Al-Marri v. Spagone*. Ms. Halligan's brief in that case took a position similar to the 2004 report with respect to military detention of terrorists. In that case, she argued that the authorization for use of military force law did not authorize the seizure and indefinite military detention of a lawful permanent resident alien who conspired with al-Qaida to execute terror attacks on our country.

The fact that Ms. Halligan coauthored this brief, pro bono, suggests to me she supported the conclusions reached by the 2004 report. Again, this issue is particularly troublesome for a nominee to the D.C. Circuit, where, as I have already said, many of these questions are heard.

There are a number of other aspects of her record that concern me. For instance, she authored an informal opinion on behalf of Attorney General Spitzer regarding New York's domestic relations law. That opinion invoked a theory of an evolving Constitution.

As New York's solicitor general, Ms. Halligan was responsible for recommending to the attorney general that the State intervene in several high-profile Supreme Court cases. She filed amicus briefs that consistently took activist positions on controversial issues, such as abortion, affirmative action, immigration, and federalism.

I will give you some instances. In *Scheidler v. National Organization for Women*, she supported NOW's claim that pro-life groups had engaged in extortion.

In the twin affirmative action cases of *Grutter v. Bollinger* and *Gratz v. Bollinger*, she argued that the use of race in college and law school admissions was not only appropriate but constitutional.

In *Hoffman Plastics Compounds v. NLRB*, she argued that the NLRB should have the authority to grant backpay to illegal aliens, even though Federal law prohibits illegal aliens from working in the United States.

Ms. Halligan represented New York in *Massachusetts v. EPA*, where a number of States argued that the Clean Air Act authorized and required the EPA to regulate automobile emissions and other greenhouse gases associated with climate change.

These are just some of my many concerns regarding the nominee's judicial philosophy and her approach to constitutional interpretation.

Based on her record, I do not believe she will be able to put aside her long record of liberal advocacy and be a fair and impartial jurist.

Yesterday, before the votes on the judicial nominations were confirmed, I made a few remarks regarding the history of this seat. So I will briefly review again the approach I have been arguing for more than a decade—and I had the support of other Senators—that there are too many seats and it is an underworked circuit. It may come as a surprise to some, but this seat has been vacant for over 6 years. It became vacant in September 2005, when John Roberts was elevated to Chief Justice of our Supreme Court. But it has not been without a nominee for all that time.

In June of 2006, President Bush nominated an eminently qualified individual for this seat, Peter Keisler. Mr. Keisler was widely lauded as a consensus bipartisan nominee. His distinguished record of public service included service as Acting Attorney General. Despite his broad bipartisan support and qualifications, Mr. Keisler waited 918 days for a committee vote that never came.

But Mr. Keisler was not the only one of President Bush's nominees to the D.C. Circuit to receive a heightened level of scrutiny. In fact, when President Bush was President, his nominees to the D.C. Circuit did not simply receive heightened scrutiny but were subjected to every conceivable form of obstruction.

Those of us who were here remember these debates very well: Estrada, Roberts, Griffith, Kavanaugh, Keisler, and Brown. All these nominees had difficult and lengthy processes. This included delays, multiple filibusters, multiple hearings, boycotting markups so we would not have a quorum to vote on their confirmation, including even invoking the 2-hour rule during committee markup and other forms of obstruction.

I have not suggested we repeat all the tactics used by the other side employed during the last Republican administration. I do believe, however, it is important to remind my colleagues of the precedents the other side established for nominees to this circuit.

There is one other relevant fact I would like to briefly discuss in connection with this vote; that is, the workload of the D.C. Circuit. That gets back to what I have already referred to—that it has been underworked compared to other circuits.

When Peter Keisler was nominated to the same seat, my friends on the other side objected to even holding a hearing for the nominee, based upon concerns about the workload of the D.C. Circuit. So here is something we tend to agree on, which has gone by the wayside now that we have a nominee from the President of the other party for this same seat. During Mr. Keisler's hearing, one of my Democratic colleagues summarized the threshold concerns. He said:

Here are the questions that just loom out there: 1) Why are we proceeding so fast here? 2) Is there a genuine need to fill this seat? 3) Has the workload of the D.C. circuit not gone down? 4) Should taxpayers be burdened with the cost of filling that seat? 5) Does it not make sense, given the passion with which arguments were made only a few years ago, to examine these issues before we proceed?

So we have five very important questions that are applicable today from a Member on the other side of the aisle.

I have not heard these same concerns expressed by my friends on the other side with respect to Ms. Halligan's nomination. But that does not mean these issues have gone away.

Statistics from the Administrative Office of the U.S. Courts show that caseloads on the D.C. Circuit have decreased markedly over the last several years. This decrease is evident in both the total number of appeals filed and the total number of appeals pending. Specifically, the total number of appeals filed decreased by over 14 percent between 2005, when there were 1,379 appeals filed, and the year 2010, when only 1,178 appeals were filed.

The workload decline is also demonstrated in the per-panel and per-judge statistics. Filings per panel and filings per judge show a decline of nearly 7 percent during this period. Pending appeals per panel dropped over 9 percent.

When you examine the caseload statistics in relationship to other circuit courts, the D.C. Circuit ranks last in nearly every category. For instance, the D.C. Circuit has the fewest total appeals filed per panel and only half as many appeals filed per panel as the 10th circuit, which has the second fewest in the country. They have the fewest number of appeals terminated per judge. And again, they have roughly half as many terminations per judge as the second least busy circuit—again, the 10th circuit.

They have the fewest signed written decisions per active judge, with 57. By way of comparison, the second circuit has 5 times as many, with 270 per active judge. The 10th circuit has roughly 4 times as many, with 240 per judge. They have fewest total appeals terminated per panel, with 347.

By way of comparison, the 11th circuit had over 4 times as many total appeals terminated in 2010, with 1,574. The ninth circuit had nearly 4 times as many, with 1,394. And the second and fifth circuits each had 1,329.

Given these statistics, we should be having a discussion on reducing the staffing for this court, not filling a vacancy. This seat is not a judicial emergency. And with our massive debt and deficit, I don't understand why we would be spending our time and resources, particularly on a highly controversial nomination.

Given the concerns I have about Ms. Halligan's record on the second amendment, the war on terror, and other issues, my concerns regarding her activist judicial philosophy and the Court's low workload, I oppose this nomination, and I urge my colleagues to do the same.

I would note in closing the number of organizations expressing their opposition to this nomination: the American Conservative Union, the National Rifle Association, Gun Owners of America, Citizens Committee for the Right to Keep and Bear Arms, Committee for Justice, Concerned Women of America, the American Center for Law and Justice, Heritage Action, Liberty Counsel, Family Research Council, Eagle Forum, and there are others.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I understand morning business will now close.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CAITLIN JOAN HALLIGAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be time for debate until noon, equally divided in the usual form.

Mr. LEAHY. Madam President, some of the people I have heard who oppose Ms. Halligan were also some of the same people who successfully opposed an effort in the Congress to actually protect police officers a few years ago. So I want to put the opposition in context. It is probably why so many law enforcement groups support Ms. Halligan, because she stood up for law enforcement, unlike some of the groups we have heard about who oppose her, who sought to make the life of police officers more dangerous.

Be that as it may, the Senate stands at a crossroads today. Voting to end the partisan filibuster of this judicial nomination is as important as it was when the Senate did so in connection with the nomination of Judge McConnell to the United States District Court of Rhode Island earlier this year. If we allow the partisan filibuster to go forward, then the Senate will be setting a new standard that no nominee can meet if they wish to be confirmed to the D.C. Circuit.

Republican Senators who just a few years ago argued that filibusters against judicial nominees were unconstitutional and said that they would never support such a filibuster, and those who care about the judiciary in the Senate, need to step forward and do the right thing. You cannot say that filibusters against judicial nominees are unconstitutional when you have a Republican President but suddenly support a filibuster when you have a Democratic President. This goes even beyond the standards that have driven the approval rating of Congress to an all-time low for hypocrisy. We ought to end the filibuster now and proceed to vote on this extraordinarily well-qualified nominee.

Ms. Halligan, nominated to fill one of three vacant seats on the important D.C. Circuit, is a highly regarded appellate advocate. She has the kind of impeccable credentials in both public service and private practice that have been looked for in the past by both

Democratic and Republican Presidents. Her nomination reminds me of John Roberts, when he was confirmed by every single Democrat and every single Republican to the D.C. Circuit in 2003. I certainly did not agree with every position he had taken or argument he had made as a high-level lawyer in several Republican administrations, but I supported his nomination to the D.C. Circuit, as I did to the Supreme Court, because of his legal excellence and ability.

It is frustrating to have Senators tell me privately they know Ms. Halligan is just as qualified as John Roberts was, but this lobby and that lobby are against her. Lobbyists come and go. The court is supposed to be the epitome of justice in this country.

I trusted John Roberts' testimony that he would fairly apply the law if confirmed. If the standard we used for him is applied to Ms. Halligan, there is no question this filibuster will end and Caitlin Halligan will be confirmed.

By any traditional standard, Caitlin Halligan is the kind of superbly qualified nominee who should easily be confirmed by the Senate. Yet, the Senate Republican leadership's filibuster of this nomination threatens to set a new standard that could not be met by anyone. It would not have been met by John Roberts. If this is the new standard, it is wrong, it is unjustified and it is dangerous. Overcoming it will take a handful of sensible Senate Republicans willing to buck their leadership and some single-issue lobbyists. They have done it before and they should again now. Those who care about the judiciary—and as important, those who care about the Senate—need to come forward and end this filibuster.

From the beginning of the Obama administration, we have seen too many Senate Republicans shift significantly away from the standards they used to apply to the judicial nominations of a Republican President. During the administration of the last President, a Republican, they insisted that filibusters of judicial nominees were unconstitutional. They threatened the "nuclear option" in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominations.

Many Republican Senators declared that they would never support the filibuster of a judicial nomination. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana. They tried to prevent an up or down vote on his nomination even though he was nominated by President Obama after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who strongly supported the nomination. The Senate rejected that unjustified filibuster and Judge Hamilton was confirmed with Senator LUGAR's support.

With their latest filibuster, the Senate Republican leadership seeks to set yet another new standard, one that threatens to make confirmation of any nominee to the D.C. Circuit virtually impossible for the future. Caitlin Halligan is a well-qualified nominee with a mainstream record as a brilliant advocate on behalf of the State of New York and in private practice. She served for nearly six years as Solicitor General of New York and has been a leading appellate lawyer in private practice, currently serves as General Counsel at the New York County District Attorney's Office, and has served as counsel of record in nearly 50 matters before the U.S. Supreme Court, arguing five cases before that court and many cases before Federal and state appellate courts. She clerked for Supreme Court Justice Stephen Breyer and for Judge Patricia Wald on the D.C. Circuit, the court to which she has been nominated. No Senator has or can question her qualifications. I have reviewed her record carefully in the course of the Judiciary Committee's thorough process, including her response to our extensive questionnaire and her answers to questions at her hearing and in writing following the hearing. In my view, there is no legitimate reason or justification for filibustering her nomination.

Yesterday, I put into the RECORD some of the many letters of support we have received from across the political spectrum for Ms. Halligan's nomination. These letters are a testament to both her exceptional qualifications to serve and to the fact that this should be a consensus nomination, not a source of controversy and contention. They attest to the fact she is not a closed-minded ideologue, but is the kind of nominee who has demonstrated not only legal talent but also a dedication to the rule of law throughout her career. We should encourage nominees with the qualities of Ms. Halligan to engage in public service. We should welcome people like her to serve on the Federal bench, not denigrate them. Concocted controversies and a blatant misreading of Ms. Halligan's record as an advocate are no reason to obstruct this outstanding nomination.

I also demonstrated yesterday that any so-called "caseload" concern is no justification for filibustering this nomination. This was not a concern we heard from Republicans when they voted to confirm President Bush's nominees to fill not only the 9th seat, but also the 10th seat and the 11th seat on this court a couple of years ago. They should not now use caseload as an excuse to filibuster President Obama's nomination to fill the ninth seat when the D.C. Circuit's caseload has increased. There are only two differences today than when President Bush's nominees to the D.C. Circuit were confirmed in 2005 and 2006: One, the caseload per active judge has increased, not

decreased; and we have a Democratic President, not a Republican President.

The D.C. Circuit is often considered the second most important court in the land because of the complex cases that it handles, cases that have grown in importance since the attacks of September 11. As noted in a recent Washington Post editorial: “[Caseload numbers do] not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.” I ask unanimous consent that a copy of this editorial and one from today’s Boston Globe be printed in the RECORD at the conclusion of my remarks, along with letters to the editor of the Washington Post in support of Ms. Halligan’s nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. LEAHY: Yet the D.C. Circuit is now more than one-quarter vacant, with three judicial vacancies. The caseload per active judge has gone up since Republican Senators supported every one of President Bush’s nominations to that court. According to the Administrative Office of U.S. Courts, the caseload per active judge has increased by one third since 2005, when the Senate confirmed President Bush’s nomination of Thomas Griffith to fill the 11th seat on the D.C. Circuit. That is right—the D.C. Circuit’s caseload has actually increased. By any objective measure, the work of the D.C. Circuit has grown, and the multiple vacancies should be filled, not preserved and extended for partisan purposes. The “extraordinary circumstance” that exists here is the more than one-quarter vacancy level on this court, with only eight active judges.

If caseloads were really a concern of Republican Senators, they would not be standing by while their leadership delays Senate consideration of the nominations of Morgan Christen of Alaska and Jacqueline Nguyen of California to the Ninth Circuit, and Judge Adalberto Jordan of Florida to the Eleventh Circuit. These two circuits have the highest number of cases per active judge. The Ninth Circuit is burdened by multiple vacancies and the largest caseload in the nation. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains open after the Republican filibuster of Goodwin Liu. I have repeatedly urged the Senate to take up and consider these nominations, which are supported by home state Senators, yet Republicans have refused to consider them for months. Anyone truly concerned about courts’ caseloads should join with me to consider the other 20 judicial nominations still pending on

the Senate calendar and awaiting final action.

Given Caitlin Halligan’s impeccable credentials and widespread support, this should be the kind of consensus nomination supported by Senators of both parties who seek to ensure that the Federal bench continues to attract the best and the brightest. Certainly, by the standard utilized in 2005 to end filibusters and vote on President Bush’s controversial nominees, this filibuster should be ended and the Senate should vote on the nomination. Those Senators who claim to subscribe to a standard that prohibits filibusters of judicial nominees except in “extraordinary circumstances” should keep their word and not support this filibuster. There are no “extraordinary circumstances” to justify the filibuster.

In 2005, Senator GRAHAM, a member of the “Gang of 14” described his view of what comprises the “extraordinary circumstances” justifying a filibuster. He said: “Ideological attacks are not an ‘extraordinary circumstance.’ To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.” Caitlin Halligan has no character problem, no ethics problem, and there is no justification for this filibuster. Caitlin Halligan is a superbly qualified nominee whose personal integrity, temperament, and abilities have been attested to by the many leading lawyers who have worked with her and against her. They all attest to her integrity and temperament and abilities.

The signers of the 2005 Memorandum of Understanding, and the Senate, demonstrated what they thought that agreement entailed when they proceeded to invoke cloture on a number of controversial nominations. The Senate invoked cloture on the nominations of Janice Rogers Brown and Thomas Griffith to the D.C. Circuit, the circuit to which Caitlin Halligan has been nominated.

As a Justice on the California Supreme Court, Janice Rogers Brown was a nominee with a consistent and extensive record, both on the bench and off, of using her position as a member of the court to put her views above the law. This was not a question of one case or one issue on which Democrats differed with the nominee—I have voted for hundreds of nominees of Republican and Democratic Presidents which whom I differ on many issues. But this was a nominee with views so extreme she was opposed not just by her home state Senators, but also by more than 200 law school professors from around the Nation who wrote to the Committee expressing their opposition. Her record in numerous decisions as a judge showed that she was willing to put her personal views above the law on issue after issue, including a will-

ingness to roll back the clock 100 years on workers’ and consumers’ rights, to undermine clean air and clean water protections for Americans and their communities, laws providing affordable housing, zoning laws that protect homeowners, and protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, while serving on the California Supreme Court, Justice Brown had argued that Social Security was unconstitutional, a position clearly at odds with well established law. She went so far as to say “today’s senior citizens blithely cannibalize their grandchildren.”

Despite her ideological extremism and willingness to implement her radical personal views as a judge without regard to the existing law, she was confirmed to the D.C. Circuit. Her nomination was judged not to present “extraordinary circumstances” supporting a filibuster. There is no justification under the standard applied to the nomination of Janice Rogers Brown for a filibuster of the nomination of Caitlin Halligan, a widely-respected nominee with a clear devotion to the rule of law and no record of ideological extremism.

The nomination of Thomas Griffith to the D.C. Circuit was also determined not to present “extraordinary circumstances” despite his decision to practice law without a license for a good part of his career, which I felt should be disqualifying. He was confirmed to fill the 11th seat on the D.C. Circuit. There is no question that under the standard Republicans applied to the nomination of Thomas Griffith, Caitlin Halligan should be confirmed to fill the ninth judgeship on that court.

I urge Republican and Democratic Senators to come together and end this misguided filibuster of Caitlin Halligan’s nomination to the D.C. Circuit. There is no basis under any appropriate standard for blocking her nomination from having an up-or-down vote. To the contrary, Caitlin Halligan’s impeccable credentials and record as an accomplished advocate make her nomination worthy of bipartisan support.

EXHIBIT 1

[From the Boston Globe, Dec. 6, 2011]

OUTRAGE MACHINE GRINDS AWAY (Editorial)

Discrediting perfectly qualified nominees to the federal judiciary is a dreary, familiar business—one whose latest target is Caitlin Halligan, a former New York solicitor general who once clerked for Supreme Court Justice Stephen Breyer. Ever since President Obama nominated her for the D.C. Circuit Court of Appeals last year, critics have been combing her record for evidence of dangerous radicalism.

They haven’t found any. But in the crude world of judicial-nomination fights, a nuanced discussion of New York’s marriage laws becomes a self-evident slant toward same-sex marriage. Others depict her as anti-gun because she signed a brief in a liability suit against gun manufacturers. The

group Gun Owners of America has conveniently pre-written an e-mail, which members can robo-send to their senators, denouncing Halligan's nomination as "inconceivable."

Halligan may not be GOP senators' first choice for an appellate-court seat. And if a Republican president had chosen a former Texas solicitor general who'd clerked for Antonin Scalia, some of the same groups now defending Halligan would surely be scraping around for reasons why the nominee was utterly unsuitable for the job. But the Senate need not dignify these tactics.

In a way, Halligan is lucky; rather than stringing her along endlessly, the Senate has scheduled a vote today to end debate on her nomination. GOP senators—including Scott Brown—should acknowledge that her views appear to be well within the legal mainstream, and vote to end the filibuster against her. Her nomination deserves, at the least, an up-or-down confirmation vote.

[From the Washington Post, Nov. 22, 2011]

SENATE SHOULD CONFIRM CAITLIN HALLIGAN
TO THE D.C. CIRCUIT COURT
(Editorial)

When Caitlin J. Halligan was nominated in 2010 to a seat on the U.S. Court of Appeals for the D.C. Circuit, the prestigious 11-member court had two vacancies. Today, there are three, after Judge Douglas H. Ginsburg took senior status this fall.

Yet some Senate Republicans argue that there is no need to install Ms. Halligan because the court's caseload has shrunk. Others look suspiciously on her purported views on antiterrorism policy. GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill. These lawmakers rightly objected to such tactics when deployed by Democrats to stall or defeat well-qualified Republican nominees; they should not revert to them now when a Democrat controls the White House.

Ms. Halligan has had a distinguished career and deserves to be confirmed. A graduate of the Georgetown University Law Center, she clerked for D.C. Circuit Judge Patricia M. Wald and later for Supreme Court Justice Stephen Breyer. She has served as head of the appellate practice at a top New York law firm, as solicitor general in that state and now as general counsel for the New York County District Attorney's Office in Manhattan. The American Bar Association gave Ms. Halligan a unanimous well-qualified rating. The Senate Judiciary Committee approved her nomination seven months ago; she has been waiting for a floor vote ever since.

While it is true that caseloads have been inching downward at the D.C. Circuit, the decline does not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.

Critics note that Ms. Halligan's name appears on a 2004 report by the New York City Bar Association that lambasted the Bush administration for asserting the legal authority to hold enemy combatants without trial until the cessation of hostilities; the Supreme Court ultimately endorsed the administration's position. Ms. Halligan acknowledges that she was a member of the committee that wrote the report but testified that she was not involved in its development or writing and said she learned of it only in 2010, while gathering material for the con-

firmation process. Ms. Halligan testified that she did not agree with the report's conclusions.

Some critics suggest that Ms. Halligan's repudiation is a "confirmation conversion." Yet no evidence to dispute her account has emerged during the eight months since her hearing. The report episode is odd but should not disqualify Ms. Halligan, given the mountain of evidence that she is a smart and well-qualified candidate.

FRANKLIN COUNTY,

Malone, NY, February 14, 2011.

Senator PATRICK J. LEAHY,
Chairman, U.S. Committee on the Judiciary,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LEAHY: I once discussed on a plane ride to Washington with you your time as a Prosecutor. Today it is my pleasure and honor to write a letter supporting the nomination of a fellow prosecutor, Caitlin J. Halligan, for the D.C. Circuit Court of Appeals.

In my service as District Attorney of Franklin County in rural upstate New York and as President of the District Attorneys Association of the State of New York, I have had the distinct privilege of working closely with Ms. Halligan during the past year. In her position as General Counsel to Manhattan District Attorney Cyrus R. Vance, Jr., she has consistently demonstrated her unconditional support of the interests of law enforcement and has lent her exceptional expertise as an advocate for the rule of law to the complex issues that confront our state across its many varied interests.

Having first heard of Ms. Halligan's remarkable legal abilities during her tenure as Solicitor General of New York State under Governor George Pataki, I am delighted now to have learned firsthand that she is a consummate "lawyer's lawyer". She has unparalleled legal reasoning skills and a firm commitment to our constitutional values.

Thank you for this opportunity to express my support for this exceptional judicial candidate.

Very truly yours,

DEREK P. CHAMPAGNE,
District Attorney.

COUNTY OF ONONDAGA,

Syracuse, NY, February 16, 2011.

Re Caitlin Halligan.

Senator PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR SENATOR LEAHY: I write this letter in support of the President's nomination of Caitlin Halligan for the United States Court of Appeals for the District of Columbia Cir-

cuit. By way of a brief introduction, I am a career prosecutor, having served twenty years as the elected District Attorney of Onondaga County (just under a half a million population) in Upstate New York and ten years as an assistant district attorney prior to that. I am the New York State representative to the National District Attorneys Association and serve on that body's Executive Committee. I am also co-chairman of the American Bar Association's Criminal Justice Section's Committee on Science and Technology and I have been appointed by Governors Pataki, Spitzer and Cuomo to serve on New York State's Forensic Science Commission. I am a past President of the New York State District Attorneys Association and currently serve on its Board of Directors. I am also a life long Republican, but nobody's perfect.

Cy Vance is the current District Attorney of New York county having succeeded the legendary Bob Morgenthau. Cy is a good friend and has quickly established himself in New York as an outstanding prosecutor and a resource for his sixty-one other colleagues throughout the State. And one of the really great things that Cy does is surround himself with quality people. A perfect example of one of those quality people is Caitlin Halligan, currently Cy's General Counsel at the Manhattan District Attorney's Office.

Caitlin's résumé makes it hard to believe she is only forty-four years old. Educated at Princeton with a law degree from Georgetown, Caitlin served as law clerk to two of America's most illustrious jurists. Her service to my home State of New York has been both distinguished and invaluable. As a member of the Attorney General's Internet Bureau, Caitlin helped develop initiatives to battle on-line fraud and protect individual privacy. Many of those initiatives are still employed by local offices. Rising through the ranks of the Attorney General's Office, Caitlin for five years served as our State's Solicitor General, arguing cases before all appellate levels, including the United States Supreme Court. Caitlin's reputation was nothing short of outstanding which is one of many reasons my friend Cy Vance was lucky enough to entice her back into public service as his General Counsel.

I fully understand the political give and take of the nomination process, particularly when the position is of such import. Words uttered and position papers written decades earlier take on greater significance. Each party would prefer to have a nominee whose judicial philosophy is most closely attuned to their core beliefs. Ultimately, it is the President's choice and frankly I do not think any President, Democrat or Republican, could find a more qualified, a more honorable or a finer candidate than Caitlin Halligan.

Sincerely,

WILLIAM J. FITZPATRICK,
District Attorney.

RICHMOND COUNTY,

Staten Island, NY, February 25, 2011.

Re Caitlin J. Halligan.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR SENATOR LEAHY: I write in support of the nomination of Caitlin J. Halligan for a seat on the United States Court of Appeals for the D.C. Circuit. Ms. Halligan's experience and accomplishments as an appellate lawyer make her an ideal appointee to that Court.

Ms. Halligan, currently employed by the New York County District Attorney's Office as General Counsel, has served as First Deputy Solicitor General, then Solicitor General of the State of New York and as head of the appellate practice section at the New York law firm of Weil, Gotshal and Manges LLP. In her time as First Deputy and then Solicitor General, she was responsible not only for briefing and arguing her own cases, but for supervising the appellate litigation conducted by New York State's Attorney General as well.

In her time in private practice and in the Office of the New York State Solicitor General, Ms. Halligan has briefed and argued cases at all levels of appellate courts in the United States, ranging from the United States Supreme Court to New York State's intermediate appellate court, the Appellate

Division and has also supervised briefs filed in those courts. The cases in which she has been involved, either as principal attorney or supervisor, span such diverse areas as prisoner civil rights matters, environmental, voting rights and free speech issues, and commerce clause matters. This breadth of practice areas—both in terms of the courts in which Ms. Halligan has appeared and the nature of the cases in which she has been involved—certainly has provided Ms. Halligan with the background necessary for success as a Circuit Court judge, particularly in view of the wide variety of matters that will come before Ms. Halligan should she be confirmed to a seat on the D.C. Circuit.

In short, Ms. Halligan's experience as an appellate practitioner and the wide variety of issues with which she has dealt will serve her well in her capacity as a Circuit Judge and I am pleased to offer my support for her confirmation.

Sincerely,

DANIEL M. DONOVAN, Jr.,
District Attorney.

NEW YORK STATE ASSOCIATION OF
CHIEFS OF POLICE, INC.,
Schenectady, NY, April 27, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: On behalf of the New York State Association of Chiefs of Police, I am writing to express our unqualified support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia Circuit.

Our Association was founded in 1901 and has almost 600 active members including Police Chiefs, Commissioners, Superintendents and other command level officers. Our primary purpose is to provide training for our members and to serve as an information hub for them as well. We take great pride in helping to advance the cause of professional policing and take very seriously our obligations to support individuals who we believe will serve our nation's criminal justice system well.

An examination of Ms. Halligan's credentials clearly indicates to us that she is one of those individuals She has demonstrated an understanding of the need for strong law enforcement to protect those in our communities least able to protect themselves. She has extensive experience as an appellate lawyer and has worked on many important cases being handled by the most senior courts in our judicial system.

Our Board of Governors who represent police agencies across the State from the largest to the smallest have unanimously voted to endorse her nomination. We urge you to give her the most serious consideration for this most important appointment.

Thank you for your attention to our interests and please feel free to contact us if we may ever be of assistance.

Respectfully,

JOHN P. GREBERT,
Executive Director.

NEW YORK

WOMEN IN LAW ENFORCEMENT,
Albany, NY, May 31, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: On behalf of the New York Women in Law Enforcement (NYWLE), I am writing to express our support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia Circuit.

The primary mission of NYWLE is to support the recruitment, retention and promotion of women within the criminal justice system. It is with enthusiasm that we support the appointment of Ms. Halligan, a person of nobility and integrity to this honorable position.

Her vast experience arguing cases before both state and federal appellate courts coupled with her rapid advancement in her career speak to her elevated level of intelligence and integrity. Her pro bono work on the memorial for the World Trade Center demonstrates her noble commitment to doing what is right for individuals in need. She exemplifies all the characteristics of a person we would want to serve the people of this country in such a crucial judgeship.

In summary, the Board of the NYWLE, whose 19 names and positions are outlined on this letterhead, highly recommends Ms. Halligan as a Federal Circuit Judge. We thank you for your consideration in this matter.

Respectfully,

DEBORAH J. CAMPBELL,
President.

NATIONAL CENTER FOR
WOMEN & POLICING,
Arlington, VA.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: On behalf of the National Center for Women and Policing (NCWP), I am writing to express our utmost support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia Circuit.

A division of the Feminist Majority Foundation, the NCWP has been working since 1995 to educate criminal justice policy makers, the media and the public about the impacts of increasing the representation of women in policing. Our goals include ensuring that gender is always considered during the analysis of contemporary policing issues, and that law enforcement agencies strive for gender balancing their departments. We take great pride in helping to advance the cause of professional policing and take very seriously our obligations to support individuals who we believe will serve our nation's criminal justice system overall.

Ms. Halligan is clearly an individual we would want to support to serve our criminal justice system at the national level. Her extensive experience either representing cases before the Supreme Court or arguing cases before the state and federal appellate courts whether as the Solicitor General for New

York State, the Counsel for New York County's District Attorney Office or for private practice is impressive. Her pro bono work on the memorial for the World Trade Center is honorable. She is clearly a person of solid standing and integrity a person we would want serving the people at one of our highest courts.

We are confident she would provide fair and equal justice and therefore respectfully request your consideration for Ms. Halligan for this critical appointment.

Respectfully,

MARGARET MOORE,
Director.

NATIONAL CONFERENCE
OF WOMEN'S BAR ASSOCIATIONS,
Portland, OR, June 23, 2011.

Re Nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Hon. PATRICK J. LEAHY,
Chair, Dirksen Senate Office Building, Wash-
ington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Dirksen Senate Office Build-
ing, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National Conference of Women's Bar Associations, we write to express our enthusiastic support for the nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Halligan's broad experience, public service and intellect make her well suited to the federal appellate bench, and her appointment would add much needed diversity to the federal court, where currently only three women are among the active judges on the D.C. Circuit.

We join with many other organizations such as the National District Attorneys Association, the New York Women in Law Enforcement and the Women's Bar Association of the District of Columbia in urging the speedy confirmation of this outstanding nominee.

Very truly yours,

MARY E. SHARP,
President.

WOMEN'S BAR ASSOCIATION
OF THE DISTRICT OF COLUMBIA,
Washington, DC, June 16, 2011.

Re Nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Hon. PATRICK J. LEAHY,
Chair, Dirksen Senate Office Building, Wash-
ington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Dirksen Senate Office Build-
ing, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the Women's Bar Association of the District of Columbia (WBA), we write to express the WBA's enthusiastic support for Caitlin J. Halligan's nomination to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Halligan is exceptionally well-qualified for the position to which she has been nominated. Her confirmation would add not only superior intellect, but also much needed diversity to the federal appellate courts.

The WBA's principal goal in supporting judicial candidates is to ensure the appointment of qualified judges and, consistent with that goal, to increase the number of judges who support the mission of the WBA. We give priority in our recommendations to candidates with extensive litigation experience,

a demonstrated commitment to the equality of all litigants, and an attention to women's needs and concerns. The WBA evaluates each candidate for endorsement by reviewing his or her resume and other supporting documentation, and by discussing, with references the candidate's qualifications, integrity, temperament, experience, and commitment to the concepts of equal opportunity and equal justice under law.

Ms. Halligan is without question eminently qualified to join the D.C. Circuit Court of Appeals. Her academic and legal credentials are of the highest caliber. Ms. Halligan's legal career began at Georgetown University Law Center, where she graduated Order of the Coif and was Managing Editor of the Georgetown Law Review. She subsequently clerked for Judge Patricia M. Wald on the D.C. Circuit Court of Appeals, and later for Justice Stephen G. Breyer of the United States Supreme Court. The majority of her outstanding legal career has been focused upon public service. From 2001–2006, she served as Solicitor General of the State of New York, and she currently serves as General Counsel to the New York County District Attorney's office. In between, Ms. Halligan headed the appellate practice at Weil, Gotshal and Manges, LLP. She has served as counsel of record for a party or amicus at the certiorari or merits stage in more than 40 matters in the United States Supreme Court. She has also argued five cases before the Court, including as recently as March 2011, and won awards from the National Association of Attorneys General in five consecutive years as New York's Solicitor General.

Ms. Halligan's contributions to the legal profession have extended well beyond her day job. She has taught as an adjunct professor at Georgetown University Law Center, and as a Lecturer in Law at Columbia Law School. Ms. Halligan has also made significant pro bono contributions, serving as a member of the Boards of Directors of the National Center for Law and Economic Justice and the Fund for Modern Courts, as pro bono counsel to the Board of Directors of the Lower Manhattan Development Corporation, and as counsel for Hurricane Katrina and Rita evacuees before the Fifth Circuit. Through her activities, Ms. Halligan has demonstrated a commitment to the concepts of equal opportunity and equal justice under law both inside and outside the courtroom.

Given her record of achievement and breadth of experience, it is not surprising that Ms. Halligan has received a unanimous rating of Well-Qualified from the ABA's Standing Committee on the Federal Judiciary, the highest rating available. She has the support of numerous organizations, including the District Attorneys Association of the State of New York, the National District Attorneys Association, the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the New York Women in Law Enforcement, and the National Center for Women & Policing. In addition, a bi-partisan group of prominent appellate practitioners that includes Cliff Sloan, Sri Srinivasan, Miguel Estrada, Carter Phillips and numerous others has submitted an enthusiastic letter praising the abilities and character of Ms. Halligan and expressing their unanimous belief that "Caitlin is an outstanding selection for the D.C. Circuit."

Beyond Ms. Halligan's obvious qualifications, we must note that her confirmation would add much needed diversity to the federal bench. Out of 179 seats on the federal appellate courts, only 50 are currently held by

women. The D.C. Circuit has eleven authorized judgeships, with two current vacancies, but only three women are among the active judges. Ms. Halligan possesses impeccable credentials and would be a worthy addition to the D.C. Circuit.

For all of these reasons, the WBA is proud to support Caitlin Halligan's nomination, and strongly urges the Senate to vote to confirm her to the United States Court of Appeals for the District of Columbia Circuit. She is a superlative lawyer with a broad range of experience, and her commitment to fairness, stellar intellect, judicious temperament, and principled nature make Ms. Halligan a superb nominee. If you have any questions regarding this letter of support, please contact the WBA office.

Sincerely,

MONICA G. PARHAM,
President.

[From the Washington Post, Dec. 5, 2011]
PUT CAITLIN HALLIGAN AND OTHERS ON THE
D.C. CIRCUIT

The Nov. 23 editorial "Time to Pass Judgment" argued that the Senate should confirm Caitlin J. Halligan to a seat on the U.S. Court of Appeals for the D.C. Circuit. I fully agree. Ms. Halligan has excellent qualifications and appears to be an extremely bright and capable judicial candidate. It seems, however, that Senate Republicans have one major problem with Ms. Halligan: She looks too much like a future Supreme Court nominee. That is the same problem Senate Democrats had with Miguel A. Estrada when they blocked his appointment to the D.C. Circuit.

The Halligan and Estrada nominations are just two examples of the petty and unnecessary charade that is the current Senate judicial confirmation process. Though this problem is decades old, perhaps President Obama could make a bold effort at bilateral disarmament and prove his bipartisan bona fides at the same time.

Assuming Ms. Halligan is confirmed, the D.C. Circuit will still have two open seats, to which Obama should nominate Mr. Estrada and Goodwin Liu. Both Mr. Estrada (a Bush nominee) and Mr. Liu (an Obama nominee) are brilliant lawyers, and both were blocked by tit-for-tat Senate politics. Such a move by Mr. Obama could soften the gridlock that has plagued judicial nominations for so many years.

JEFF LUOMA,
North Bethesda.

In addition to all of the reasons that The Post's editorial cited in urging that the Senate confirm Caitlin J. Halligan, one other important factor is that this outstanding nominee would be only the sixth female judge in the 118-year history of the U.S. Court of Appeals for the D.C. Circuit, thus adding to the court's diversity.

Eight months is far too long to deprive the D.C. Circuit of a nominee of Ms. Halligan's talents; the Senate should vote Tuesday to cut off debate on her nomination and vote immediately afterward to confirm her.

MARCIA D. GREENBERGER,
Washington.

Mr. LEAHY. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. I see the distinguished Senator from New York on the floor, and I have a feeling that she will have a statement of support of this superb nominee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I am very proud to support the nomination of Caitlin Halligan to the U.S. Court of Appeals for the District of Columbia.

Caitlin Halligan has distinguished herself through her commitment to fairness, reasoned intellect, personal ethics, and a profound respect for the law. Unfortunately, it appears that some of my colleagues are determined to criticize her, regardless of the facts or her record. The major concern seems to be the workload demands for the D.C. Circuit. This is not a reason to oppose this candidate's nomination.

In 2008, the Senate acted to reduce the number of seats on the D.C. Circuit from 12 to 11, increasing the caseload for each of the judges. Currently, there are only eight active judges on the D.C. Circuit, leaving the bench more than 27 percent vacant. That means the U.S. Circuit Court currently has three vacancies—three vacancies on a court that is currently handling more than 1,200 cases; three vacancies on a court that handles some of the most complicated decisions, including terrorism cases.

Today we have the opportunity to fill one of these vacancies on the D.C. Circuit, often called the second most important court in the entire United States. The caseload of the D.C. Circuit has remained consistent since 2005, while the number of cases per judge has increased by 33 percent. If Ms. Halligan is confirmed, it will reduce that caseload from its current level of approximately 161 pending cases to approximately 143 per judge, still substantially higher than during the previous administration.

The D.C. Circuit Court of Appeals reviews complicated decisions and rule-making of many Federal agencies and in recent years has handled some of the most important terrorism and detention cases since the horrific attacks on September 11. These cases are complex, requiring additional time to allow for the consideration they demand.

Many of my colleagues have raised concerns with positions Ms. Halligan advocated while solicitor general of New York. She filed briefs at the direction of the Attorney General. She was not promoting her own personal views. Many of these cases focused explicitly on New York State's rights to govern in traditional State law areas.

Caitlin Halligan is a woman of superb intellect, a history of laudable achievements, and a record of outstanding public service. Not only does she deserve an up-or-down vote, but on the merits she deserves the full support of the Senate. I ask my colleagues to allow for an up-or-down vote on Caitlin Halligan's nomination. Let's debate Ms. Halligan on her merits. She deserves nothing less.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Madam President, I rise to speak today in opposition to the nomination of Caitlin Halligan to be a judge in the U.S. Court of Appeals for the D.C. Circuit.

The D.C. Circuit is arguably the most important Federal appellate court in our Federal judicial system, with primary responsibility to review administrative decisions made by countless Federal departments and agencies. It has also served in many instances as a steppingstone for judges who are later appointed to the U.S. Supreme Court. As a result, the Senate has historically very closely scrutinized nominees to the D.C. Circuit.

When evaluating particular nominees, we have also carefully considered the need for additional judges on that court.

In July 2006, President Bush nominated an eminently qualified lawyer, Peter Keisler, to fill a seat on the D.C. Circuit. Mr. Keisler is among the very finest attorneys in the country. Because of his nonideological approach to the law, Mr. Keisler enjoys broad bipartisan support throughout the legal profession. Despite these unassailable legal qualifications, Democratic Senators blocked his nomination. He did not receive any floor consideration whatsoever, not even a cloture vote, and his nomination languished in the Judiciary Committee. At the time, a number of Democratic Senators sent a letter to the Judiciary Committee chairman arguing that a nominee to the D.C. Circuit "should under no circumstances be considered, much less confirmed, before we first address the very need for that judgeship"—the judgeship he would occupy. These Senators specifically argued that a D.C. Circuit's comparatively moderate caseload in 2006 simply did not justify the confirmation of an additional judge to that court.

Five years have now passed and Ms. Halligan has been nominated to that very same seat on the D.C. Circuit. But the court's caseload remains as minimal as it did then. According to the Administrative Office of U.S. Courts, the D.C. Circuit caseload per judge is approximately one-fourth that of most other Federal courts of appeals. In each of the past 2 years, the D.C. Circuit has cancelled regularly scheduled argument dates due to lack of pending

cases. For several years the court has experienced a decline in workload in terms of total filings, actions per active judge, and pending appeals. Almost every metric indicates the same direction. Indeed, since 2006, when Democrats blocked Mr. Keisler's nomination, the total number of appeals filed in the D.C. Circuit has decreased—decreased—by 12 percent.

According to the Democrats' own standards, and particularly when there are judicial emergencies in other courts across the country, now is not the time to confirm another judge to the D.C. Circuit. It is most certainly not the time for us to consider confirming a controversial nominee with a record of extreme views of the law and the Constitution. Many of my colleagues have discussed these views, so I will limit myself this morning to one example.

In 2003, while serving as solicitor general of New York, Ms. Halligan approved and signed a legal brief arguing that handgun manufacturers, wholesalers, and retailers should be held liable for criminal actions that individuals commit with those guns. Three years later, in 2006, Ms. Halligan filed a brief alleging that handgun manufacturers were guilty of creating a public nuisance—that they, themselves, were guilty of creating a public nuisance. Such an activist approach is both bewildering and inconsistent with the original understanding of the second amendment and the rights under the second amendment that American citizens enjoy.

In conclusion, as measured by the Democrats' own standards and their prior actions, now is not the time to confirm another judge to the D.C. Circuit, and it is certainly not the time to consider such a controversial nominee for that important court.

For these reasons, I cannot support Ms. Halligan's nomination, and urge my colleagues to oppose her confirmation.

Madam President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEE. I ask unanimous consent that the quorum call be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEE. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. SCHUMER. Reserving the right to object, Mr. President, I believe we have a set number of minutes left to discuss the nominee, Caitlin Joan Halligan, which is the subject here?

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. How much time does the majority have?

The PRESIDING OFFICER. Eight minutes.

Mr. SCHUMER. Mr. President, I ask that the final 8 minutes before we vote be reserved for that and that the Senator from Illinois be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

SOCIAL SECURITY

Mr. KIRK. Mr. President, I wish to speak as in morning business to talk about the big issue pending before the Senate, which is the potential legislation by Republicans or Democrats to cut contributions to Social Security. I am very worried because in the legislation we considered last week, we had proposals to cut contributions to Social Security by \$250 billion. This was legislation proposed by Democratic leaders and then a separate piece of legislation by Republican leaders. I think that legislation was a mistake on both sides.

We have precious few bipartisan institutions or contacts in this Senate. Senator MANCHIN and I—one Democratic and one Republican Senator, both freshmen—meet every Thursday for lunch. At our Thursday lunch last week, Senator MANCHIN initially said: I am having difficulty. I don't think I am going to be able to vote for the Democratic bill to cut Social Security contributions.

I said: I join you in that because I am not going to be able to vote for the Republican bill that cuts Social Security contributions.

So the two of us voted pro-Social Security and against the legislation before us.

I am very worried that we are forgetting the lessons that are currently playing out in Europe on this subject. As Margaret Thatcher said, "Eventually socialists run out of other people's money." The collapse of European socialism underscores the lesson that you cannot run a retirement system without contributions.

We know already that the Social Security system is running slightly in the red. Contributions into the system are going to run \$10 billion behind the cost of honoring benefits to seniors. But under this legislation we would

underfund Social Security by \$250 billion. We would increase the tide of red ink to Social Security by 20 times. I think that is a mistake.

AARP tells us that Social Security is not a welfare program, it is a retirement security program paid by the contributions of workers and we should run this program with the contribution of workers.

Remember, if we make this decision to cut contributions to Social Security, we replace those contributions with government bonds, but the government bonds we would ask seniors to trust no longer have a triple-A credit rating from Standard & Poor's. It is basically asking seniors to trust us.

When you look at the details of the Democratic bill and the Republican bill, you see another disturbing trend. The Democratic and Republican bills both depend on revenue streams that take many years to repay what is lost to Social Security. Under the Republican bill, there are promised cuts which could be reversed by a future administration or Congress. It takes until 2018 to repay the senior citizens what has been lost in Social Security contributions under the trust fund. Under the Democratic bill, there was a political tax on millionaires, and it takes until 2021 to repay seniors.

The message that Senator MANCHIN and I had, as one Democrat and one Republican, is, how about not charging seniors? How about not causing a tide of red ink to Social Security? How about making sure we maintain contributions to that program? Seniors have enough to worry about right now. They should not have to worry about the future solvency of Social Security.

One analyst described how, under the legislation, it requires temporary borrowing of an additional \$240 billion for the Federal budget. I am worried that kind of borrowing could trigger an earlier loss of the debt limit of the United States, so we could trigger the battle we all expect for next January to actually happen—ominously for the President, prior to the election—if this legislation would pass.

Common sense should prevail, that we should run a retirement security system with adequate contributions to maintain benefits, that we should agree on a bipartisan basis that Social Security is one of the most successful Federal programs ever signed, that we should say to seniors: Among all the other worries you have, you should not worry about Congress underfunding the trust fund for Social Security. We should say to seniors: We are not replacing solid contributions coming in from workers with bonds that no longer have a AAA credit rating from Standard & Poor's.

I urge members of AARP to reach out to their leaders and say: We urge you to forcefully advocate for maintaining adequate contributions to Social Security;

that we don't think promises of a millionaire's tax that repays the debts until 2021 or spending cuts that repay the debts until 2018 are something we can fully trust.

So I urge Members of this body to maintain adequate contributions to Social Security, to defeat both the Republican and Democratic bills, to learn the lessons of Europe that we need to maintain a retirement security system with adequate contributions, and that we should not sink the Social Security trust fund in a wave of red ink on gimmick legislation which already would impinge the credit of the United States to a degree that it should not be impinged any further.

With that I yield the floor, and I thank my senior colleague from New York.

Ms. COLLINS. Mr. President, I rise today to speak on the nomination of Caitlin Halligan to be a judge of the U.S. Circuit Court for the District of Columbia.

I have carefully considered the background of this nominee and undertaken a full review of her public record as well as the records of the Judiciary Committee hearings. I have also looked closely at the actual staffing needs of the court to which she has been nominated. While my review leads me to conclude that Ms. Halligan is well qualified, I am not convinced that the workload of the court justifies filling the seat, and on that basis, I oppose the nomination.

This vacancy has existed since 2005 when then-Judge John Roberts was elevated to the Supreme Court. In June 2006, President Bush nominated Peter Keisler to fill the seat. Despite Mr. Keisler's strong qualifications, Democrats held up his nomination for a total of 918 days; it eventually had to be withdrawn.

Central to their objection to Mr. Keisler's nomination was their contention that the court's caseload did not justify filling the vacancy. As expressed by a Democratic Judiciary Committee member during Mr. Keisler's confirmation hearing and later reiterated by all eight committee Democrats in a letter to the chairman urging the nomination be put on hold:

We are putting the cart before the horse here. . . . Here are the questions that just loom out there. Is there a genuine need to fill this seat? Has not the workload of the D.C. Circuit gone down? Should taxpayers be burdened with the cost of filling that seat? . . . We have been told repeatedly that to fill this seat would be a waste of taxpayer money and a shameful triumph of big government. Why then are we speeding towards confirmation here?

Since that statement, even with this seat still vacant, statistics from the Administrative Office of the U.S. Courts show that the caseload of the D.C. Circuit has actually continued to decrease markedly over the last several years and that, with a smaller

court, more appeals were terminated during this same period.

This decrease is evident in both the total number of appeals filed and the total number of appeals pending. Specifically, the total number of appeals filed in the D.C. Circuit decreased by more than 14 percent between 2005, when 1,379 appeals were filed, and 2010—the latest complete year for which statistics are available—when 1,178 appeals were filed. Meanwhile, with a smaller court, more appeals were terminated during this period. The total number of appeals pending was reduced from 1,463 appeals to 1,293 appeals. This is a decrease of nearly 12 percent.

The shrinking workload is also demonstrated in the per-panel and per-judge statistics. Filings per panel and filings per judge show a decline of nearly 7 percent during this period as well. Pending appeals per panel dropped over 9 percent. Interestingly, the D.C. Circuit ranks last among the circuit courts in 2010 in this category. That means it has the lightest workload per panel.

Given the declining workloads, the Senate should be debating reducing the staffing for this court, not filling a vacancy. With our massive deficit, belts being tightened everywhere, and critical vacancies existing on other Federal courts, why should we spend the resources—estimated at over \$1 million a year—to fill this seat? Why are we eating up legislative time debating a nominee we likely don't need, instead of moving forward to nominees for vacancies that have become judicial emergencies and demand more immediate attention?

It is discouraging to note that now that the candidate for this seat is a Democratic nominee and not a Republican, all of my friends on the other side of the aisle seem to have forgotten their concerns about the caseload, even though the court's own statistics show it has markedly declined. In fact, when the Senator from Iowa, Mr. GRASSLEY, recently sought to amend a judicial staffing bill before the Judiciary Committee this last October to cut a seat on the D.C. Circuit, Committee Democrats voted it down.

Mr. President, given the facts, I firmly believe that filling this vacancy before we determine whether the position is or is not superfluous to the court's needs, is indeed, as Judiciary Committee Democrats noted in 2006, "putting the cart before the horse." Until that determination is made, I cannot support filling this vacancy regardless of the nominee's qualifications. Consequently, I will oppose cloture on the nomination.

Mr. HATCH. I rise today in opposition to the nomination of Caitlin Halligan to the U.S. Court of Appeals for the D.C. Circuit. I reached this conclusion after applying the same standard I use for all judicial nominations.

The Senate owes some deference to the President regarding judicial nominees who are qualified by virtue of their legal experience and, more importantly, their judicial philosophy. I want to briefly mention a few of the reasons why this controversial nominee fails to meet this standard.

One hallmark of an activist judicial philosophy is trying to use the courts to solve problems or address issues that properly belong in the legislative branch. Both as solicitor general of New York and in private practice, Ms. Halligan argued that gun manufacturers should be held liable for the illegal use of their products. She argued that illegally possessed handguns are a so-called public nuisance for which manufacturers should be held responsible. The New York Court of Appeals rejected this radical theory and properly concluded that such social problems should be addressed by the legislative or executive branches rather than the judicial branch.

Undeterred, Ms. Halligan next went to Federal court to challenge the constitutionality of the Protection of Lawful Commerce in Arms Act. Congress enacted that statute so that manufacturers would not be held liable for the illegal use of their products. That measure passed the House and the Senate by at least a 2-to-1 margin. In this body, 14 Democrats voted for the bill, including 10 who still serve today. As had the New York Court of Appeals, the U.S. Court of Appeals for the Second Circuit rejected Ms. Halligan's position, upholding the statute and dismissing the litigation.

Ms. Halligan has also taken extreme positions regarding the war on terrorism. I know that liberals do not even want to call it that today, but the reality is that we remain at war against foreign terrorists bent on murdering American civilians. Ms. Halligan would give captured terrorists, who are making war on the United States, access to civilian courts, a right never before recognized in American history. Ms. Halligan was a member of a New York City bar committee that issued a report on the indefinite detention of enemy combatants. This is particularly important because the D.C. Circuit, to which Ms. Halligan has been nominated, is the most important lower court for terrorism cases. She did not abstain from signing the report, as four other committee members did, and so its content and conclusions can be attributed to her.

She argued in that report that the authorization for use of military force, or AUMF, does not authorize long-term detention of enemy combatants and that alien terrorists should be tried in civilian courts rather than in military commissions. The Supreme Court and the Obama administration have since rejected or abandoned such positions. After the Supreme Court held, in

Hamdi v. Rumsfeld, that the AUMF does authorize military detention of resident aliens, Ms. Halligan coauthored a brief arguing otherwise. Not until her Judiciary Committee hearing this year did Ms. Halligan even try to distance herself from these extreme positions, something that my friends on the other side of the aisle would call a confirmation conversion if she were a Republican.

Unfortunately, this was not the only example of Ms. Halligan getting behind novel rights that have no grounding in our Constitution or legal traditions. Ms. Halligan filed a brief in *Roper v. Simmons* arguing that evolving standards of decency today forbid the execution of individuals who committed murder before the age of 18. This is judicial activism at its worst, giving judges complete control of the Constitution that they are supposed to follow. America's Founders insisted that the meaning of the Constitution does not change until the people change it and that even judges are bound to follow that meaning. Today, in contrast, the Supreme Court says that the meaning of the Constitution is evolving and that judges are in charge of that evolution.

The fact that Ms. Halligan appears to be solidly in that judicial activist camp is bad enough and is alone grounds to oppose her nomination. Perhaps sensing that such activism is deeply unpopular among the American people and their elected representatives, she did an about-face at her confirmation hearing and said that the Constitution should be interpreted based on the people's original meaning rather than on judges' evolving understandings. So it is legitimate to ask which Ms. Halligan is the real Ms. Halligan—the Ms. Halligan who would create new rights, while ignoring the clear language of the Constitution that protects the right to bear arms, or the Ms. Halligan who at the last minute has become a convert to originalism?

I think her record speaks for itself.

Ms. Halligan also filed a brief in *Scheidler v. National Organization for Women* arguing that pro-life protesters should be prosecuted under the Federal racketeering statute because they somehow commit extortion. Her argument would require the courts literally to rewrite both the racketeering statute and the extortion statute and is another example of Ms. Halligan seeking to pursue her political agenda in the judicial rather than in the legislative branch. I believe instead that the political ends do not justify the judicial means and, thankfully, the Supreme Court voted 8 to 1 to reject her position.

In addition to her troubling record, it is worth noting that the position to which Ms. Halligan has been nominated hardly fits the category of a judicial emergency. The Senate has this year

already confirmed nearly 20 percent more judges than the annual average over the past couple of decades, with, I am sure, more to come. We have paid particular attention to filling long-term vacancies in jurisdictions with heavy caseloads. Yet, between 1993 and 2010, annual case filings in the D.C. Circuit decreased by twice the percentage that filings increased in other circuits. The D.C. Circuit's caseload per judge is literally one-fourth what it is for other circuits. It has ranked last for years among all circuits in the number of appeals filed per three-judge panel, even after one of its seats was transferred to the Ninth Circuit and even with multiple vacancies. The D.C. Circuit's caseload is lower today than when Democrats used this caseload argument to block the nomination to this court of Peter Keisler, who waited more than 900 days without a committee vote.

As my colleagues know, I do not oppose judicial nominees often or lightly. While Ms. Halligan appears to be an experienced lawyer and I am sure is a fine person, those are insufficient qualifications for judicial service. The most important qualification is her judicial philosophy, or the kind of judge she would be. The record shows that she embraces the activist judicial approach that I believe is incompatible with the power and proper role of judges in our system of government under a written Constitution. For these and for additional reasons that my colleagues will discuss further, I cannot support her appointment.

Mrs. BOXER. Mr. President, I wish to express my support for Caitlin Halligan, who has been nominated to the Court of Appeals for the D.C. Circuit. Ms. Halligan has an impressive background and broad support, and I urge my colleagues to vote for cloture and allow this nominee to receive an up-or-down confirmation vote.

Ms. Halligan has had a distinguished career in both the private and public sectors. She has served as the solicitor general of New York and as general counsel of the New York County District Attorney's Office. She has also been a senior appellate lawyer at the nationally recognized law firm of Weil Gotshal. She has argued five cases before the Supreme Court, where she also clerked after law school. It is no wonder the ABA unanimously rated her "well-qualified"—the highest ranking to serve on the D.C. Circuit.

In addition to impressive credentials, Ms. Halligan has broad support. The National District Attorneys Association and district attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, and William Fitzpatrick, support her nomination. She is also supported by the New York Association of Chiefs of Police and the New York State Sheriff's Association.

Confirming a well-qualified nominee like Ms. Halligan would also be another step toward expanding the diversity of our Federal bench. Today, women hold 30 percent of Federal judicial seats—from district courts to the Supreme Court—the most at any time in this Nation's history. While this progress is to be celebrated, these words from Justice Sandra Day O'Connor remind us there is more to do:

About half of all law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers. So they ought to be represented on the Court.

I am proud to support the nomination of Ms. Halligan and hope that my colleagues will join me in voting for cloture today.

Mr. REID. Mr. President, today Republicans filibuster a judicial nominee whose colleagues call her a "brilliant legal mind" with an "abiding respect for the law."

This nominee to the U.S. Court of Appeals for the D.C. Circuit, Caitlin Joan Halligan, has outstanding credentials and strong support from across the political spectrum.

She enjoys the support of a bipartisan group of appellate lawyers, former judges, law enforcement officials, and more than 20 former Supreme Court clerks. And she has been endorsed by the National District Attorneys Association, the New York Association of Police Chiefs and the New York State Sheriffs Association.

She graduated with honors from Princeton and Georgetown University Law, where she was managing editor of the Georgetown Law Journal. She served as a law clerk to Judge Patricia Wald on the D.C. Circuit, the court to which she was nominated, and to Justice Stephen Breyer on the Supreme Court.

She has served New York and this Nation well as a public servant for more than a decade.

Yet Republicans filibustered her nomination.

I ask my colleagues, if this truly exceptional candidate isn't qualified to be a judge in the United States of America, who is?

In 2005, a bipartisan group of Senators came to an agreement to protect the Senate as an institution and the right of the minority to influence debate. Democrats and Republicans averted the so-called nuclear option by agreeing that the minority's right to block judicial nominees would be preserved but it would be exercised only in extraordinary circumstances.

I am concerned that today the Senate is backing away from that agreement. Ms. Halligan's nomination does not meet the standard of an extraordinary circumstance that agreement envisioned.

Republicans, now in the minority, will block a talented, experienced

nominee with broad bipartisan support to please a few ideological extremists.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to be recognized for the remainder of the time if no one from the minority side is here to speak against this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise this morning in support of the President's first and only nominee to the U.S. Court of Appeals for the District of Columbia Circuit.

Caitlin J. Halligan is a nominee any president of any party would be proud of. I know from speaking to her and from getting to know her over the last year—and it has been over a year since she was nominated—that she has earned this honor. She has earned it through dint of hard work and native intelligence. Importantly, Halligan has dedicated most of her professional life to government service.

I challenge anyone in this Chamber to think hard about what we are looking for in a judge to the second most important court in the land. If they do, they must conclude that Caitlin Halligan deserves an up-or-down vote.

Does the President have to nominate a political conservative to clear the hurdle? Halligan is clearly a moderate—far more moderate than many on my side would choose if they were nominating on their own without an advise-and-consent process. Does the President have to nominate a lawyer who has practiced law in the shadows, never addressing a major legal issue of importance to the Nation in her entire career? Because the only arguments against Caitlin Halligan are "gotcha" arguments that simply take little snippets of what she did in past law practice representing clients, not her own views, and say "gotcha."

In 2005, 14 of my colleagues formed what was called the Gang of 14. In order to reduce filibusters and overcome the push to change Senate rules to get rid of the filibuster, this bipartisan group agreed not to filibuster any nominees who did not present "extraordinary circumstances."

Now, "extraordinary circumstances" was not defined. But my colleague, Senator GRAHAM, a leader in that Gang of 14 effort, to his credit, said on the floor at the time—completely reasonably—that it meant no ideological attacks. Senator GRAHAM said:

Ideological attacks are not an extraordinary circumstance. To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.

Caitlin Halligan does not have a character problem or an ethics problem. No one has alleged she does. It is that simple. So if this body cannot invoke cloture on her nomination today,

the Gang of 14 agreement, it would seem to me, would be violated.

The approach taken by Senate Republicans will have lasting consequences beyond this one nomination. It seems to me that a vote against this nominee is a vote that declares the Gang of 14 agreement null and void. I was not a party to that agreement, but it would be impossible to deny that it has guided this body's consideration of judges since 2005 under both Democratic and Republican Presidents. If Republicans are going to suddenly junk that 6-year armistice, it could risk throwing the Senate into chaos on judicial nominees. Senate Republicans seem to want to declare open season for filibusters again—at least at the court of appeals level. Admittedly, and gladly, things as of late have gotten much better at the district court level. But the defeat of Caitlin Halligan would throw into chaos nominations at the circuit court level for a long time to come.

Any attempt to paint Caitlin Halligan as so far out of the mainstream that she presents an "extraordinary circumstance" is twisting her record far beyond recognition. Any attempt to do so would make any nominee, by a Democratic or a Republican President, susceptible to that unfair charge.

I have always said ideology matters, but I have also said candidates need only to be mainstream—not too far right, not too far left. I don't like nominees who are at the extremes, left or right, because they tend to be ideologues who want to make law not interpret and follow law. Well, Halligan fits the bill of a moderate, mainstream nominee precisely, to a "T."

Halligan has spent her career in government in both political and plenty of nonpolitical positions. She has worked as a lawyer's lawyer and has expressed few views on public issues. She has written virtually nothing, but at her hearing she did answer questions. She acknowledged that Executive power extends to indefinite detention of enemy combatants during time of war—something that might be disputed among mainstream Members of this body, particularly if they were citizens picked up on American soil. We just had that debate.

She acknowledged she would act with fealty to text and original intent in interpreting laws and the Constitution. She acknowledged she believes the second amendment protects an individual's right to bear arms, thereby vindicating the Heller case, and she acknowledged that the eighth amendment protects the constitutionality of the death penalty.

Some of my colleagues have tried to paint Halligan because she has filed briefs on behalf of clients, and they say that somehow indicates she would be

an activist judge. First, I wish to point out that she is not the first nominee to come before the Senate and state that the views in the briefs she writes of her clients are not her own. Guess who did it regularly and repeatedly. Now-Chief Justice Roberts.

Did Democrats filibuster Justice Roberts because he did that? Did we say the views he wrote on behalf of clients had to be attributed to his own views? Of course not.

I wish to rebut some of the things I heard on this floor this morning about particular cases. First, while she did represent the State of New York against gun manufacturers, those cases were made moot by congressional law. In her hearing, Halligan recognized this and said unequivocally that she supports the individual right to bear arms.

Second, it is simply wrong to suggest that Caitlin Halligan is somehow outside the mainstream on immigration because she filed a brief advocating that businesses should not be rewarded for hiring illegal immigrants by getting out of the requirement that back-pay should be awarded when the workers are exploited. Again, this was a brief filed on behalf of a client, not representing her own view.

Third, in the case of al-Marri, there is no argument that Halligan did anything other than make arguments on behalf of a client that were well within the mainstream. The administration abandoned the case and then charged al-Marri in civilian court—no different than the argument Halligan was making.

Why are we arguing about whether she deserves an up-or-down vote? Because, frankly, as with the Supreme Court, this is part of the attempt of the far right to pull the D.C. Circuit further and further away from the mainstream. Many conservatives tend to decry “liberal judicial activism.” But what they really want is judicial activism of the right. They don’t want lawyers to be down the middle and interpret law; they want to change the way the whole government has operated for decades through the one unelected body, the article III body, the judiciary.

A truly moderate judicial philosophy shows respect for Congress, for executive agencies that interpret the law, and for well-settled understandings that the American people commonly hold about democracy. There is not a single question that Halligan adheres to these principles. She has extensive government experience. She understands the demands and rolls of the other branches.

She has been a responsible and rigorous advocate for all of her clients, including the people of New York. I have no doubt that as a judge she will be a responsible and rigorous advocate for the rule of law. Anyone who has lis-

tened to her answer an hour of questions in the committee and read her responses to the 150 questions that were submitted for the record cannot doubt but that she has an even and modest temperament and philosophy in her approach to legal questions.

Let me cite one example: When she was asked by Senator GRASSLEY her view of deference to the legislative branch, here is how she responded:

I think that the job of a judge is to examine the constitutionality of a statute when a constitutional challenge is presented, but I think that authority has to be exercised very sparingly and very carefully.

Time and time again she answered similarly with clear and unambiguous answers.

Some of my colleagues have accused Halligan of lacking candor in her answers. Well, I have sat through a lot of hearings for nominees to Federal courts of appeals, and I know evasion when I see it. Halligan was not evasive. Some of the same people who say she lacked candor still defend Miguel Estrada who didn’t answer a single question because he might come before them as a judge.

She answered questions thoughtfully and forthrightly and explained the context of any past statements that might have seemed to have contradicted her current views.

This morning, some of my colleagues on the other side of the aisle pointed to two things that she did not write to try to indicate she has activist views. First, she gave a speech in 2003 on behalf of her boss, Elliott Spitzer, that she did not write herself. In fact, she stepped in at the last minute to give the speech when he could not make it. She did not write it, and she clarified at the time that it did not reflect her personal views.

Second, she was a member of a committee that issued a report on Executive power and enemy combatants. She explained in the committee she hadn’t seen the report and didn’t agree with either its content or its tone. In her hearing she clearly stated her views on Executive power. This should have cleared up any doubt about her ability to recognize and respect the current state of law.

Finally, I wish to say a word about a red herring argument that has been raised today—that the workload of the D.C. Circuit is too low to confirm Halligan. I have expressed this concern, too, and, in fact, in 2008 we voted to take away one of the seats in the D.C. Circuit. It now has 11 judges rather than 12; but I, as well as many of my colleagues on both sides of the aisle have in the past reserved our concern for nominees of the 11th seat and what was then the 12th seat. Halligan has been nominated for the 9th seat. There are only 8 members on that court which now has a roster of 11. The 10th and 11th seats remain vacant. No one

ever until now, on either side of the aisle, has ever argued that the D.C. Circuit should have only eight judges.

I wonder, if control of the body changes, which I don’t think it will, or we get a Republican President, which I don’t think we will, how quickly our colleagues on the other side of the aisle will abandon that foolish and specious argument.

I am concerned that we are hearing it now for the first time because the current makeup of the court happens to have five Republican appointees and three Democratic nominees.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 1½ more minutes to finish this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. When we confirmed President Bush’s nominee to the 11th seat in 2005, Thomas Griffith, his confirmation resulted in there being 121 pending cases per judge. We did not hear a peep out of the other side that that was too low. Yet today there are 161 cases per judge. With Halligan’s confirmation, it would go down to 143—far more than the 121 when all my colleagues on the other side of the aisle voted for Mr. Griffith, the Republican nominee of President Bush. So there is no reason to argue about caseload.

The fact is, if we cannot confirm Halligan, this will not go down as a vote about caseload, this will be recorded as a new bar for nominees.

In conclusion, when Caitlin Halligan drove with her father from her home in Kansas City to Harvard or when she was a standout student at Georgetown Law School or when she started her work for the New York Attorney General’s Office, I am sure she could not have imagined that someday she would be the topic of a debate in the U.S. Senate about whether she was too radical or lacked the candor to be a judge.

I hope that when we vote and the debate is over, my colleagues recognize the truth here: Halligan is a sterling example of a public servant who has worked hard, earned every honor she has received, and fits squarely within the mainstream of judicial thought. She deserves an up-or-down vote today, and I will be proud to cast my vote for cloture on Caitlin Halligan’s nomination.

I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Caitlin Joan Halligan, of New

York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Christopher A. Coons, Amy Klobuchar, Al Franken, Richard Blumenthal, Sheldon Whitehouse, Richard J. Durbin, Dianne Feinstein, Herb Kohl, Kirsten E. Gillibrand, Tom Udall, Ron Wyden, Robert P. Casey, Jr., Sherrod Brown, Jeanne Shaheen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 222 Ex.]

YEAS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NAYS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

ANSWERED "PRESENT"—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45, and 1 Senator responded "present."

Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

(Whereupon, the Senate, at 12:31 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB)).

The PRESIDING OFFICER. The Senator from Florida.

LATIN AMERICA

Mr. NELSON of Florida. Mr. President, I wanted to share with the Senate today what should be a collective outrage because an American citizen has now been held behind bars in Cuba for exactly 2 years.

Alan Gross was working in Cuba under a contract with the U.S. Agency for International Development. He has devoted his career to helping thousands of people around the world, working in development for over 25 years in more than 50 countries.

In Cuba, Alan Gross was trying to make a difference in the lives of people who share his Jewish faith by bringing them modern communication tools. For that simple act, he has now languished in a Cuban prison for 2 years. His health worsens each day and his family, of course, misses him. His wife Judy spoke to him just days ago and said that Alan sounded "more hopeless and more depressed," as one would expect.

The release of Alan Gross must remain front and center in any discussion with or about the Cuban regime. That is why many of us in this Chamber have joined in writing to the Ambassador of Cuba here—and since we don't have diplomatic relations, that individual is called the Chief of the Cuban Interests Section—and asking the Castro regime to immediately and unconditionally release Alan Gross as a humanitarian gesture and a sign of compassion for his family. We have been met, however, with stonewalling silence.

While we remember Mr. Gross and we keep pressure on the Castro regime, the Senate must also fulfill its duties toward the rest of the Western Hemisphere. A case in point: Four countries in Latin America—Venezuela, Bolivia, Nicaragua, and Ecuador—are currently without a U.S. Ambassador. That is the job of the Senate—to confirm appoint-

ments of the President. In the case of Venezuela, it is not because we don't have a nominee, it is because, in fact, we are having some trouble with the Chavez government. We have been without an Assistant Secretary of State for Western Hemisphere Affairs since July. It isn't in the interest of the United States not to have these people in place.

The Senate has basically 2 weeks to go if we get out a week before the Christmas holiday—and that is an "if," by the way. During this time, while we go through all of what we have to do in the next 10 legislative days—such as solving the doctors problem, extending this payroll tax cut, appropriations bills, extending unemployment compensation for people who desperately need it, and extending a lot of the tax extenders—we must also fulfill our constitutional duty to consider these important Presidential appointments.

There is one in front of the Senate right now; that is, the Ambassador to El Salvador. Mari Carmen Aponte is the U.S. Ambassador to El Salvador. She is well known all over the United States in Hispanic circles because she has held, as a Foreign Service officer, a number of posts. During the August 2010 congressional recess, the President named her Ambassador to El Salvador. That recess appointment is going to expire at the end of this year.

Before joining the State Department, Ms. Aponte served as Executive Director of the Puerto Rican Federal Affairs Administration and president of the very respected Hispanic National Bar Association.

Typical of the sentiment in Florida, an editorial in a recent Miami Herald editorial expressed support for her confirmation, saying that "her diplomatic success has earned her the unprecedented support of the private sector and of the most prominent political leaders in El Salvador." It was unprecedented that three former Presidents of El Salvador came all the way to Washington to show their support during her nomination hearing.

My wife Grace and I were recently visited by the First Lady of El Salvador. She pointed out all of the terrible events that have taken place in her country: struggling to recover from the tropical depression that made landfall this past fall, the heavy rains that have caused major damage throughout Central America, and the 70,000 Salvadorans still living in shelters. That little country faces many challenges. So if for no other reason than those I mentioned, we do not want to continue into next year without our having an ambassador there. We need to confirm Ms. Aponte as soon as possible so that she can continue exercising the necessary U.S. leadership.

Latin American countries continue to be America's fastest growing trade partners. We need to continue to promote that trade. It helps our economy.

It deepens the economic linkages. We can explore clean energy initiatives, and we can help them as they continue to strengthen transparency in government and the rule of law. We need to pay more attention to Latin America, not less. Disengagement is not the answer. This is just another reason we need to confirm this nomination as quickly as possible for Ambassador to El Salvador.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JOHN KATZ

Ms. MURKOWSKI. Mr. President, I rise today to honor a gentleman by the name of John Katz. John is a longtime public servant to the State of Alaska who is set to retire at year's end. John has served Alaska for more than 40 years, working for eight different Governors, Republican and Democratic, liberals and conservatives. He once said he was comfortable serving so many different Governors because the issues for Alaska were consistent. Whether they be responsible resource development, State sovereignty, or Federal assistance with infrastructure, the one constant figure connecting one administration after the next over eight administrations has been John Katz.

John started his career as a high school teacher and coach in Baltimore City public schools back in 1966, following his graduation from Johns Hopkins University. In 1969, he earned his law degree from the University of California at Berkeley. He then moved to Alaska to work as a legislative and administrative assistant to Congressman Pollock and then later for Senator Ted Stevens.

John has truly played many crucial roles for the State of Alaska. He served for several years as the counsel to the Joint Federal-State Land Use Planning Commission for the State of Alaska. He served as special counsel to Gov. Jay Hammond back in 1979, advocating the State's position on the Alaska National Interest Lands Conservation Act, or ANILCA, to Congress. Two years after that, he was appointed commissioner of natural resources by Governor Hammond. Then, in 1983, John was sent by Gov. Bill Sheffield to head Alaska's Washington, DC, office, and he has served as the liaison between the State and the Federal Government for the past 28 years—a pretty remark-

able record, if you would consider it. As Alaskans, we know how important his role has been in bridging the very considerable gap between our State and the Federal Government—a key role when more than 60 percent of Alaska's land is controlled by the Federal Government.

You could refer to John as Alaska's fourth Congressman—his 40-year tenure in the league of the late Senator Stevens and Representative DON YOUNG. John's breadth of knowledge and understanding of Alaska's issues have guided him in his very unique role.

Since entering public service, John has been involved in key issues, such as the passage of the landmark Alaska Native Claims Settlement Act back in 1971, the legislation in 1976 which extended America's fishery zones to 200 miles which allowed for the Americanization of Alaska's fishing fleet. There was also the passage back in 1980 of the Alaska National Interest Land Conservation Act, the Nation's largest conservation lands measure. There was the Alaska Railroad Transfer Act back in 1983, the Tongass Timber Reform Act in 1990 and 30 other major pieces of legislation and hundreds of amendments that have greatly affected the lives of all Alaskans.

What is so remarkable about John is that there is no Alaskan public policy issue he did not master, a pretty incredible feat there but no Alaska public policy issue that he did not have his fingerprints on, involved with or have a mastery of.

In 1972, for example, he served for 2 years on the Executive Advisory Committee of the Federal Power Commission, making decisions on electricity generation during a period of rapid population growth in Alaska. In 1974, he published a legal analysis of the Alaska Native Claims Settlement Act and how it should impact Native Alaskans for the Joint Federal-State Land Use Planning Commission. Five years later, he served on the Hard Rock Minerals Commission of Alaska, helping to chart a course for the rebirth of our State's mineral industry. There is seemingly no Alaskan issue too complex or daunting for John Katz.

When I first met John, it was probably somewhere in the early 1980s. At the time, I was a staffer in the office of the speaker of the Alaska House of Representatives in Juneau, and I was immediately taken by the kindness of this gentleman, extraordinarily polite to a very young staffer, but also his intellectual prowess that was shown whether it was a casual conversation or whether it was a detailed policy analysis.

Former Gov. Tony Knowles called him "one of the most remarkable public servants I've ever dealt with." Governor Hammond, during the lengthy debate over ANILCA, called him truly

indispensable. Senator Stevens once said: "He's as near a genius as I've seen." I would clearly agree with that. Some of his coworkers have even jokingly called him their own human Google machine, noting that in many cases it was more efficient, it was easier to walk down the hall and ask John for legal and policy background, saving them hours of research, and John had it all there, instant recall and as precise as it could possibly be.

Throughout his career, John served effectively and quietly, always preferring to work in the background, never seeking that limelight. He always presented every side of the issue, never telling any of his superiors simply what they might have wanted to hear. He truly was the consummate professional, a man who never got a fact wrong in a briefing, in a discussion or in a political strategy session. That may have been at least one of the many reasons why he has been so honored during his career, receiving the highest honor of the Alaska Federation of Natives, which is the Denali Award, winning Commonwealth North's 2008 Walter J. Hickel Award for distinguished public policy leadership and receiving more resolutions, commendations, and praise than most in Alaska's history.

John has built a reputation as an Alaskan institution, always loyally serving our beloved State. He has championed oil exploration in the Arctic National Wildlife Refuge, noting the potential benefits for not only Alaska's economy but, more important, for America's overall economic and national security. While John has listed the failure, so far, to persuade Congress to open ANWR as perhaps one of his biggest disappointments, he has always stood by the factually solid arguments for opening ANWR, never letting his passionate advocacy of opening the coastal refuge get in the way of objectively presenting arguments to Members of Congress.

I think it is important to note John's statement in his resignation letter to Governor Parnell. He stated the following:

Professionally, I have become increasingly discouraged by the polarization and deterioration of the public policy process at the Federal level. It's the worst I've seen during my 43-year career.

That was the statement in John's resignation note. As someone who has relied on John's wise counsel and his wisdom during my 8 years in the Senate, I think this is a poignant remark about the state of affairs in Congress. The debate surrounding our politics has grown more caustic, while ignoring the fact that while we all may take different positions, we all ultimately have our Nation's interests at heart.

John leaves an esteemed legacy that will benefit Alaska for decades to come. We can learn so much from his

example of what a public servant should be, and Alaska will deeply miss his presence. I know I speak for all Alaskans in sincerely thanking John for his years of dedicated service and his pragmatic approach to faithfully serving the State of Alaska. I wish him nothing but the best in the future for all his endeavors.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. HARKIN. Mr. President, I rise about the most important job that faces the Senate in the remainder of the year; that is, extending the unemployment benefits for millions of unemployed Americans struggling to find a job.

I wish I didn't have to be down here talking about this today. I wish it weren't necessary to debate whether we should continue the Federal unemployment insurance program. I wish everyone in this Chamber would acknowledge that the recovery is still a work in progress and that we would agree about the critical need to continue to support struggling workers and their families. We have never failed to extend benefits in the past when unemployment was this high. But, unfortunately, in today's hyper-partisan atmosphere, even the most commonsense policies can turn into political footballs, and the unemployment insurance program seems to be no exception.

The extreme right is on the attack, blaming the victims who have been the hardest hit by this economic crisis. In the same breath that they push for more cuts in corporate taxes and cuts in taxes to high-income individuals, Republican leaders argue we can't afford to extend unemployment benefits for people who are struggling to find a job. Congresswoman BACHMANN, a candidate for President, recently went so far to say: "If anyone will not work, neither should he eat."

In an economy where there are four unemployed workers for every available job, the cruelty of that comment is simply astonishing. There are 13 million unemployed Americans right now. Actually, I think the figure is probably a little bit higher than that. They are desperately looking for any job they can find, many relying on unemployment benefits to put food on the table for their children.

Six million Americans will be cut off this last lifeline if Congress does not renew the benefits for the long-term

unemployed—6 million who will be cut off right after the holiday season. I hope no one in this body on either side of the aisle will say they deserve this additional hardship during this holiday season.

There are real people and real families behind these numbers. They are our friends and neighbors. I have heard from so many of these hard-working people from my home State of Iowa and across the country. Their stories are truly heartbreaking.

A woman from Des Moines recently wrote me:

I was laid off in July 2011. I recently attended a class at the unemployment office in Des Moines, where I was informed that my unemployment will cease as of December the 31st if any extensions that are currently in place are discontinued. The average person is currently unemployed for 40 weeks, which is much longer than the 26 weeks that is available [without] any extensions. I was the main breadwinner in our family and if my unemployment would cease before I find a job, we would be forced to be on welfare, food stamps, and other government subsidies. We would also lose our home. I hope that you consider the many other people that are probably in the same situation as I am and hope that you will keep the current extensions in place.

A woman from Stanton, IA, writes:

I lost a great job in June of 2010 and have been receiving unemployment benefits since then. . . . If not for the unemployment [benefits], I don't know how we would make it. I continue to look for a better paying job but as you probably know, Montgomery County, Iowa has had the highest unemployment rate in Iowa. It's been tough. . . . Will appreciate your support in extending unemployment benefits as I continue my quest for a new position.

The main reason folks need their benefits to continue is they simply cannot find new work, even after exhausting their benefits. There are simply not enough jobs in this struggling economy. How can we even think about abruptly terminating these benefits right now, cutting off the last lifeline to Americans in dire need?

A man from Estherville, IA, wrote:

I woke up last week to find my benefits exhausted but no closer to finding a job. I do everything possible to find work but nothing materializes. Age-discrimination is rampant and there is nothing an individual can do about it. . . . Right now, after working since I was 12 years old, I'm facing hunger and hopelessness at 57 years of age.

A man from West Des Moines wrote:

I'm a home designer/architect and have been laid off three times since 2007, after working almost 16 years at one firm. I have now decided to go back to school to try to find a different career in information technology. I hate not having a job, and want to work but there's just not anything out there in architecture. Everyone seems to have circled the wagons and are not hiring. Please help.

A woman from Madrid, IA, writes:

I lost my job (of 32 years) 2½ years ago. I lived off my severance for the first year. Then savings and then went on unemployment. Now my unemployment has run out. I

have had a few interview[s] without any luck. I have been working part time for minimum wage and I only get 15 hours a week in. It's the only job that I could find.

This is just a sampling of the letters we get in our office. But it is clear people want to work. They desperately want to work.

Later this week, the committee I chair, the Health, Education, Labor, and Pensions Committee, will hold a hearing to look at the reasons so many millions of workers who want to work are unable to get back to new jobs quickly. We will hear from experts, workers, and community leaders about the barriers facing the long-term unemployed, especially those over the age of 50.

But there are some things we don't need an expert to tell us. We know people can't find new jobs because there are so few jobs out there. As I said, right now, more than 13 million people are officially counted as actively looking for work. But that is an understatement. There are millions more people with part-time jobs, of necessity, who want full-time work, millions more on top of that who have basically stopped looking for work because they think a job search will be fruitless. They have already tried time and time again and they have given up. But if they had a job, if they got a job, they would take it.

When we add up all that, with a number of young people who have not entered the workforce—maybe they have looked for work, they can't find it, they are young, and especially if they are young and African American, the unemployment rate soars to 30 to 40 percent. They can't find a job. If we add that all up, we are talking about nearly 28 million unemployed and marginally employed people in America.

There are many other barriers to re-employment. I have talked about older workers. Not only have many of them gone through their retirement savings, many have lost their home that they spent decades paying a mortgage on, they have been unable to send their kids to college, and on top of that, they face the indignity of being passed over in favor of younger workers simply because of their age.

Again, it is not to say that younger workers have an easy time. I have also many stories of young people, many with college degrees, who can't find work. They are piecing together a meager existence on part-time service jobs that waste the time, effort, and money they have poured into an expensive education. I can't tell you how many young people I have talked to who have a college degree, they are not working in their chosen profession, but they are working at mostly part-time work or at service-oriented jobs that they know will not last them a lifetime, and service-oriented jobs that pay them a pittance compared to what they should be

earning with their college degree. Still other workers hear they cannot be considered by employers because they have been unemployed for too long. This is so, even when a recruiter tells them they are perfectly well qualified for the job.

More workers want to move in order to take advantage of a new opportunity they have heard about elsewhere but, guess what, their house is underwater. Not physically. That means they owe more on their mortgage than the house is worth and they cannot sell it. Or they have been out of work so long they have no money left to even afford to move. They cannot even afford to pack up the U-Haul and move someplace.

Still other workers have trouble with transportation or childcare or other day-to-day issues that make it much harder to get an employer to take a chance on them. Someone came up and said to me one time: You know, for people who do not get a job, there are places in this country where there are jobs. They can move. It is a free country.

I said: What about a single mother who has two kids and she relies upon her mother as a babysitter, as a childcare person to take care of the kids when she is out working on a minimum wage job, maybe part time? How is she going to pack up and move those kids when she has, frankly, free help from her mother? These are real barriers that real people face every day of their lives.

These problems illustrate why the long-term unemployed who are working hard and playing by the rules still cannot get a job because of the factors beyond their control. Rather than chastising the victims, we should be giving a hand up to people in their hour of greatest need and help them to get back into the workforce.

This support is critical, not only for the workers and families affected but for our economy overall. Research shows that for every dollar of unemployed benefits that is spent, we generate \$2 in economic activity. Why is that? Because this money is not saved, it is not put into a shoe box, it is spent on essentials, helping businesses up and down Main Street in communities across the country. In addition, if unemployment benefits are extended, we will save about 560,000 jobs, according to the Economic Policy Institute.

By contrast, if we fail to renew these benefits, our economy will be deprived of many billions of dollars of economic activity next year. In the end, this will have a negative impact on overall gross domestic product. On the one hand, with benefits we boost our economy with a potent return on investment, we help people in their hour of need, and we meet our moral obligations as a society. But without benefits, we hurt our economy by shrinking consumer

demand, by destroying jobs, and we do not meet our moral obligation as a caring government and a caring people.

There is a strong economic case for renewing unemployment insurance, but I also say there is a strong human case for extending the benefits. Where is our basic human compassion? The thought of letting these benefits expire is unconscionable, especially during this Christmas season. After looking for work for at least 6 months but often more, many of these people already have lost their jobs, their homes, their savings, and they are now at risk of losing their last lifeline, the roughly \$300 a week they receive in unemployment benefits.

The bills do not stop coming when someone loses his or her job. The rent or mortgage, the electricity, car payments—all have to be made. The family still has to buy food, gasoline, medicine, school supplies, clothes. Unemployment benefits are a lifeline for the millions of folks who are living without an income and trying to survive. These benefits kept more than 3 million people from falling into poverty last year.

We have a moral obligation, those of us privileged to serve in the Senate and the House, to continue the Federal unemployment insurance programs while the economy continues to slowly recover. We cannot allow these benefits to expire. We cannot allow millions of our friends, neighbors, and relatives to sink into absolute poverty and desperation. We cannot fail to take action because that failure will result in families being put out on the street, children going to bed hungry, families left to shiver in the cold of their unheated homes.

I urge my colleagues to vote on this matter as soon as possible. During this holiday season, it is cruel to put millions of unemployed Americans in the position of wondering how they are going to survive come January 1 of next year. Let us renew these benefits for another year. Let us spend the next year doing everything we can to rebuild our economy, create jobs, and provide employment to everyone who wants to work in this great Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

ECONOMIC GOOD NEWS

Mr. BEGICH. Mr. President, today I rise to note some good news about the state of our American economy. Hard

work clearly remains. We are still recovering from the deepest slump since the Great Depression. But I think it is time to appreciate our recent progress.

Over the past few days and weeks, there has been plenty of positive economic news. Listen to some of these headlines. From the New York Times: "Jobless Rate Dips to Lowest Level in More Than 2 years." From CNN: "Dow closes with largest gain since March 2009." From Reuters: "Private-sector jobs soar, payroll forecasts rise." From the Wall Street Journal: "Online Sales Reach Record \$1.25 Billion on Cyber Monday."

I know it is far too early to start to celebrate, but I want to tell you a little bit about some of the details of this news. I know back in my State of Alaska, just like everywhere else in this country, people are still struggling to balance their checkbooks; that they face tough decisions about the cost of groceries, basic health care, college tuition for their kids, and just the basic expenses to live. Yet the recent news about our economy is very encouraging.

I want to give those specific examples. On unemployment and jobs, the Bureau of Labor Statistics says total payrolls increased by 120,000 jobs in November as the unemployment rate dropped to 8.6 percent—as the headline said, the lowest level in more than 2 years. Also, the latest news also marked 21 consecutive months of private sector job growth.

I know some will come down and claim, well, that is not good enough. Well, I remember when I first came here, prior to me serving in the Senate, we were averaging about 500,000 jobs being lost every month.

Let me repeat this one statistic: There have been 21 consecutive months of private sector job growth—not led by government job growth but private sector job growth. So it is not robust, but it is growing. Again, that is positive news.

Manufacturing activity climbed in November, according to the Institute for Supply Management. Its indicators tell us manufacturing is continuing to expand—another strong signal of overall economic growth.

The American automotive industry is coming back strong. Think about it again. In 2009, it was literally flat on its back trying to recover. In November of this year, light vehicle sales were up 11.4 percent compared to a year ago. That is the highest sales rate since the 2009 Cash for Clunkers Program, which many here supported.

There is more good news about the automobile industry. Ford says its November sales rose 13 percent. Chrysler Group reported a breathtaking November sales jump of 44.5 percent from a year ago. General Motors reported it sold 7 percent more new cars and trucks in November than it did a year earlier.

On investments and the markets, again, we have an important signal. It is not something you should always judge the economy on, but it is an important piece of it, and so much of middle class-America is tied to the market—maybe your 529 account or your 401(k) retirement program or the personal management of your account or, if you are self-employed, your SEP account. We are all tied to it to some degree.

The Dow Jones Industrial Average closed over 12,000 last Friday and gained 7 percent—just in 1 week. Let me take a moment to describe where we have come from in the market. Last week's closing numbers represent a gain of about 33 percent since early January of 2009—when several other Members and I were sworn in to the Senate. In January of 2009, the market still kept going down. In March of 2009, it dropped to its lowest level, a little over 6,600. Last week's numbers represent a whopping 81 percent increase since 2009. If you take the next step and look at the S&P index, it reflects a very similar gain—up 36 percent since 2009 and, since the dark days of March when it really crashed out, an 82-percent increase. It is important because so much of our retirement is tied to it.

If you read or hear the pundits and politicians here, it is always doom and gloom. I wanted to come to the floor and talk about some of these issues because we are moving in the right direction. We are moving in a positive way, but we don't hear this in the news because good news is not necessarily reported. It may show up one day and then disappear. When a bad thing happens, we hear about that for a week and a half and we are here talking about why it is so bad. But the overall numbers tell us the fundamentals are changing in a positive way.

The other piece, which is consumer confidence, is important because if people and businesses are not confident about the future, they will not invest, spend, or participate in the economy. But it is better.

Last month, the Conference Board's Consumer Confidence Index rose to 56.0 percent, its highest level since July. Americans spent \$52.4 billion over the four-day Thanksgiving Day weekend, according to the National Retail Federation. That is the highest total ever recorded during the traditional start of the holiday shopping season. When I was back home for Thanksgiving, I heard this good news from many shop owners. The new Apple store in Anchorage saw record sales, with thousands of shoppers coming through the door, and it was a cold weekend. Sales on Cyber Monday—the first online shopping day after Thanksgiving weekend—rose 22 percent from a year ago. Americans spent another record—\$1.25 billion—on that Monday, setting again record sales for Cyber Monday.

On trade, the U.S. trade deficit narrowed from \$44.9 billion in August to \$43.1 billion in September. That is the smallest trade gap since last December and the biggest 1-month improvement since July, according to the Commerce Department.

Housing is a critical piece of our overall economy, and some say we are in the recession because the housing market collapsed, but there are also many other pieces to the equation. We never hear good news, we hear negative news. There is a lot of work to get new home starts and current inventory off the market, help people who are underwater, and make sure they can stay in their homes and receive the benefit.

The Pending Home Sales Index, a forward-looking indicator based on contract signings—people who are looking at a home to purchase and maybe have entered into a contract and said: I will be purchasing this home in 30, 60, or 90 days from now—was up 10.4 percent in October from the month before. The National Association of Realtors says home sales are up more than 9 percent from the same time last year. Again, is it as robust as we want? No. Is it better than where it was? Absolutely.

Many of the policies that my colleagues and I have fought for on the floor—a lot of times, we make decisions and we move on. We go to the next issue, and we don't have time to reflect on the results of the work we are doing. In the last 2½ years, since the great recession came into play, there have been a lot of good things happening.

As for residential construction—this is, again, people building homes, providing construction jobs, providing a new tax base for communities around the country that need it so they can hire police, firefighters, and teachers—the Census Bureau says it was at a seasonally adjusted annual rate of \$239 billion in October, up roughly 3.5 percent from the previous month.

For Alaska—again, while spending time back home, I tried to spend time with the small business community, asking them: What is happening? What do you sense? And what is your confidence level? I had a meeting with a group of small business owners, and one got a loan from the SBA recently. He took advantage of the low cost we were able to implement through legislation we pass here. It helped him get into a new restaurant. Now he employs 120 people in my community in Alaska—Anchorage. Another owner of a video production company had one of the best years ever, and he is doing work for corporate clients who are willing to spend money.

These are all very positive developments. Now, as we approach the end of the year, we in this Chamber need to do our part to keep the momentum moving forward. People watch us, and we squabble over many issues. As I

mentioned, all this good news is because of the work a slim majority did over the last 3 years in this body because we believe in the future, in what the potential is of this great country in which we live. Maybe some had different views on what could happen. We believed in what is possible. These statistics show us that belief is now paying off.

As I look at where we are today, we need to continue to make these smart public policy decisions that create a sound economy. We need to do it as best we can in a bipartisan way. What I am talking about now is extending the tax cut for middle-class American families, continuing the tax relief, giving a reduction in our payroll taxes, which is due to expire at the end of the year.

Before any of us leave Washington later this month for the holidays, we clearly have to resolve this issue. In my opinion, we have no choice, and here is why: Unless Congress takes action, the average middle-class family will be hit by a \$1,000 tax increase starting January 1.

Economists of all political stripes have called this tax cut critical for America's continued economic growth. They say that letting it lapse could push us back into a deep recession. Truly, that would be unforgivable based on where we are today and how far we have come in a short time—almost 3 years now.

Some on the other side of the political aisle seem unsure about renewing the tax relief—the tax cut aimed at middle-class families and small businesses—this after fighting for massive tax cuts for the wealthy in our deficit reduction talks. If they block this tax cut, about 160 million families will get the news during the holidays that their taxes are going up on January 1. That is simply not fair. It makes no sense just when the economic indicators, as I mentioned, are looking so positive.

As I said, if we don't act, a typical family making \$50,000 a year would see their taxes increase about \$1,000. But if we pass the middle-class tax cut in 2011, for the 2012 tax year, that same family will get a total tax cut of \$1,500. Not only would they see the thousand, but they would get something additional because of the way we drafted this.

Most of that money will go directly into the economy. In Alaska, roughly 400,000 people benefited from the tax cut this year, and they used it to pump about \$300 million into the State and local economies—again, the small businesses that I traveled to, a couple of them with my son and his cousin, House of Hobbies and the Bosco store. While they were playing all the games for free, playing the race cars and all that stuff and looking at baseball cards, I was asking the clerk: What does it feel like? There is no question

that they said there is a change in the economy in the positive. That is because in Alaska, for example, these 400,000 people had \$300 million in their pockets—not the IRS putting it into the Treasury, but they had it and they spent it. And I will be frank about it—after my son and my nephew, his cousin, spent that time on the free road there playing with toys, I spent some money to help my small businesses and the economy. That is what it is about.

This tax cut put \$110 billion into the American economy this year. Let me say that again—\$110 billion. It is money that could go to the IRS or to middle-class Americans. I think the choice is very clear as to who should benefit from those dollars.

We were elected—as I was from Alaska—to represent all Americans, not just those at the top end but the people who work every day, those whom we see on a regular basis when we go back home or walk out of this building or actually in this building, the people spending time every day working hard to move this economy forward. It is our obligation to continue to do what we can to make their lives a little bit better by lessening their burden of taxes and giving them the tax relief that they deserve and that we should be able to give to them as January 1 rolls around.

I hope that, as we move toward the holiday season, we can continue to give the gift of tax relief to the middle-class Americans—to my 400,000 folks back in Alaska and all of the small businesses in Alaska that have benefited. Let's do what is right and do it in a bipartisan way and move forward in giving continued tax relief to middle-class Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. SESSIONS. Madam President, I understand the President made another speech today, and the speeches he has been giving lately are clever political documents. It is pretty clear his focus has shifted from governing to campaigning, with about a year from now until election day. But our Nation is in a serious financial condition. Our debt is larger than we like to acknowledge it is. Our European friends on the other side of the Atlantic are wrestling with their debt problems, and many of those nations—most of those nations—have debt less than we do as a percentage of

GDP. We know, from every expert we have heard testify before the Budget Committee, on which I serve as ranking member, that we must change our path. We are on an unsustainable path, and we cannot continue on it.

Time after time we have had hearings and have heard from experts telling us we have to alter our debt trajectory. We have to get on a sound path. Perhaps it will be a tougher path for a few years, a harder road, but it is the right road, and the road that will lead to soundness in our economy. Prosperity and growth is what we need.

The debt commission President Obama appointed, headed by Mr. Erskine Bowles and Senator Alan Simpson, told us we are on a path to the most predictable financial crisis the Nation has ever been on. They were saying that the unsustainable trajectory of the this country's debt will lead us to some sort of economic catastrophe. It will knock us back into a recession, put us back to where we were in 2007 or 2008, or like what Europe is facing right now. They pleaded with us to do something about it.

The debt commission laid out a plan. I don't agree with everything in the plan, but it said, at a minimum—and there was bipartisan agreement on this—the debt should be reduced. The added debt we incur over the next 10 years should be reduced by at least \$4 trillion. They said we should reduce the growth of our debt by at least \$4 trillion.

So in the last two meetings in the Budget Control Act, it looks as if we achieved about \$2.1 trillion, not \$4 trillion, but they all said we needed more than that, because the increase in our debt over the next 10 years would be about \$8 trillion to \$10 trillion. That is the increase on top of the \$15 trillion we have already incurred. This past fiscal year, which ended on September 30, we will have added \$1.23 trillion to our debt; the year before that, \$1.3 trillion, the year before that, \$1.2 trillion—the only three times in history we have had deficits over \$1 trillion. It is a very serious situation.

So we have a speech. I just have to say, we tried to look at the speech to see what it is that the President has proposed. He is our leader, our Commander in Chief. We only have one Chief Executive, one Governor, one mayor. I see Senator MANCHIN here. He was a Governor. He had to manage the State and exercise leadership.

So what is it this Executive, our President, is proposing that we do? Well, it is pretty clear. It appears that he is proposing that we spend next year \$324 billion more than we planned to spend. He calls it a tax cut or maintaining a tax cut. In truth, it is a holiday from paying into our Social Security pension that all Americans pay into as they work. It is a holiday from that.

Well, where does the money come from? We have a trust fund, Social Security, that we pay into, and we have a promised benefit when we retire. We want to honor that and make sure the Social Security trust fund is able to honor that. How do we not pay into it without hurting or damaging the Social Security trust fund?

They say: Well, don't worry. We will put the money in. Who is "we"? Well, "we" is the United States Treasury. The United States Treasury will put the money in. But the Treasury is projected by the Congressional Budget Office to run a \$1 trillion deficit this year, a little bit better than the \$1.23 trillion deficit that we ran last year.

So we are running a \$1 trillion deficit. We don't have any money in the Treasury to pay to Social Security. So how do we honor the Social Security trust fund? How do we put the money in? Well, we give bonds. Just an IOU. The United States Treasury, as easy as pie, signs a document, an IOU, gives it to Social Security, and says: You are made whole. Don't worry; no problem. What? Me worry? We have it under control. Where does this come from?

Social Security is on a trajectory that is going to call this debt. The trustees are going to need this money to pay our beneficiaries, and they are going to call the debt to the United States Treasury and the United States Treasury is going to have to pay it, in my opinion, unless we totally abandon our responsibility to the seniors in America. I don't think we will. So we are going to pay that money, and it is added to the debt. This year, under the President's plan, beginning in January, he will add \$324 billion in debt.

What the Bowles-Simpson Commission was all about was laying out a plan to reduce our debt, not increase the debt. The first thing we have to do to confront a surging debt in America is to quit digging the hole deeper, quit asserting new programs to spend larger and larger amounts of money. It would also add \$155 billion the second year. So it would total \$479 billion over the first two years.

So they say: Well, we have the Treasury figured out. We will have a tax increase. We will raise taxes, and over 10 years that will pay for the \$479 billion that is added to our debt right now. There will be enough money coming in—don't worry—over 10 years from this new tax.

Well, I will just say a couple things about that. If we are going to raise taxes, what the bipartisan Debt Commission told us was, use it to pay down debt. Don't use it to fund a new spending program of \$479 billion. If we are going to cut spending somewhere in the program to save money, let's begin to reduce our debt. Don't just cut spending so we can create a new spending program.

We have to watch what we are doing. I don't believe it has been thought

through carefully where we are headed, and I don't see anything in this speech today that will lay out a 2-year, 5-year, 10-year plan for making America a stronger and better place.

But, we are told, the President cares about the middle class; and if we question any of these schemes, then we don't care about working Americans. I reject that. That is offensive to me. I totally believe that I represent the cross-section of people in my State and America. I love and respect the working people of this country, and they are entitled to better. They are entitled to leadership that tells them the truth. The truth is that we are endangering their future and their children's future by allowing the most incredible debt increases that the Nation has ever seen, and that has to be brought under control.

It is offensive to suggest that if someone has a different view about how to create jobs and wealth in America, they don't care about the people who make America great, people who go to work every day, people who send their children to defend this country and pay their taxes and obey the law and do things right and support those who are in trouble and need help.

I would propose this, more specifically—and I think the Republican plan touches these very issues in an effective way that would, in fact, increase and enhance job creation and economic growth in America.

First, we need policies that reduce the cost of energy for Americans. We have an Energy Department and an Interior Department that seem to believe their goal in life should be to drive up the cost of energy: to make coal and natural gas harder to produce, make oil more hard to produce, make us have to buy it from abroad when we could produce more at home, creating jobs in this country, creating wealth in this country, creating taxpayers in this country.

We need more American energy. We need more energy at lower prices. The idea that somehow we are going to be better off because of carbon or other issues to have higher energy prices so we use less of it is totally unjustified, and it is creating an incredible burden on working Americans.

We need to end the health care proposal that is clearly driving up health care costs. It is causing businesses not to hire. I have talked to small businesses in my State. They assure me with absolute confidence that the health care bill that will be taking effect, and is beginning to take effect, will cause them to hire fewer people. We need more people hired. We need more people working. We need to eliminate unnecessary, counterproductive governmental regulations that drive up the costs of our products, making them less competitive in the world marketplace. We need to do that. It will not

cost the Treasury any money, but it will make America more productive and create jobs.

I supported and worked with my Democratic colleagues, and we passed in this Senate—but the President didn't support it—legislation to demand that China treat its currency in a fair way to eliminate the currency manipulation they have been participating in and to eliminate the unfair hammering, savaging of American industry that is occurring in this country as a result of unfair trade. That is very real. It has to end, and the President needs to be leading on that. It would create jobs in our country without adding to our debt.

Finally, the greatest threat to our economic growth and to our job creation in America is the debt itself. It is the cloud over our economy. We have to do more about it.

There is one more thing I would mention; that is, tax simplification and tax alteration. Not to necessarily get less taxes but to create the tax revenue that the government takes in in a way that does not damage the economy. Create a tax simplification plan that would encourage economic growth and prosperity and not pull down economic growth and prosperity. So once we have done those things, we begin to focus on reducing our surging debt. If we do it steadfastly, like Governors all over America—Governor Bentley in Alabama is having to face challenges and is making tough decisions. But the State is still operating. It hasn't sunk into the ocean. Neither has New Jersey. Neither have other States. Even New York and others are beginning to confront their debt situation and make tough choices.

We are not doing it here. Our President is proposing more spending—not just this \$324 billion plan for this year, he is proposing to spend 10 percent more on the Education Department next year, 10 percent more on the Department of “anti-Energy,” 10 percent more for the State Department at a time when the country is in its most severe debt crisis in its history. That is not responsible. This debt is a threat to us.

If we talk to the financial experts and the wizards who move money around the world, they are worried about it. If we talk to government experts such as the Secretary of the Treasury or the Federal Reserve Chairman or the head of the Congressional Budget Office, they tell us what we are doing is dangerous, that we are on an unsustainable path. I do not see in this speech today any commitment, any leadership from the President on this fundamental issue. The most fundamental failure of his leadership is not to look the American people in the eye and to tell them honestly and truthfully that we are spending too much.

Back in Marion, AL, I was at a town meeting at somebody's house with 30 or

40 people there. The oldest gentleman there spoke last. He had fought in World War II. He grew up during the Depression. He told us, in his view, it was not the high cost of living that was getting us in trouble but the cost of living too high.

I do believe we have been living too high, and we have been spending too much. The President—our leader—should be talking directly and honestly to us and laying out a 2-year, 5-year, 10-year plan that will bring this deficit down. He should be explaining to the American people why we are all going to have to tighten our belts; why there is nothing—defense or anything else—that is going to avoid having to tighten its belt. We can do this and put our country on a sound path without having a debt crisis that would be a tragedy of monumental proportions.

Madam President, I just wanted to share those thoughts today. This Congress is going to have to do more than tread water for the next year. We are going to have to do more than just play clever political games. We are going to have to deal with the threat we face directly and honestly.

The proposal I see that was floated again today from the White House may sound good politically. But for me, as one who has been looking at the numbers, it does one thing: it increases the debt over the 2 years by \$479 billion. That means probably this year's deficit will not be \$1 trillion but probably \$1.35 trillion—1,350 billion dollars—this year's deficit. We are promised that there will be a tax increase that, after 10 years, will somehow pay for this.

That is the kind of thinking and action that has allowed this country to get out of control financially, and I hope we can do better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

NATIONAL MINER'S DAY

Mr. MANCHIN. Madam President, I rise today to mark a truly important day for my State, and indeed this entire nation.

December 6 is National Miner's Day, a time when we stop to honor our nation's coal miners and remember those who have done so much to make this great country what we are today. These brave men and women work every day to meet the challenge of keeping our great nation free and strong, and although the history of mining has been marked by hardship and tragedy, the bravery of our miners has never faltered.

It is so fitting that today we also learned—just this morning—of a landmark settlement of more than \$200 million in one of the worst mining tragedies our State has faced.

April 5, 2010, 29 miners lost their lives in the Upper Big Branch mine, which

was then owned by Massey Energy. Today, the U.S. Attorney for the Southern District of West Virginia, Booth Goodwin, announced an agreement with Alpha Natural Resources, the company that purchased the Massey mines.

This comprehensive and forward-looking settlement takes the right steps to truly protect our miners. By investing more than \$120 million of this settlement in mine safety—including improvements to existing mines, a new West Virginia safety training facility and a research trust—this agreement demonstrates that the government and the company are serious about creating a true legacy of mine safety.

While nothing can replace the beloved miners who we lost that terrible day, today's agreement shows that we all have zero tolerance for anything corporations do—or don't do—that leads to a mine fatality.

As I have always said, at the heart of this tragedy is the simple fact that we must do everything in our power to never, ever allow any worker to be in the position where this could happen to them or their family. Especially since today is National Miner's Day, my thoughts and prayers are with the families of the 29 miners who died at Upper Big Branch—and I want to assure the families that the loss of their loved ones will not be in vain. Every worker should know that when they kiss their children goodbye in the morning that they will return home at the end of that shift or the end of the day to kiss them goodnight.

I thank U.S. Attorney Goodwin and his entire team for their skill and dedication in negotiating this settlement that focuses on safety and training in the future. I also thank Alpha Natural Resources for rising to this occasion and meeting these terms. Even though Alpha did not own the Upper Big Branch mine at the time of the disaster, I applaud the company for taking responsibility for both the mistakes that were made and for investing in the future of mining to help prevent another tragedy like this from ever taking place. I encourage them—and all our mining companies—to continue to take steps to protect our miners.

In addition, I am pleased that this agreement does not impede the families from pursuing additional civil remedies and does not prevent the authorities from prosecuting individuals whose actions may warrant criminal charges. There should be no immunity for anyone who is determined to be responsible in any way for the tragedy at Upper Big Branch.

April 5, 2010 was one of our State's most heartbreaking days. I hope and pray that we will never again endure a tragedy like the Upper Big Branch deaths, and I will work every day to make sure that we don't.

Today we also remember the 104th anniversary of the Monongah Mine

tragedy, our Nation's worst mining disaster—one that took 362 brave souls.

So on this day, it is fitting to pay our respects and show appreciation for the miners of yesterday and today. We need to recognize the contributions of past miners who have led us to where we are now, and today's miners who keep traveling deep into the darkness to provide millions of Americans with the electricity that powers our lives and the steel with which we build our Nation.

Without these men and women, our world would look very different. They are the true backbone of our country. Our miners extracted the coal that powered military ships in World War I and World War II—and every conflict since.

Coal provided the steel to make our country the greatest industrial power in the world, ushering in prosperity that built our infrastructure and developed a quality of life that became and is still the envy of the world. Coal provides nearly half of the electricity in our country and every day millions of homes are warm, safe and full of light thanks to coal.

Think for a moment. Try to imagine our country if there had been no coal. It is almost inconceivable.

Coal is mined all over our great Nation. I thank all men and women everywhere who work in this industry, but I can speak personally about our brave and hardworking miners in West Virginia. The miners of West Virginia and their families are the heart and soul of the Mountain State and truly an inspiration for me.

Extracting minerals from the earth is not for the faint of heart. This work requires engineering brilliance, nerves of steel and fearless dedication. West Virginia coal miners continue to set the bar for productivity, quality, and innovation. Their work ethic is second to none. Coal miners are not looking for a handout. All they want is a work permit so they can go to work, earn a good wage, and provide for their families.

And coal miners are much more than just the work they do—they are some of the most loyal, brave, trusted, and patriotic folks that you could ever meet. Like their fellow West Virginians, these folks can shake your hand, look into your eyes, and touch your heart. Our coal miners love their families, the outdoors, their communities and their State. These miners work hard every shift, but if they get home and find a person in need, their day begins again. If you are hungry, you will be fed; if you are lost, you will get directions and then an escort to your destination. That's just the kind of people we are, and that makes me so proud every day to be a West Virginian and have the honor of representing them.

I will continue to tell our State's story when it comes to 'coal. And I will

constantly work with my colleagues on both sides of aisle to develop technology that allows us to continue to use American coal to help achieve energy independence for our great country—which will ensure our national security and grow our economy. The simple fact is: This country needs coal and our coal miners are still willing and able to do the job.

So today it is my privilege to say thank you for the job that our brave coal miners perform. This Nation was built on the backs of our coal miners, and all of us should thank them not only today but every single day of the year, and every year to come.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I came to the floor to speak about Richard Cordray's nomination to lead the Consumer Financial Protection Bureau, but I wish to acknowledge the remarks of Senator MANCHIN. We have coal miners in my great State of Colorado. They are particularly located in the northwestern section of our State. They are hardworking. They are patriotic.

We have some of the cleanest coal in the world. It is used all over our country and exported to many countries around the world.

I thank him for his remarks and for drawing attention to their accomplishments and their contributions to America.

Mr. MANCHIN. I thank my colleague.

NOMINATION OF RICHARD CORDRAY

Mr. UDALL of Colorado. Madam President, I come to the floor to put in a word for Richard Cordray, who has been nominated to lead the Consumer Financial Protection Bureau, which is otherwise known as the CFPB. Nearly 2 months ago, I urged our leaders to prioritize a vote on the nominee because without a Director of the CFPB, there is important consumer protection work being left undone. It is work that would benefit hard-working Coloradans, those citizens of New Hampshire, and families all across our Nation.

I wish to begin my remarks by thanking both the majority leader and the Republican leader for moving to this important nomination. After having done that, I wish to turn and speak directly to Coloradans and any other Americans who may be listening. We get up here as Senators, and we will

talk about this agency or that agency. Frankly, at times it sounds as if an alphabet soup. But this agency is not just another alphabet agency. The CFPB may be one of the most important Federal agencies we have, and it should be allowed to open its doors fully and begin the important work of protecting our consumers. The CFPB was created in the Wall Street Reform and Consumer Protection Act to protect American consumers from predatory and unfair financial practices. It was chartered to prevent the same kinds of abuses banks and other large financial firms engaged in as they drove our economy into the ditch just a few short years ago.

When we look back at the financial collapse in 2008, many of us still cannot believe the largest banks and financial institutions in our country were able to put our economy at such risk. As drastic measures had to be taken and billions of dollars invested in these firms, it certainly didn't seem fair that banks and other financial institutions should get taxpayer help after having taken advantage of the good intentions of American consumers and, as a result, tanking our economy.

The truth is we were forced to act in the Congress or even worse financial troubles awaited us—in fact, potentially a worldwide financial depression. That is why the Congress created the CFPB, to ensure that kind of abuse never happens again. When we passed the Wall Street Reform Act, Congress made clear its intent to create a watchdog with the responsibility to make the financial marketplace safe for consumers.

I think the Presiding Officer would agree that is something we should all want, to make sure Americans are not being taken advantage of by big businesses and Wall Street bankers, to ensure someone is looking out for the little guy, to ensure there is slightly more of a level playing field for the Americans who play by the rules.

Unfortunately, it is not. Many of our colleagues are raising a host of issues related to one central argument, that the CFPB will not be accountable to Congress and it will go hog wild in its efforts to look out for hard-working Americans. Yes, that is right. They argue the CFPB will have too much power to protect consumers. I know that seems strange to hear, especially after the banking sector abuses nearly sent our economy down an irrecoverable path and millions of Americans saw many of their investments and much of their net worth disappear overnight. But, yes, some of our colleagues actually want to weaken the consumer protections that were included in the Wall Street reform bill which, by the way, is the law of the land. In order to make sure that happens, they vow to block, to filibuster all nominees to head the CFPB, regard-

less of who they are. There have been blanket statements made at the front end of this effort that whoever the nominee is, that person will be blocked.

It strikes me that by doing that, they think they are going to deny the CFPB a Director and that will erode the Bureau's effectiveness and make it easier for banks to operate without limitation. That is precisely why we have to overcome the filibuster that is being waged against Mr. Cordray right now. Without his leadership and a strong CFPB to look after the interests of consumers, we are going to put the financial security of hard-working American families at risk and the country's economic recovery at risk. By failing to give the CFPB a Director, a confirmed Director, we are actually reducing oversight of predatory lending and deceptive banking practices. These are practices that in no way help our economy or our economic recovery.

I do not think I am stretching the facts saying this. Deceptive financial practices continue to threaten Americans every day, and we can do more to ensure these abuses are brought to an end. Let me focus on one particular area.

Credit reporting agencies continue their deceptive ads on Web sites with misleading names such as www.freescore.com and www.freecreditscore.com that lure people into a costly credit monitoring service. They do not offer free credit scores at all. Instead, what they do is they take the person's credit card number and then they begin charging them a monthly fee. It is a similar hustle that many other too-good-to-be-true Web sites offer. The problem is this deceptive ad strikes at the heart of America's personal financial health. A person starts by doing the responsible thing—trying to check their credit score—but the next thing they know their credit card is being charged and they don't have that important data tied to their credit score.

The point I am trying to make is without a confirmed director, the CFPB has diminished power to investigate the actions of the major credit reporting agencies and pull down these kinds of deceptive ads. That doesn't make any sense to me. It is sort of what Coloradans have been asking me, along these lines: When are you guys in DC, when are you guys in the Senate going to side with us and stop always looking out for the big banks?

In these tough economic times, we need to do all we can to block such dishonest advertisements and help empower consumers to avoid these financial traps. The CFPB is the best way to accomplish these important goals, but it needs a director to be able to act.

As some watching today know, and I hope Coloradans know, the Wall Street reform bill contained a bipartisan pro-

vision I authored that now requires lenders and other creditors to actually provide consumers a free credit score when their score is used to deny them credit or they are offered credit with less favorable terms.

I authored this provision because credit scores are the most important and influential measure of a consumer's creditworthiness. As millions of Americans continue to work to repair their credit status in the wake of the Nation's worst financial collapse since the Great Depression, it is my belief that the CFPB must fully implement its congressionally appointed oversight of consumer credit scores and related products to stop deceptive advertisements and other setups. So I will say it again: In order to carry out this mission, the Senate must confirm a director to head the CFPB.

The Consumers Union—one of the leading consumer advocates in the United States—is urging Congress to confirm Mr. Cordray so the Consumer Financial Protection Bureau can tackle other critical consumer protections such as reducing the penalty fees and punitive interest rates banks can charge, requiring credit rating agencies to maintain accurate consumer credit files, and investigate and fix errors reported by consumers. I know the Presiding Officer has heard stories about consumers who are operating in good faith and then they come to find out their credit files are not accurate and they are penalized because of that situation. The CFPB could require credit agencies to maintain accurate files.

Finally, the CFPB could police the mortgage market to stop scams against consumers and prevent the return of the toxic loans and the dangerous lending practices that led to the foreclosure crisis and, ultimately, the recession.

I don't think I am overstating the situation when I say there are still a slew of unsafe financial products and services in the marketplace. When consumers are lured into those traps, they then can get into a high-interest debt situation, and then that affects all of us. It affects our economic health more broadly. So the CFPB would be given the capacity to tackle these abusive and deceptive practices and then be on the lookout for the next breed of financial scam.

For these reasons, it is my hope the Senate will take action quickly to confirm Mr. Cordray's nomination and then put in place an effective consumer financial watchdog to ensure Americans get the tools they need to take control of their own financial destinies. It will help our economy; it will help Americans; it will help small businesses. This is the right approach. Let's confirm this gentleman to head the CFPB.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

HONORING FATHER EMIL KAPAUN

Mr. MORAN. Madam President, a few weeks ago, in November, in communities across our country, our Nation's men and women in uniform were honored on Veterans Day for their service to our Nation. I wish to share a story with my colleagues of one exceptional Kansas veteran who is no longer with us but whose story stands as a lasting tribute to the members of our Armed Forces whose courage and sacrifice preserve our freedoms.

Father Emil Kapaun was born in Pilsen, KS, in 1916 and served as a Catholic priest in the diocese of Wichita for 4 years before volunteering for the U.S. Army in 1944. During the Korean war, he served as a chaplain for the 8th Calvary Regiment of the First Army Division.

His courageous actions in the Korean battlefields saved countless lives as he ran under enemy fire to rescue wounded soldiers. When Father Kapaun was taken prisoner in 1950, he continued to live out the Army chaplain motto: "For God and country."

In the bitter cold of winter, Father Kapaun carried his injured comrades on his back during forced marches through snow and ice, gave away his meager food rations, and cared for the sick who were suffering alongside him in the prison camp. When all else looked hopeless, this simple priest from Kansas rallied his comrades, regardless of their faith, to persevere, until his own death as a prisoner of war in 1951. This good man distinguished himself by laying down his life for the sake of others.

Earlier this year, Senator ROBERTS and I introduced legislation to award this Kansas war hero the Medal of Honor for his acts of valor in the Korean war. The legislation would request and provide the Department of Defense and the President with the authority to grant this important honor. By waiving the 3-year statute of limitations—the timeframe in which it can be awarded—Father Kapaun would be eligible to receive the Medal of Honor.

Senator ROBERTS and I offered this legislation recently as an amendment to the Senate Defense authorization bill and the amendment was unanimously approved by the Senate. I thank Senators LEVIN and MCCAIN for their support. My Kansas colleagues in the House were also successful in including this language in the House version of the National Defense Authorization Act, and I ask that with such strong support from both Chambers this provision be included in this year's final Defense authorization bill.

Father Kapaun is most deserving of the distinguished award and I am hopeful the Secretary of Defense and Presi-

dent Obama will use the authority outlined in this legislation to give Father Kapaun his long overdue recognition.

At this special season of the year, we are reminded that there are saints and heroes throughout the history of our Nation who put others above themselves and live by God's plan for their lives. May we be inspired by their example and live our lives accordingly. Father Kapaun demonstrated that one person can make a difference and help change the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

WORK WELL TOGETHER

Mr. ALEXANDER. Madam President, I wish to speak this afternoon about a lesson that Washington, DC can learn from Maryville, TN, which is my hometown. It is a lesson that most of us learned in kindergarten and I learned in my mother's kindergarten, which was in a converted garage in our backyard, and it was three words: "Work well together."

The latest example of that was all over the sports pages of my hometown on Sunday: "Historic Championship: Maryville Wins the 13th State Title—Most Ever." Our football team has learned to work well together. They earned their second consecutive State championship, as the newspaper said. They beat Memphis Whitehaven. I watched the game on statewide television. Their record this year was 15 and 0. It was their ninth State title and ninth perfect season under an extraordinary coach, George Quarles, who has won 179 games and lost 13 in his career in Maryville. This is the most State titles of any school in Tennessee's history. The team scored 35 or more points in 109 of Coach Quarles' first 191 games. Maryville has averaged 30 or more points in 12 of its 13 seasons under coach Quarles and its senior quarterback this year, Patton Robinette, who has scholarships from good schools everywhere, was named the Gatorade Tennessee Football Player of the Year, part of which has to do with his academic credentials. He has a straight A-plus average.

This leads me to the second thing they work well together on in Maryville, TN. The Maryville city schools were named the best overall school district in the State, based on their academic performance, by the State Collaborative on Reforming Education. The Maryville city schools recently received all As on their State math, reading, social studies, science, and writing assessments. According to the Tennessean, Maryville city schools have the second highest test scores in the State in reading and math. The high school was selected as one of three finalists in the prized category of high schools "based primarily on student

achievement gains and progress over time." More than 80 percent of Maryville High School students were proficient or advanced in math, 88 percent in reading/language arts. More than 90 percent graduated in 2010 from the high school. Four seniors were National Merit semifinalists. 48 percent of Maryville High School students who took the ACT college prep test last year met all four benchmarks for college and career readiness—English, math, reading, and science—compared to 15 percent Statewide and 25 percent nationally. So the football team and the students have learned to work well together, academically and athletically, at Maryville High School.

How did this all happen? I know a little bit about this. I am a proud graduate, as the Presiding Officer may have suspected by now, of Maryville High School. I have wondered about this for a long time: How could it have had such success in so many things? It is not the richest town in the State by a long shot. Most families in Maryville would describe themselves as middle income.

One indicator of why they succeed and why they achieve so much excellence in so many ways in their schools is that the town devotes about 70 percent of its budget to its schools. It is in a county where about half the citizens—50 percent of the citizens of 100,000 in Blount County—have a library card. It is a place where—at least it was when I was there—if you get in trouble at school, you get in trouble at home. I can remember being called to the principal's office and administered pretty stern discipline when I was in the eighth grade, and I received the same treatment when I got home, even though my father was chairman of the school board. So there was none of this business about parents blaming the teacher and the principal for what the child had done.

But I think the school principal, who is new to the town—Greg Roach—said it best. I saw him being interviewed at half time during the football game last Saturday night.

He was asked: How did this happen? How did you have this champion football team more than any other school in the State and then you are named the best school district in the State? How can you do that all at once?

He said: Well, it is a town school and when something happens, everybody shows up.

Well, they showed up at Tennessee Tech for the football game last Saturday night, but they also show up at the annual academic awards banquets. I have been to those, and over the last several years it is more like a sporting contest, with this student winning the Spanish championship and this one doing well in Latin and getting the same kinds of honors, awards, scholarships and pats on the back that football players do.

This emphasis on excellence in education and athletics is not something new to Maryville, TN. My grandfather sold his farm in the county to move into town so that my father could go to school, and my aunt said my father felt as though he had died and gone to heaven when he had that opportunity. My father, who was an elementary school principal after World War II, ran for the city school board with four other men and women and they stayed on the board as a ticket. They were elected every year as a ticket. They stayed there for 25 years, with the whole objective of improving the quality of the education in the Maryville city school system.

While all that was going on, my mother taught in the preschool program—really the only one in our county at that time, although I think Mrs. Pesterfield also had a preschool program. But Mrs. Alexander's—I used to call it lower institution of learning—had 25 3- and 4-year-olds and 25 5-year-olds in the afternoon. She was lobbying the whole time to the school board on which my father served to put her out of business and start a public kindergarten, which they eventually did in our State.

I used to talk about the Maryville schools and the community of Maryville when I was running for President 20 years ago, and my friend, Bill Benet, who was also a U.S. Education Secretary, was chairman of my campaign. He would say to me: LAMAR, not every community in America is Maryville, TN, and I know that. I know that. But I think a lot more could be. There are a lot of theories about what makes a good school, but I think Principal Roach may have it about right. It is a town school, and when something happens, everybody shows up.

I think our new speaker of the house in Tennessee, Beth Harwell, had it right too when she observed that our State legislature finished work early. They had some disagreements but worked well together, got some results, and she said they learned in kindergarten to work well together, and that maybe that would be a good lesson for Washington, DC.

Well, I think Speaker Harwell is right. The example of the Maryville football team and the Maryville students is also right. When everybody shows up when something is going on, and when people work well together, good things happen. Working well together—in our case, bipartisanship—is not a goal, just as working well together was not the goal of the football team. They wanted the championship. It was not the goal of the students. They wanted the scholarship. But they knew they had to work well together as a community to get a result.

They got a championship football team. They got the best school district in the State. Perhaps that is a lesson

for the Senate as we seek to take the very difficult responsibilities we have and earn the respect of the men and women of this country who hired us and sent us here to solve problems.

That is why today I would like to celebrate the success of the championship football team of Maryville High School and the championship school district of Maryville, TN, and suggest their lesson of working well together might be a good lesson for us.

I yield the floor.

PRESERVING ELECTRONIC RECORDS

Mr. REID. Mr. President, I was pleased to see that the President of the United States has issued a memorandum directing executive branch agencies to reform their records management. The goal is to improve performance, promote accountability, and increase government transparency by better documenting agency actions and decisions. The President's memorandum noted that the current Federal records management system is based on an outdated approach involving paper and filing cabinets, and it outlines a framework for moving the records management process into the digital age by including plans for preserving electronic records. This issue was highlighted in a recent report of the National Archives and Records Administration, which warned that Federal agencies have done a poor job of managing the increased volume and diversity of information that comes with advances in information technology.

I commend the President for taking this action, and I am pleased to say that the U.S. Senate is already carrying out the practices for its own records that he has recommended for the executive branch. Over the last 10 years, the Senate has preserved an average of 3,000 to 4,000 feet of textual records for each Congress. Those paper records have been supplemented by 2.5 terabytes of electronic records. The Senate's electronic records are being preserved at the Center for Legislative Archives within the National Archives.

With guidance provided by the Secretary of the Senate, 75 percent of all Senate committees are now engaged in archival preservation of their digital records. Several Senate committees have responded to the increased volume and complexity of electronic records by hiring professionally trained archivists to appraise, describe, and transfer these materials.

The operations of every Senate office have been transformed over the last decade. Our greater reliance on electronic communication and records systems has increased the need for preservation planning. Just as the paper records of the U.S. Senate, dating back to 1789, have been carefully archived, records generated digitally in the 21st

century will require diligent attention if they are to survive for future use.

TRIBUTE TO EARL AND OPAL WILLIAMS

Mr. MCCONNELL. Mr. President, I stand today to pay tribute to a fine and blessed couple, Mr. and Mrs. Earl and Opal Williams of Laurel County, KY.

Earl Williams and Opal Morgan grew up less than 20 miles apart. Earl attended Bush High School located east of London, KY, and Opal attended Hazel Green High School west of London—yet their paths never crossed at the time.

However, when Earl was 24 years old he set out for Kinzua, OR, some 2,500 miles away where he began working for the Kinzua Pine Mills Company. "In those days you could not get any work locally, you had to leave home and usually go a long ways to find work," Earl recalls.

As fate would have it, a short time later Earl and Opal met after Opal traveled to Kinzua to visit her father, who was also employed by the Kinzua Pine Mills Company. Eventually, Opal took a job in a local factory and decided to stay in Kinzua. "Our courtship was about normal," Opal says. "We dated for about a year and got married December 22, 1949, in Goldendale, Washington."

In December of 1954, Earl and Opal returned home to Laurel County, KY, after spending 2 years in Indianapolis, IN. Earl began a career with Water Softener Rental, a company Earl bought into and then later purchased outright from his partners, while Opal stayed busy making a wonderful home in the house the couple built on the "Old Williams' Farm," a house Earl is especially proud of. "This farm belonged to the Williams family during the Civil War," he boasts.

Earl and Opal were married for 7 years before they were blessed with four children, sons David, Joe, and Phillip, and daughter Amber. The couple is not shy about explaining that their children have been the highlight of their lives. "We enjoyed our boys," the couple says, "but we were ready for a girl when Amber came along."

These days Earl and Opal stay busy tending to their three grandchildren and one great-grandson several days a week, and Earl still drops by the office daily to "check on" his sons. The couple, who have been married for over 61 years, claim that their faith and dedication to their church, Lick Fork Community Missionary Baptist, has played a major role in the success of their lives and marriage over the years—the two have been members of the church for over 50 years. "It has been a good life," Opal says. "We got married 61 years ago to stay married. We never thought of divorce like young couples do today."

Mr. President, Earl and Opal Williams have shared an incredible journey together, and their faith in each other, their family, and their church has given them a wonderful story to share. Earl and Opal's life together serves as an inspiration to the people of Kentucky, and I wish them many years of further happiness. The Laurel County-area publication the Sentinel Echo recently published an article to share the Williams' story with the rest of our great Commonwealth. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Winter 2011]
FINDING LOVE IN A FAR OFF PLACE
(By Sue Minton)

Earl and Opal were not high-school sweethearts. They did not know each other as teenagers. Both grew up in Laurel County, on opposite ends of the county and attended rival high schools.

Earl Williams grew up east of London and attended Bush High School. Opal Morgan grew up west of London and attended Hazel Green High School.

Less than 20 miles separated the two. They may have seen each other at box suppers, the movies or social gatherings, but did not take notice.

"In those days you could not get any work locally, you had to leave home and usually go a long ways to find work," Earl said.

For 24-year-old Earl this was Kinzua, Oregon.

And it was in this lumber company-built town, 2,500 miles from home, that Earl did take notice of Opal.

The couple met in Kinzua where Earl was working for the Kinzua Pine Mills Company.

"Kinzua, Oregon, was built by and for the Kinzua Pine Mills Company," Earl said. "It was a company town, everything was owned by the company, all the stores, even the houses we lived in."

Opal went to visit her father, who also worked for the company, and stayed on after meeting Earl, getting a job in a local factory.

"Our courtship was about normal," Opal said. "We dated for about a year and got married Dec. 22, 1949, in Goldendale, Washington."

"About all there was to do in this little town was go to the movies," she said. "They showed the same movie all week. So we went once a week."

Opal recalls the company having a community building called "The Pass Time."

"On Saturday nights they had dances and on Sunday mornings the building was cleared out for church," she said. "We didn't care much about dancing; it was just being together in each other's company."

The couple returned to Laurel County in December 1954 after leaving Kinzua and spending about two years in Indianapolis, Indiana.

After returning home Earl went to work with Water Softener Rental. "I bought into the company in 1957 and later purchased the company from my partners," he said.

While Earl was building a successful business, Opal was making a home for the couple in the house they built on part of the Old Williams' Farm.

"This farm belonged to the Williams family during the Civil War," Earl said proudly.

Although their marriage and life was good, the couple wished for a baby.

"We were married seven years before this happened," Opal said.

"We were beginning to think we were not going to have any children."

When asked 'what was an important milestone or event in their lives?' they answered simultaneously, "the boys."

"That was probably the highlight of our marriage," Earl said, "when the boys, David, Joe and Phillip, were born."

"Everyone said we changed completely when David was born," Opal said. "I don't know how we changed or how much, but Earl's mother said we did."

With only two years between the births of Joe and Phillip, Opal referred to this almost like raising twins.

"It would have been nice to have had a girl," Opal said. "But little boys are nice too, and I enjoyed my boys."

"But, we were ready for a girl when Amber came along," Earl said.

"We have three grandchildren, Amber, James and Matthew, and a great-grandson, Will," Opal added.

Earl and Opal said their marriage had not been different from most couples who have been married for many years. They don't have a magic formula to explain the success of their marriage. They just took their wedding vows seriously.

"We never thought of divorce like young couples do today," Opal said. "We got married 61-years ago to stay married. You have your differences but you work through them."

"They should try to work their problems out," Earl added.

"Couples should not be so quick to get a divorce. If everything does not fall into place for them, they'd get divorced," she added. "But there are some situations when a divorce is the only way."

Opal feels it is important for young wives to develop their own lives and interests. "Married couples should be able to work together, but women need their independence."

Their faith and dedication to their church, Lick Fork Community Missionary Baptist, where they have been members for more than 50 years, has contributed to and played a major role in the success of their lives and marriage.

Although both are in good health, Earl has slowed down some since retiring, but still goes into the office daily 'to check on the boys.'

"It is nice having him home," Opal said. "Before he was always working at the business or the farm."

Opal spends three days a week enjoying and caring for great-grandson Will, the latest boy in the Williams' family.

When Will's mother, Amber, was asked to comment on her grandparents she said, "Eric and I were like them (referring to her grandparents), we were married seven years before Will came along. I think it is amazing to have been married for so many years and raised three sons that have been very successful. They were taught good work ethics (which) they are passing on to their children."

"It has been a good life," Opal said.

"We have had a good married life. It does not seem like 61 years; it has went by fast," Earl added.

COMMEMORATING THE 70TH ANNIVERSARY OF THE JAPANESE ATTACK ON PEARL HARBOR

Mr. LUGAR. Mr. President, on December 7, 70 years ago, just before 8 in

the morning local time, the first wave of 183 Japanese imperial aircraft descended upon the United States naval base at Pearl Harbor. A second wave of 170 aircraft followed to make sure that as much damage was done as possible. Within 2 hours, this unwarranted act of aggression left four U.S. Navy battleships, three cruisers, three destroyers, an anti aircraft training ship, one minelayer and 188 U.S. aircraft destroyed. The attack left devastation and havoc in its wake, taking the lives of 2,402 Americans and wounding 1,282. The Imperial Japanese Navy conducted this attack in order to limit U.S. military intervention capabilities in respect to Japanese imperial ambitions in the Pacific arena.

On that day that President Roosevelt so aptly said would "live in infamy," the Japanese Empire left something behind amongst the smoldering ruins of our Navy. They left behind a unified people in which they "awakened the beast." Out of the ashes of Pearl Harbor was reborn an even stronger American Navy, economy, and people.

For the younger generations of today, Pearl Harbor was a remote event in an era long gone. But to people like Army PFC. Merle Berdine, of Valparaiso, IN, who was sitting in the warm Hawaiian sunshine in front of his barracks at Fort Kamehameha that fateful Sunday morning, this act of aggression was an attack on the present. Pearl Harbor wasn't just part of his collective history that he shared with his nation, it became part of his personal history, shaping and defining him. At 7:54 a.m. Merle was a soldier going through his daily routine and finishing up his 1-year rotation at Pearl Harbor. At 7:55 a.m. he was a man under attack in a nation at war, digging a trench to withstand the bombardment and wondering whether he was going to see his family again. By 11 a.m., he was dealing with a new reality, one in which he was saying goodbye to more than 2,000 of his brothers. Within 24 hours, he was a soldier for a nation at war with Japan, within 48 hours, that war had grown.

We as a nation oftentimes take the sacrifice Merle and his fellow servicemen have made for granted. They sacrificed their time, their personal health, and far too often their lives to let us as a nation live free and prosper. Without their sacrifices we would be living in a very different world today and no amount of gratitude can ever be enough. But we must try, and we must, most importantly, remember.

I am proud to say that, at last count, 60 of these heroes who experienced the horror of Pearl Harbor call Indiana home. But, as with all World War II veterans, this proud generation is shrinking. Just last year, six Pearl Harbor veterans passed away in our State. According to the Pearl Harbor Survivors, only 25 of them are able to

be active members of their community. The rapid decline and increasing immobility of this generation poses many dangers to the memory of Pearl Harbor.

Today, we remember their sacrifice, we discuss the events of the day, the lessons of history are reviewed, we collectively remember, and, if you know a veteran of Pearl Harbor, we should slow down and listen before the opportunity passes.

Since 2002, I have been leading the effort in Indiana to record oral history interviews with Pearl Harbor survivors and all veterans as part of the Library of Congress Veterans History Project. In addition to the stories of 104 Hoosier Pearl Harbor survivors already archived at the Library of Congress, I have submitted the histories of over 10,000 veterans for permanent inclusion in our national history. As a veteran of the U.S. Navy, I know the memories and life changing experiences gained from serving our country, and I am pleased to help ensure that Hoosier veterans are able to record their personal stories so that we can all learn about and appreciate their tremendous sacrifice.

One of the most important lessons of Pearl Harbor was that the adversaries of the United States are multiple and active. We learned that we must always be prepared. On September 11, 2001, we were painfully reminded of these lessons.

As we recognize these historical events, I call attention to the 97,800 military personnel who today are on the ground in Afghanistan, with a total of 129,200 deployed to the region aboard ships at sea, on bases, and at air stations in the region supporting Operation Enduring Freedom. We are down now to only about 12,500 military personnel deployed to Iraq, yet some 79,105 are still deployed to the region aboard ships at sea, on bases, and air stations in support of the redeployment of that force. Since 2003, 4,474 have been killed in Iraq operations, and 1,733 have been killed in Afghanistan since 2001.

These men and women continue to answer the call to serve a cause greater than themselves, as those men did that fateful day in Pearl Harbor 70 years ago. I ask my colleagues to join me in humbly honoring Private First Class Berdine and all those who have and continue to serve our Nation in uniform for their inspirational service.

ADDITIONAL STATEMENTS

RECOGNIZING THE MISSION CONTINUES

• Mr. BLUNT. Mr. President, on Veterans Day, November 11, 2011, I was fortunate enough to attend a service project at Walnut Grove Elementary School in St. Louis, MO, alongside

nearly 100 veteran and civilian volunteers. These volunteers recognized that Veterans Day is not just an opportunity to thank veterans but also an opportunity to recognize them as the civic assets they are and to demonstrate that their skills and leadership are very much needed in our communities. This group spent nearly 7 hours working on a wide variety of academic and artistic projects that will improve the learning environment at Walnut Grove Elementary.

This experience was only possible through a Missouri organization called The Mission Continues, headquartered in St. Louis. Founded in 2007 after CEO Eric Greitens returned home from service in Iraq as a Navy SEAL, The Mission Continues is the only national nonprofit dedicated to empowering post-9/11 veterans to rebuild purpose through community service. They have recognized that many veterans struggle to find purpose at home without the structure, mission, and camaraderie of a military unit. The Mission Continues challenges our veterans to apply their military skill sets to address critical needs within our communities by serving as citizen leaders. This unique approach gives veterans renewed purpose and strengthens our communities for future generations.

The Mission Continues engages post-9/11 veterans to serve in their communities through 28-week service fellowships at nonprofit organizations. This fellowship program provides our former military men and women with the opportunity to translate their military experience into civilian skills. To date, The Mission Continues has awarded nearly 200 successful fellowships in 30 States and the District of Columbia. Additionally, the organization recognizes our veterans as civic assets and brings veterans and civilians together to serve their country by leading in their local communities.

We must remind ourselves that while our veterans are often told “thank you,” they also need to hear, “we still need you.” Through their work, The Mission Continues is fundamentally changing the way our Nation welcomes home our servicemembers. In addition to the fellowship program, they are contributing to comprehensive academic research, have established innovative partnerships between public and private organizations that support our veterans in their transition, and provide an experienced voice as the Nation tackles veterans’ issues.

I encourage my colleagues in the Senate to recognize the work that The Mission Continues performs every day. As a nation, we are all invested in the post-military careers of the men and women in uniform who have defended our country. I encourage all Members to stand with The Mission Continues as they challenge our veterans to be citizen leaders in their communities. •

CELEBRATING THE PUBLIC SERVICE OF DR. HAL COHEN

• Mr. CARDIN. Mr. President, today I rise to celebrate the distinguished career of Dr. Hal Cohen, an internationally renowned economist and professor, devoted husband, father, and grandfather, and my good friend.

Harold Allen Cohen was born in New York on April 21, 1938. After earning his B.A. from the college that is now known as SUNY-Binghamton and his M.A. from Cornell University, Hal began his career in health care financing and public policy by earning a Ph.D. from Cornell University in 1967. After completing his education, he was awarded a prestigious fellowship with the National Science Foundation from 1969 to 1971, which he followed with a year-long stint as an associate at the Danforth Foundation while teaching economics at the University of Georgia, first as an assistant and then as an associate professor.

Hal then took a position that would come to define his career. In 1972, he moved to Baltimore to become the executive director and founding member of the Health Services Cost Review Commission, or HSCRC, the State agency that regulates hospital rates in Maryland. As a member of the Maryland House of Delegates, I worked closely with Dr. Cohen during the formative years of the HSCRC, and while he is quick to say that he was surrounded by a tremendous group of colleagues, it was his leadership that cemented the HSCRC as a Maryland institution. His insight was and continues to be invaluable in containing hospital cost growth. Dr. Cohen worked to ensure that hospitals could provide efficient, high quality care to every Marylander as he focused on ensuring that hospital financing options were fair, accessible and equitable. Since 1976, the HSCRC has financed nearly \$1 billion in uncompensated care, improving access for underinsured and uninsured Marylanders, and supporting hospitals’ social mission while providing them greater financial stability.

Since 1977, Maryland hospitals have been paid on the basis of the rates established by the HSCRC, ensuring that Maryland’s health costs are kept low, and that its health system is tailored to the needs of its citizens. Under Hal’s leadership, the State of Maryland has saved over \$47 billion since 1976. The HSCRC has been essential in ensuring that each hospital in Maryland provides comprehensive care that includes assistance for the underinsured, as well as incorporating teaching and research programs into the structure of the hospital center.

As Executive Director of the HSCRC, Dr. Cohen ushered the organization through its first 15 years. He worked to ensure that the agency would work well with Maryland hospitals, the Maryland State Legislature, and most

importantly, for Maryland's citizens in a transparent and accountable fashion. The independent nature of the HSCRC allows the agency the ability to advocate for and support a legislative agenda, and Dr. Cohen used this ability over the length of his career to fight for fair and sustainable pricing structures that support hospitals and patients.

The system set up by the HSCRC was so well-conceived that it has succeeded for nearly 35 years. All-payer rate setting is now being discussed by many leading health economists as an effective way to control the unsustainable growth in health care costs.

Dr. Cohen's base of knowledge has been widely sought. He has served on three Federal committees, and he was a founding appointee to the Prospective Payment Assessment Commission—ProPAC. He has also served as a member of the National Committee on Rural Health, the National Committee of Vital and Health Statistics, and he served as Commissioner of the Maryland Health Care Access and Cost Commission from 1993 to 1998. As Commissioner, he played a key role in improving quality and expanding health care access, by initiating HMO report cards to evaluate quality and establishing a small group market system to make insurance more affordable for small businesses.

In 1985, 2 years before he would step down as the Executive Director of HSCRC, he founded Hal Cohen, Inc., a health care consulting firm located in Baltimore, MD to offer consulting services in the areas of hospital financing and public policy. He has served clients from every corner of the industry and all over the country, from the Federal Government to private insurers, from HMOs to self-insured companies.

In addition to his significant and long-lasting professional impact, Dr. Hal Cohen is known throughout Baltimore as a loving husband and father. Hal and his wife, Jo, have been married for more than 50 years, and their family has grown to include their children—Robb, Gail, David, Heather, and Amy—and their five grandchildren—Lizzie, Alex, Max, Zhi, and Olive.

Dr. Cohen's extensive work will continue to make Maryland a better place to live. His essential leadership was crucial in building the HSCRC as a force for fairness in health care pricing and for expanding patient access to health care. I thank him for his long service, and I congratulate him on his many years of putting the people of Maryland first—he is a public servant of the highest caliber, and I am proud to call him my trusted advisor and dear friend.●

TRIBUTE TO NANCY BERGMANN

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing Nancy Berg-

mann's retirement after 26 years of dedicated and effective service.

For the past 18 years, Nancy has represented the Idaho National Laboratory, INL, in promoting economic development, expanding technology business sectors and creating understanding about the nuclear and energy missions at INL. Nancy is a well-known and endearing figure in Idaho's high-technology business community. During her career, she has made a significant impact in helping small businesses, nurturing entrepreneurs, and aiding communities in increasing their technology business base. Previously, she initiated Idaho's Hispanic Youth Symposium while managing INL's diversity program in human resources, which also was recognized by President George H.W. Bush for excellence. With more than 30 years of involvement in serving United Way and community service, Nancy also has been appointed to more than 25 boards and commissions, including the Idaho Rural Partnership, Idaho TechConnect, and many more.

Nancy has also been instrumental in organizing regional economic development offices throughout Idaho. In addition to serving on the National United Way Board of America, Nancy has been named INL's Woman of the Year, Idaho's Business Woman of the Year, and 2008 Idaho Business Review Woman of the Year. On November 18, 2011, the Southern Idaho Economic Development Organization honored Nancy for a decade of support by establishing the Nancy Bergmann/INL Math & Science Scholarship, managed by the College of Southern Idaho Foundation.

We wish Nancy an enjoyable retirement and a wonderful time with her family, including five granddaughters. We hope that retirement will provide Nancy with more opportunities to enjoy Idaho's magnificent sunsets. Congratulations to Nancy for achieving this milestone, and thank you, Nancy, for your outstanding service to Idaho communities.●

RECOGNIZING THE CHILDREN'S HOME SOCIETY

● Mr. MANCHIN. Mr. President, I rise to give a voice to the countless children in need of good homes all across this country and to recognize an organization in my State that helps provide these children with a safe environment and a nurturing family.

The Children's Home Society has served West Virginia for 115 years. This organization has 12 locations all across our State that work to meet one critical mission: finding homes for children who don't have a loving place to live.

I have always said the best investment we can make in our country is an investment in the next generation, and that starts with making sure each of

our children has a place to call home. That is why the work of the Children's Home Society is so important.

More than 400 children in my home State of West Virginia are currently living in a foster home. For many of them, it is the first time they have received a safe place to live and loving care. The Children's Home Society has worked tirelessly on their behalf. Their programs range from emergency shelters to foster and adoption services and mentoring. The organization exists to help care for, protect, and nurture children, as well as strengthen and protect families.

The Children's Home Society has also worked vigorously to build awareness throughout our State. This fall the organization hosted the Footsteps for Foster Kids Festival, an event created to illustrate the need for foster families in West Virginia and recruit families who can provide loving homes for children. All day long, children and families had opportunities to participate in various activities at the festival, including paddle boat races and fishing competitions. More than 400 people attended, and the Children's Home Society was able to reach out to new families interested in opening their homes to children in need.

In fact, the idea for the Footsteps for Foster Kids Festival first came from our young people, when 10 area youth called the Band Together Organization worked with the Children's Home Society to make the day a true success. They are an inspiring group, and we are all proud of their efforts and service to the community.

I would like to congratulate the Children's Home Society for their legacy of impressive and meaningful work and thank the Band Together Organization for the commitment they have demonstrated to improving the lives of children. Your example serves our State and our Nation well.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4186. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Daniel J. Darnell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4187. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4188. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (9) officers authorized to wear the insignia of the grade of major general, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4189. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-4190. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Consolidated and Further Continuing Appropriations Act, FY 2012 (P.L. 112-55); to the Committee on the Budget.

EC-4191. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts" (RIN1904-AB50) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC-4192. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment" (RIN1904-AC56) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC-4193. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Bidding by Affiliates in Open Seasons for Pipeline Capacity" (RIN1902-AE39) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC-4194. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "U.S. Department of Energy Fiscal Year 2010 Methane Hydrate Program Report to Congress"; to the Committee on Energy and Natural Resources.

EC-4195. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Non-attainment Area" (FRL No. 9495-7) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4196. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treasury Inflation-Protected Securities Issued at a Premium" ((RIN1545-BK46) (TD 9561)) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Finance.

EC-4197. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2011 Base Period T-Bill Rate" (Rev. Rul. 2011-30) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Finance.

EC-4198. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2011 report (covering trade in calendar year 2010) relative to the impact of the Andean Trade Preference Act on U.S. trade and employment; to the Committee on Finance.

EC-4199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the implementation of the Danger Pay Allowance for Damascus, Syria; to the Committee on Foreign Relations.

EC-4200. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of Weapon Mount Component for a Stabilized Remotely Operated Weapons System (SRWS) Gimbal components in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4201. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communiqué" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-4202. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture Raytheon Designed Radios and the incorporation of Have Quick I/II Electronic Counter Counter-Measure (ECCM) Software Object Code to

government end-user Turkey; to the Committee on Foreign Relations.

EC-4203. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act" (RIN0938-AQ71) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4204. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Loss Ratio Rebate Requirements for Non-Federal Governmental Plans" (RIN0938-AR35) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4205. A communication from the Special Advisor to the Secretary of the Treasury for the Consumer Financial Protection Bureau, transmitting, pursuant to law, the Semiannual Report by the Federal Reserve Board Office of Inspector General regarding the Consumer Financial Protection Bureau for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4206. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4207. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4208. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-4209. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Administrator's Semiannual Management Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC-4210. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Fourth Quarter Fiscal Year 2011 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-4211. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a Quarterly Report to Congress on the activities of the Department of Homeland Security Office for Civil Rights and Civil Liberties during the third quarter of fiscal year 2011; to the Committee on

Homeland Security and Governmental Affairs.

EC-4212. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4213. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4214. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4215. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4216. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General and a Management Report for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4217. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the Performance and Accountability Report for the Office of Government Ethics for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4218. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4219. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, and Mr. BROWN of Massachusetts):

S. 1947. A bill to prohibit attendance of an animal fighting venture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself and Mr. WICKER):

S. 1948. A bill to establish an Innovation in Investment pilot program, to improve and expand a national registered apprenticeship program, to provide for State Workforce Education and Training Advisory Committees, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 344. A resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 241

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 241, a bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

S. 306

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 581

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 752

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 1069

At the request of Ms. CANTWELL, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1108

At the request of Mr. SANDERS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1108, a bill to provide local communities with tools to make solar permitting more efficient, and for other purposes.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1190

At the request of Mr. BLUNT, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for

Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1360

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1397

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1397, a bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1465

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1465, a bill to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships, and for other purposes.

S. 1544

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1634

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1634, a bill to amend

title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1711

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1711, a bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1850

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1886

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1933

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1933, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 1944

At the request of Mr. CASEY, the names of the Senator from Nevada (Mr.

REID), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. 1945

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. RES. 297

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 342

At the request of Mr. RUBIO, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 342, a resolution honoring the life and legacy of Laura Pollan.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 344—SUPPORTING THE DEMOCRATIC ASPIRATIONS OF THE NICARAGUAN PEOPLE AND CALLING ATTENTION TO THE DETERIORATION OF CONSTITUTIONAL ORDER IN NICARAGUA

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 344

Whereas in January 2007, President Daniel Ortega was inaugurated to a second 5-year presidential term, having served as President from 1985 to 1990;

Whereas as a result of widespread electoral fraud during the November 2008 municipal elections, Nicaragua lost more than \$100,000,000 in international assistance and a \$175,000,000 Millennium Challenge Compact was suspended;

Whereas Article 147 of the Constitution of Nicaragua states that a candidate cannot serve consecutively as President and that a President cannot serve more than 2 terms;

Whereas on October 19, 2009, the Sandinista-controlled Constitutional Chamber of the Supreme Court of Nicaragua issued a controversial ruling that partially annulled Article 147 of the Constitution of Nicaragua and allowed Daniel Ortega to run for a third presidential term;

Whereas the Department of State called the October 2009 Supreme Court ruling "...

part of a larger pattern of questionable and irregular governmental actions, beginning before the flawed municipal elections of November 2008, that threatens to undermine the foundations of Nicaraguan democracy and calls into question the Nicaraguan government's commitment to uphold the Inter-American Democratic Charter";

Whereas the Constitution of Nicaragua gives the National Assembly sole power to elect Supreme Court magistrates, Supreme Electoral Council magistrates, and other national public officials;

Whereas in January 2010, President Ortega issued a decree that circumvented the National Assembly and indefinitely extended the terms of 25 incumbent public officials, including members of the Supreme Court and the Supreme Electoral Council;

Whereas in August 2011, the Supreme Electoral Council announced that all international and national observers will be a part of the election and monitor the process under the mandate of an "accompaniment ruling", which included 25 articles, establishing, among other restrictions, who can participate, what their functions may be, the limits of their actions, and the process of accreditation to become an official observer;

Whereas on November 10, 2011, the Department of State noted "... the Nicaraguan Government's failure to accredit certain credible domestic organizations as observers, difficulties voters faced in obtaining proper identification and pronouncements by Nicaraguan authorities that electoral candidates might be disqualified after the elections" and agreed that "the Supreme Electoral Council did not operate in a transparent and impartial manner";

Whereas the European Union Election Observing Mission to Nicaragua noted that elections had been supervised by "electoral authorities with very little independence and equanimity" and it further deemed a "grave reversal to the democratic quality of Nicaraguan elections";

Whereas during the 2011 general elections in Nicaragua, the Mission of Electoral Accompaniment of the Organization of American States noted several "situations of concern", including problems providing identification cards to voters, the accreditation of observers, and imbalances in the political parties present at polling stations;

Whereas the Organization of American States called upon Nicaraguan authorities to investigate acts of violence perpetrated on election day; and

Whereas as a member of the Organization of American States and signatory to the Inter-American Democratic Charter, the Nicaraguan Government has the legal responsibility to abide by the principles of constitutional, representative democracy, which includes free and fair elections and adherence to their own constitution: Now, therefore, be it

Resolved, That the Senate—

(1) supports the democratic aspirations of the people of Nicaragua;

(2) deplores the interruption of constitutional order in Nicaragua that led to the fraudulent reelection of Daniel Ortega on November 6, 2011, elections;

(3) condemns the acts of violence perpetrated on election day and calls upon Nicaraguan authorities to fully investigate and prosecute those responsible;

(4) urges President Barack Obama and Secretary of State Hillary Clinton to take immediate and meaningful measures to encourage the restoration of constitutional rule in Nicaragua, including opposing loans by

international financial institutions to the Nicaraguan Government;

(5) urges the immediate issuance of a final report on the Mission of Electoral Accompaniment of the Organization of American States, including a detailed report on constitutional irregularities impacting the preelectoral phase in Nicaragua; and

(6) urges the United States Ambassador to the Organization of American States to lead an effort to use the full power of the organization in support of meaningful steps to restore democracy and the rule of law in Nicaragua in accordance to the Inter-American Democratic Charter, including formally suspending the Nicaraguan Government under Articles 20 and 21 of the Inter-American Democratic Charter.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Children and Families of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, December 13, 2011, at 10:15 a.m. in SD-106 to conduct a hearing entitled "Breaking the Silence on Child Abuse: Protection, Prevention, Intervention, and Deterrence."

For further information regarding this hearing, please contact the subcommittee staff on (202) 224-9243.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 6, 2011, at 2:15 p.m. in S-115.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 6, 2011, at 10 a.m., to conduct a hearing entitled "Continued Oversight of the Implementation of the Wall Street Reform Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 6, 2011, at 10 a.m., in room HVC-210 of the Capitol Visitor Center, to conduct a hearing entitled "Tax Reform and the Tax Treatment of Financial Products."

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 6, 2011, at 10 a.m. to conduct a hearing entitled, "Whistleblower Protections for Government Contractors."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on December 6, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Access to the Court: Televising the Supreme Court."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on December 6, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Express Scripts/Medco Merger: Cost Savings for Consumers or More Profits for the Middleman?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate, on December 6, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Contaminated Drywall: Examining the Current Health, Housing and Product Safety Issues Facing Homeowners."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1540

Mr. BENNET. Mr. President, I ask unanimous consent that H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, be printed as passed by the Senate on December 1, 2011.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY,
DECEMBER 7, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 11:30 a.m. on Wednesday, December 7, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the

Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. As a reminder, the majority leader filed cloture on the

Cordray nomination. Unless an agreement is reached, that vote will be Thursday morning.

ADJOURNMENT UNTIL 11:30 A.M.
TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Wednesday, December 7, 2011, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, December 6, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

CONGRATULATING CONSUMERS ENERGY COMPANY ON ITS 125TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Madam Speaker, it's my great honor to recognize and congratulate Consumers Energy Company on its 125th anniversary. On this day 125 years ago, Consumers Energy founders William A. Foote and Samuel Jarvis secured a street lighting franchise agreement with the city of Jackson, Michigan. What began as the illumination of a dozen streetlights has endured 125 years of change, growth, and service. Today, Consumers Energy delivers electricity and natural gas to 6.8 million of Michigan's 10 million residents in all 68 counties of the State's Lower Peninsula.

For the past 125 years, Consumer Energy has operated under the timeless principle: provide customers with safe, reliable, and affordable energy service. This principle has played an integral role of improving the quality of life for generations of Michigan residents. It also has been responsible for the growth of businesses and industries

which provide jobs for millions of the State's residents.

Since its beginning in 1886, the goal of Consumers Energy was to deliver power to homes and businesses in cities, towns, villages and even the most rural areas. In 1927, the company installed Michigan's first rural power line, the 7-mile Mason-Dansville line, thereby bringing power to rural farms for the first time.

Today, Consumers Energy continues a proud tradition as an industry and community leader. In celebration of its milestone anniversary, the company will award \$125,000 each to 10 communities for a total of \$1.25 million for programs and services that will strengthen those communities and touch the lives of thousands of our citizens.

Madam Speaker, I ask my colleagues to join me in recognizing Consumers Energy's 125th anniversary and wishing them continued growth and success in the future.

FRUITS AND VEGETABLES FOR SCHOOL CHILDREN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, there was a tough article in the Sunday, December 4, New York Times entitled, "How the Food Industry Eats Your Kids' Lunch." This has serious consequences for the 32 million children who rely on school lunches, and often the breakfast program as well. Unfortunately, when one-third of our children of school age, 6 to 19, are overweight or obese, this matters.

There's no denying that the institutional and political forces combine to favor giving our kids unhealthy food. It doesn't just shortchange the children and their families with huge medical costs in the future from obesity, from diabetes and other problems. It also poses problems for local farmers and the local economy.

The good news is that we know how to fix this. Without help from the Federal Government—or despite the Federal Government—there are areas where the local governments are leading. In 2001, there were only six programs that were farm-to-school, providing healthy produce and fruit that found its way into the schools. There are now more than 2,300 programs involving more than 10,000 schools across the country.

On this House floor, I have referenced a pilot project that I think is a model in Abernathy School in Portland, Oregon, which I am privileged to represent, but there are dozens more in my community. There are 160 edible gardens around Oregon. California led the way with special payments that are made to local school districts to provide opportunities to purchase local fruits and vegetables. It's been followed by similar programs in D.C. and Maine.

Now, this doesn't just deal with the health of kids. It also deals with the health of local economies. When you are able to buy fresh fruits and vegetables locally and put them into the schools, it has a significant multiplier effect. Each dollar there actually has more economic impact than a dollar spent on infrastructure or a dollar that would be spent on food stamps. It's one of the most valuable economic impact generators, almost \$2 of economic impact for each dollar invested, according to a study from Ecotrust.

Let's accept the challenge to try to help improve this process. There are some additional steps that can be taken locally—don't build or remodel schools that don't have kitchens. It's simple, but it's more cost effective to do it when you're constructing or remodeling than to have to come back later.

Let's hold Members of Congress accountable. Last month, we once again on the floor of the House reaffirmed the fact that pizza dough with a little bit of tomato sauce is a vegetable. Maybe people in the course of this next year, when politicians are going to be out campaigning, may be able to pin them down on whether or not they believe pizza is a vegetable and whether they will act to override that outrage.

It's also important to expand the USDA pilot project that's going to be starting next month in Florida and Michigan. Let's see if we can give other States the opportunity for cash instead of commodities, to be able to purchase these local products. This will give opportunities for our school districts to strengthen the local partnerships; to be able to give kids healthy food; to be able to model behaviors that are important; and, most important, for the Federal Government to realign its interests away from large agribusiness and in favor of the health of our children.

Now, in the midst of the rubble of the so-called supercommittee, there was some good that came out of it. One good element was that there was not a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

secret sort of farm bill that was embedded that would have denied us the opportunity this year to reform farm legislation, because one of the simplest things we can do is to move payments from large agribusiness, put it in the hands of local schools, and local farmers to be able to improve the health of our children and our local economy.

CHRISTMAS AND THE EMPTY CHAIR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, Thanksgiving is over and Christmas is just around the corner. All throughout America, families will gather to celebrate the traditions and festivities, and be together and celebrate faith. But there are some American families that won't have their entire family with them this year. There will be an empty chair at their table. That's because their loved ones serve in the U.S. military in lands throughout the world.

War at Christmas is not new, and this year will be no exception for many of our warriors that are still on call, still on duty serving America. But there is a way to connect with our troops throughout the world, and it's a project that we are involved in in southeast Texas through the Red Cross and Operation Interdependence.

□ 1010

And here's how it works. It's a way of having young school-age children connect with troops not only in our war zone, but other places in the world where our troops are serving America.

It started several years ago when I had the opportunity to go see our troops in the Middle East about this time of the year. Before I left, my staff came up with the idea that maybe I should take some Christmas cards and holiday cards to our troops that were serving overseas. And so they did all the work and they were able to get schoolteachers to get their kids to volunteer to make handmade Christmas cards. I took about 6,000 of those handmade cards by third-, fourth-, and fifth-graders overseas.

On my way back from the Middle East, I stopped off at the Landstuhl military base. That's the place in Germany where our wounded warriors are taken before they're brought back to the United States. I distributed those cards not only in the Middle East but to our troops, and even our NATO troops, at Landstuhl.

But here is what happened on the plane when I was going overseas—I checked a couple of bags, but I took one bag on the plane with me. It was a night flight, flying overnight and arriving in the daytime. I started going through one of these suitcases that had all of these cards in it. I was looking at

them, and the person next to me wanted to know what I was doing. I told him these were from schoolkids back in southeast Texas. He was passing them around. Before I knew it, these cards were up and down the aisles in that plane and I could hear sobbing and saw tears of emotion from some of the passengers on the plane reading those cards from schoolkids connecting with our troops overseas.

When I came back to the Landstuhl military base, some of our troops who were wounded opened the cards and wanted the nurses to put the cards on the wall. Even NATO troops that were there from foreign countries had these cards that were made from American youth.

Madam Speaker, there's something about a warrior from the United States opening up a handmade Christmas card from some kid in the United States. At that moment, the darkness of war seems to disappear because of the brightness of a child.

I have had the opportunity to have these cards made by the kids in southeast Texas now for 5 years. I say I've had the opportunity. I don't do the work. My staff does the work, along with the chambers of commerce and all the teachers. Everybody volunteers. When my staff does the work, it's not doing it on government hours. It's after work, it's on the weekend, planning and getting these cards from throughout southeast Texas.

Every year the number of cards that are either taken or shipped gets to be more. The first year, it was 6,000. The next year, 10,000 Christmas cards were shipped overseas. The third year, 16,000 cards. And, Madam Speaker, this year kids from southeast Texas are shipping to our troops overseas 35,000 handmade cards, wishing them well, giving them Christmas greetings, saying some of the most awesome things that only third-, fourth-, and fifth-graders could say.

So I want to thank those kids. I want to thank Rikki Wheeler and the chamber of commerce in Baytown. I want to thank Ross Sterling High School, Horace Mann Junior High, Highlands Elementary, and I want to thank those teachers. God bless our teachers who work to have these kids volunteer to make cards for our volunteers overseas who won't be home for Christmas, because there's an empty chair at the Christmas table where that soldier, that warrior, that sailor, that airman is not there because they're representing the United States in lands far, far away.

And that's just the way it is.

COMPUTER SCIENCE EDUCATION WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. POLIS) for 5 minutes.

Mr. POLIS. Madam Speaker, I rise today to speak in support of Computer Science Education Week, which started this past Sunday, December 4, 2011, and runs through Saturday, December 10. This week-long celebration of the teaching and learning of computer science is a call to share information and host activities that will elevate computer science education for students at all levels.

In my district in Colorado, the computing achievements of 20 young women will be celebrated at an awards event for the Colorado affiliate of the Aspirations in Computing Award on the campus of the University of Colorado at Boulder.

On Friday, representatives of Computer Science Education Week and the Computer Science Teachers Association will be honored at the White House as Champions of Change, which is part of President Obama's Winning the Future initiative.

Today in Harlem, New York, a company is launching a new national initiative, Tech Girls Rock, in collaboration with the Boys and Girls Clubs of America. On Thursday, 200 third-graders will learn hands-on programming and Web site development at Techie Club. I'm marking this occasion by talking to you about computer science education and urging all my colleagues in the House to support legislation I introduced earlier this year, the Computer Science Education Act, H.R. 3014.

Computing and information technology is transforming our world—driving innovation, driving job creation, leading to entirely new multimillion-dollar industries, and transforming how we live and work for the better.

Computer science education prepares students for the jobs of the future by engaging and preparing them for careers in high-paying occupations. But our education system is not currently producing enough graduates in computing sciences and IT fields to meet the growing needs of the industry. In fact, the current pipeline of computing graduates will only fill 52 percent of the projected jobs. The other 48 percent will either have to be filled elsewhere in the world or go unfilled.

If the U.S. is to continue to discover and develop the innovations that have created new industries and transformed others, we need to ensure a healthy computer science workforce that's skilled and large enough to meet our growing needs. Women and many minority groups are currently underrepresented among computing and IT professionals as well as students, depriving the Nation of a potential skilled workforce and of the innovation that results from diverse teams.

If we don't address the issues causing too few students to take computer science education classes in kindergarten through 12th grade, as well as

college, our pipeline and our Nation's future will be compromised. That's why I've introduced the Computer Science Education Act, which will help ensure that American students not only use technology, but also learn the computing skills to invent technology needed to grow and drive our economy. I look forward to working with my colleagues to include this piece of legislation in the Elementary and Secondary Education Act reauthorization.

Computer Science Education Week was established in 2009 by the Computing in the Core Coalition to honor Grace Murray Hopper, a pioneer in computer science who engineered a new programming language and developed standards for computer systems to lay the foundation for many advances in computer science from the late 1940s through the 1970s. The U.S. House of Representatives has recognized Computer Science Education Week in the second week of December over the past 2 years.

Computer Science Education Week is a collaborative activity of Computing in the Core, a nonpartisan advocacy coalition. Its core partners are: the Association for Computing Machinery, Microsoft, Google, Computer Science Teachers Association, the National Center for Women and Information Technology—which is based in my district in Colorado—IEEE Computer Society, the Computing Research Association, the College Board, and many, many others.

I encourage my colleagues to join me in acknowledging the importance of computer science for our future by recognizing Computer Science Education Week this week.

SQUARING SOCIAL SECURITY AND THE PAYROLL TAX CUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, topping the list of unfinished business this year is the impending collision of two closely related crises: the expiration of the payroll tax and the acceleration of Social Security's bankruptcy.

Last year, Congress voted for a payroll tax cut that averages roughly \$1,000 for every working family in America. As warned, it failed to stimulate economic growth and it accelerated the collapse of the Social Security system; but, as promised, it threw every working family a vital lifeline in very tough economic times.

We need to meet three conflicting objectives: We need to continue the payroll tax cut; we need to stimulate real economic growth; and we need to avoid doing further damage to the Social Security system.

First, we need to understand that not all tax cuts stimulate lasting economic

growth. Cutting marginal tax rates does so because it changes the incentives that individuals respond to; cutting inframarginal tax rates, such as the payroll tax, does not. But that payroll tax cut did make a huge difference in the ability of working families to make ends meet in a time of declining family incomes and steadily rising prices. To restore that payroll tax rate today, given the economic pressures on working families, is simply unthinkable.

□ 1020

Yet at the same time, the payroll tax is what supports the Social Security system. Last year, that system entered a state of permanent deficit, and this condition will worsen until the Social Security system bankrupts in 2036. At that moment, every retiree will suffer a sudden and permanent drop in benefits of roughly 25 percent.

Further reducing the revenues into that system will hasten this day of reckoning. Just as bad, in the intervening time the expanding Social Security deficit will heap growing burdens on the Nation's already staggering public debt. Now, some have proposed paying for the inframarginal payroll tax cut that doesn't help the economy with a marginal tax hike that actually harms the economy. Surely we can do better than that. Actually, Congressman LANDRY of Louisiana has done better, and I commend his proposal to the attention of the House. It avoids damaging the Social Security fund while at the same time offering families continued relief from crushing payroll taxes.

His measure, H.R. 3551, the Social Security Preservation Through Individual Choice Enhancement (or SSPICE) Act, constitutes the most realistic and innovative approach to these twin and related crises that has yet been placed before Congress by linking the cost of Social Security to the benefits that it provides. H.R. 3551 would give every American the choice of paying a lower payroll tax each year in exchange for working a month longer. That's all it would take to pay for itself—a month's delay in retirement for a year's worth of tax relief.

For the first time, individuals can make this choice to pay a lower payroll tax based on their own circumstances without further undermining the fiscal integrity of the Social Security system or the financial security of those relying on that system. For the first time, costs and benefits would be linked in a manner that all consumers can understand and judge for themselves based on their own circumstances.

In a difficult year like this, I think most families would rather save the extra tax and work the extra month. In better times ahead, they may choose to pay the extra tax to maintain their retirement schedule. But it will be their choice based on their needs, their

plans, and their best judgment, and not the government's. And by linking costs with benefits, it will protect the long-term actuarial soundness of the Social Security system, a fact that the Social Security system's chief actuary has confirmed.

I'm excited to cosponsor Mr. LANDRY's bill and strongly and enthusiastically recommend it to the membership of the House and to the leadership. Mr. LANDRY has done an enormous service to every retiree who depends upon the Social Security system, as well as to every working family struggling in America, by preserving the fiscal integrity of the system while at the same time giving every American a choice that links the tax they pay to the benefits they receive. And it's an option they can exercise every year without fear that a future congressional act or failure to act might sock them with a tax increase they can't afford or hasten the collapse of a retirement system that many depend upon for their economic survival.

CUBS GREAT RON SANTO ELECTED TO HALL OF FAME

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Madam Speaker, in case you were wondering, that noise you heard from above yesterday morning was an old third baseman clicking his heels. Finally, on Monday morning, Ron Santo was inducted into the National Baseball Hall of Fame.

Now, most people knew Ronnie as the nine-time All-Star and the five-time Golden Glove winner, one of the top hitters of his era, and the third baseman on the Top 10 list in every statistical category. And many people knew Ronnie as the lovable voice of the Chicago Cubs, with whom we cheered every home run, moaned every dropped fly ball, and laughed at life's most human moments in the booth, including a burning hairpiece.

But for many years on the field, people didn't know that while racking up 342 home runs and hitting more than 1,300 RBIs, Ronnie was struggling with diabetes. That's because Ronnie accomplished all of this from the roster, not the disabled list, despite his physical struggles.

Ronnie wanted to be a great player, not a great player "under the circumstances." He fought hard on the field for his team, and courageously in private for his health. He raised \$60 million and a lot of hope for juvenile diabetes research and inspired many to persevere against the odds.

Ronnie died too soon, exactly 1 year ago this week. I wish he had lived to see this, but I know that he and Harry are sharing an Old Style together and toasting to their favorite team. Here's to number 10, Ron Santo. Go Cubs.

ARMY PRIVATE FIRST CLASS
CODY R. NORRIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Madam Speaker, I rise today to pay tribute to Army Private First Class Cody R. Norris, who was killed on November 9 during combat operations in Kandahar Province, Afghanistan.

Cody was a proud Bulldog, a 2010 graduate of La Porte High School in La Porte, Texas. He was in Junior ROTC, a member of the Color Guard and the Rifle Team. He was also a member of the Military Museum.

Cody deployed to Afghanistan while he was assigned to Alpha Company, 2nd Battalion, 34th Armor Regiment, 1st Infantry Division—the Army's oldest division, the "Big Red One"—in Fort Riley, Kansas.

He was a typical American teenager. He enjoyed working on his 1952 M37 Army truck that he drove to and from school. He was a Texan who enjoyed paintball, deer hunting, playing video games, and yes, hibachi food.

Cody's lifelong dream was to join the Army. His time in Junior ROTC in high school motivated him to enlist in the Army to serve his country.

He always put others before himself and did so with a smile on his face and a kind word for those around him. He had a gift for winning people over with his caring personality and always managed to cheer up those around him.

Cody's mother said that he lived life on his terms and always did what he believed was right, regardless of trends or what other people thought. He was well liked by his platoon mates and gained the admiration of others by constantly carrying more than his fair share. According to his brother Michael, now a cadet at West Point, in Cody's last battle, when his platoon was attacked, he was carrying extra ammunition. When he was killed, that extra ammunition ultimately helped save his fellow soldiers, his friends.

I never had the honor to know Cody Norris personally, but I stand here today humbled by the fact that he and the hundreds of thousands of American troops serving in our Armed Forces are willing to sacrifice so much so that we may sleep peacefully under the blanket of freedom that they provide.

As a former naval aviator, I know all too well the sacrifices families make to support their loved ones who serve in harm's way. Cody Norris and his family, and the thousands of other families who have lost loved ones in the defense of our country, have paid the ultimate price for our freedom. For them, in many ways, the war never ends.

America can never repay the debt we owe to Cody Norris and his family, but we can honor his family and his eternal contributions to our liberty. Madam Speaker, Cody Norris is a true Amer-

ican hero, and a grateful Nation says thank you.

□ 1030

EXTEND THE PAYROLL TAX CUT,
UNEMPLOYMENT INSURANCE
AND DOMESTIC RENEWABLE EN-
ERGY TAX INCENTIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, all of us join with our colleague in honoring that fallen hero.

Madam Speaker, Congress must act now to extend the payroll tax cut, unemployment insurance, and domestic renewable energy tax incentives. The effects of the Great Recession continue to linger in this economy, which is why a more robust recovery has not yet taken root.

Our efforts in the last Congress, through the Recovery Act and the Job Creation Act at the end of last year, provided what momentum we actually have. The official unemployment rate has now fallen to 8.6 percent as a result of 120,000 new jobs created just last month. That's the lowest level in more than 2 years and marks 21 consecutive months of private sector job growth. But these gains will be at risk if Congress fails to extend the payroll tax cuts, domestic clean energy incentives, and unemployment benefits before the end of this year.

The payroll tax cut provides the average American worker \$1,000 to spend or invest every year, having a positive impact throughout the economy. Economic analysts at Barclays estimate that the payroll tax cut alone will add another 1 percent to gross domestic product growth, \$250 billion in economic activity throughout the United States. Conversely, if we fail to extend that payroll tax cut, 160 million Americans will be facing a tax increase in January.

Similarly, 1.3 million Americans who are trying to get back into the workforce will see their unemployment benefits cut unless we renew them. According to the Congressional Budget Office and Senator JOHN MCCAIN's economic adviser, Mark Zandi, unemployment insurance is one of the most effective forms of economic stimulus, generating \$1.64 for every \$1 we invest in unemployment insurance. Failure to extend unemployment benefits will reduce the gross domestic product by nearly 1 percent and, by reducing economic activity, could put as many as 1 million Americans out of work at a time when we're trying to expand the economy.

With respect to domestic clean energy production, renewing these incentives will sustain one of the few private sector success stories we've witnessed during the Great Recession. Since 2007,

the number of jobs in the American wind industry has grown 70 percent. So today there are as many wind energy jobs as there are in the coal industry. The number of solar industry jobs doubled since 2007 to more than 100,000 Americans. This surge in domestic clean energy employment is a direct result of the 1603 Treasury Grant Program to support clean energy activity.

Madam Speaker, as we continue to debate these expiring tax and benefit provisions, I'd caution my colleagues against holding them hostage to advance some extreme ideological agenda. Last week, the Senate minority leader brought legislation to the floor which would have slashed Federal employee wages and benefits while arbitrarily downsizing the Federal workforce.

As the Bureau of Labor Statistics noted, public sector employment continues to shrink by tens of thousands of jobs. A job is a job, whether it's in the public sector or the private sector. One is not better than the other.

If Republicans had not been successful in cutting 535,000 public sector jobs in this country, unemployment would actually be 0.35 percent lower. It would be down to 8.25 percent today, not 8.6. Cutting Federal employee pay and slashing the workforce would actually undermine the economic benefits of the payroll tax extension and the economic benefits we've all worked so hard to create.

Similarly, we should reject attempts to tie these economic recovery actions with partisan proposals to gut the Clean Air Act. Republicans in the House already have tried to pass 172 viciously anti-environmental bills, riders, and amendment in this body this year alone. Now, some in the Republican Caucus have suggested pairing the Clean Air Act repeals with an extension of the payroll tax cut, a Faustian bargain at best, Madam Speaker.

Repealing these Clean Air Act standards for industrial boilers, for example, would cost the U.S. economy \$21 billion to \$52 billion per year in higher health care costs, real costs to the economy.

Not surprisingly, some even have proposed expediting approval of the Keystone XL pipeline in exchange for the payroll tax extension. Again, we already have pipelines from Canadian tar sands into America. According to independent economic analyses, the Keystone pipeline could increase exports of Canadian oil, not to the United States, but to China. I want to keep that oil here in this economy if we're going to build that pipeline.

Madam Speaker, the Republican leadership's legislative sausage would shock Upton Sinclair, who wrote "The Jungle" 100 years ago. He said, It's difficult to get a man to understand something when his salary depends on his not understanding.

Instead of wrapping special interest policy-riders and polluter giveaways

into a tax-extender package, Congress should focus on those policies which are demonstrated job creators: payroll tax cuts, domestic clean energy incentives, and unemployment insurance extension.

The economic recovery is too fragile, Madam Speaker, to risk on the higher health care costs, higher gas prices, and economic hardships that some of these Republican proposals would otherwise create.

MAKING A DIFFERENCE BY FIXING THE ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. GIBBS) for 5 minutes.

Mr. GIBBS. Madam Speaker, in about 3 weeks I will mark the anniversary of my first year in Congress. I ran for Congress because I thought I could make a difference. I was concerned about the direction this country was headed and, like many of my colleagues, we thought we could make a difference, and we are making a difference. But we are frustrated because still, almost a year later, the economy is still in stagnation and many American families are suffering.

The way we fix the economy, in my opinion, is we've got to restore confidence; and the way we do that is we energize the American people. We reinsert American innovation, entrepreneurship, and the American spirit.

There's four key areas I think to restore that confidence. One is we've got to cut this deficit spending. We've got to get our spending under control. We passed a budget here in the House that cut almost \$6 trillion over 10 years.

Unfortunately, the United States Senate hasn't passed a budget in over 900-plus days. That's not the way to get our fiscal house in order.

Additionally, when we passed our budget, we also put Medicare on a firm reform plan so it's here for the future.

Number two, we need to have commonsense regulatory reform. Right now, in our \$15 trillion economy, it's been reported that regulations are costing our economy \$1.75 trillion annually. The Obama administration, by their own admission, has over 200 new regulations in the pipeline that will cost over \$100 billion annually, and that's by their own admission, so I hate to think how much more it could be.

This week, hopefully, we're going to pass a regulatory reform bill called the REINS Act, whereby any new proposal that's going to cost our economy over \$100 million by a Federal agency would have to come back for an up-down vote by the United States Congress. I think that puts accountability on our Federal agencies.

Number three, we need to pass some tax reform. Unfortunately, in 12½ months we're going to see the largest—under current law—the largest tax in-

crease in American history. That is not the proper way to go. That puts a cloud over the certainty and providing confidence for our businesses to want to grow their businesses knowing that they're looking at the largest tax increase in American history.

Fourth, we need an energy policy that encourages the development of resources here in our country. We're exporting almost \$1 trillion a year and many, many jobs overseas for energy. We don't need to be doing that.

We've passed, on a bipartisan basis, our jobs plan. We currently have 25 bills that we've passed on a bipartisan basis that would restore confidence and get this economy moving in the regulatory reform areas and the budget.

I want to highlight the one at the top of the list, H.R. 872. That's a bill that I brought to this floor in March that passed by a bipartisan supermajority, nearly 300 votes. The thing that I don't understand that's very frustrating to me, that bill, as with the other 24 bills, have gone over to the United States Senate and they're stacking up like cord wood. They haven't been acted on.

I think the American people deserve to have a full, open debate on the floor of the United States Senate on these bills and vote on them. They deserve that. And that's our jobs plan. And it's a jobs plan that moves us forward.

I cannot implore enough that we need to have action on these bills that will restore confidence and grow our economy. The future of our kids, the future of our country, our national security is at stake; and we must pass the jobs plan.

Spending more money and growing government is not the answer. The answer is commonsense regulatory reform, tax reform, balanced budget, and an energy policy that develops and creates jobs here in America and moves us towards national security and prosperity.

□ 1040

THE CONSUMER FINANCIAL PROTECTION BUREAU

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WATT) for 5 minutes.

Mr. WATT. Madam Speaker, later this week, the United States Senate is scheduled to consider the President's nomination of Richard Cordray as the person to head the Consumer Financial Protection Bureau. And while our rules don't allow us to meddle much in the Senate activities, I do want to spend a minute or two just talking about the importance of the nomination and confirmation of Richard Cordray and the importance of the Consumer Financial Protection Bureau, and talk a little bit about the background of why we have a Consumer Financial Protection Bureau.

The purpose of the Consumer Financial Protection Bureau is to promote a fair, honest, and transparent marketplace to help consumers compare cost, benefits, and risk of consumer financial products. Consumer financial products are perhaps among the most complicated products that consumers have to deal with; credit card terms, mortgages, and the kinds of things that resulted in a financial meltdown in our economy.

Now prior to the passage of the Dodd-Frank Act, there was, in every one of the regulatory bodies, a responsibility to deal with consumer protection. Unfortunately, none of those agencies had consumer protection and education as their highest priority. All of them were looking at—not very well, I will say to you—the safety and soundness of the financial industry, the banks and various components of the financial industry. And generally, they interpreted safety and soundness to be, as long as these institutions are making a big profit, they are safe and sound. And they turned their backs on the interests of the consumer, not knowing that if the consumers purchased a lot of very bad mortgages and got themselves into a lot of very bad financial transactions, that that would cause the whole system to come tumbling down.

So when we passed the Dodd-Frank bill, we put into the bill a provision to create the Consumer Financial Protection Bureau so that there would be somebody in the Federal Government, some agency whose sole responsibility is to look out for the consumer; and of course, a number of my colleagues, both in the House and the Senate, have been fighting this whole concept from day one. They don't like the fact that there is a Consumer Financial Protection Bureau, and they have vowed not to confirm any nominee that the President sends over there to head this agency. The agency is doing good work already, but it needs a director.

Despite not having a director, the Consumer Financial Protection Bureau has launched a number of initiatives, most notably the "Know Before You Owe" project which aims to simplify mortgage disclosure forms and helps students better understand the financial aid process and repayment options. These are things that are important to consumers. They don't necessarily make up the focus of financial entities, the big banks, the lenders, but our whole economic system is based on an educated consumer. And when consumers get into bad transactions, we suffer, as we have in this financial meltdown. We have lost more wealth from mortgages being under water than from any other financial kinds of transactions. And if we had had a Consumer Financial Protection Bureau in place when this calamity was taking place, we wouldn't be in the financial mess that we are in today.

HONORING MARTINA CORREIA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Madam Speaker, today I rise to honor Martina Correia, who passed away recently from breast cancer. Martina was a courageous and inspiring woman who proved what President Obama has often said, "In the face of impossible odds, people who love this country can change it." For decades, Martina fought for human rights in defense of her brother, who was sentenced to death based on unreliable eyewitness testimony that was later recanted. Martina's brother, Troy Anthony Davis, was on death row for 20 years until his execution this year.

Thanks to Martina, people rallied around Troy's case and began to really think about how it is that a society such as ours can execute a potentially innocent man. Inspired by Martina, a diverse array of men and women in the United States and from around the world, people like Amnesty International's Laura Moyo; NAACP President Ben Jealous; Reverend Raphael Warnock, pastor of the historic Ebenezer Baptist Church where the reverend Dr. Martin Luther King, Jr., once pastored; British MP Alistair Carmichael; former President Jimmy Carter; Pope Benedict XVIth; and a large group of other distinguished leaders from around the world whose names are too numerous for me to recognize at this time. These folks banded together to fight for Troy Anthony Davis' life.

From her humble roots in Georgia, Martina led this international campaign to save her brother and prove his innocence. Martina advocated for justice and fought to save her brother's life. And in so doing, she became a death penalty abolitionist in the movement to move America to renounce and abolish the death penalty, whereupon America could finally join the ranks of the other industrialized nations of the world that have barred the use of this barbaric form of punishment.

She became an international human rights advocate, and it will, in part, be due to her efforts that we will one day cheer the abolition of the death penalty in this country. I will remember and thank Martina when we reach that milestone in our development as a Nation and as a people.

Martina fought this battle for her brother while fighting her own battle with breast cancer. You see, she was diagnosed with breast cancer 11 years ago, and at that time, she was given 6 months to live. She beat the odds and fought to stay alive so that she could fight for her brother. Before her diagnosis, Martina was a nurse, and she was also a veteran who served her country in the 1992 Gulf war.

Martina's illness eventually forced her to stop working for a living, but

she continued to advocate for what was important to her. In addition to her work on behalf of her brother, Martina also was a leader of the National Black Leadership Initiative on Cancer, where she advocated for a cure. Her mother, Virginia Davis, died in April 2011 shortly after her son, Troy Anthony Davis, suffered defeat on his appeal. Martina is survived by one son, Antone De'Juan Davis-Correia; two sisters, Kimberly and Ebony Davis; and one brother, Lester Davis.

It was an honor for me to know Martina and an honor for me to meet her mother and an honor for me to meet her brother. I'm comforted in knowing that she will reunite with her dear mother and with her brother, Troy, as their lives are linked for all eternity.

Strong and fearless, fighting to the very end without giving up or giving in, she fought a great fight. And now it's time to rest for a little bit, Martina. You rest in peace. But rest knowing that the movement to abolish the death penalty will continue, and with your example at the top of our minds, we will never give up until the job is done.

□ 1050

TAKING ON CURRENCY
MANIPULATORS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Madam Speaker, I rise today because it has been weeks since the bipartisan majority in the Senate passed legislation to take on currency manipulators. Weeks have passed, and House leadership has refused to allow a stand-alone up-or-down vote on currency manipulation legislation right here in the House of Representatives. Legislators from both sides of the aisle talk about the importance of creating jobs every day. Why wouldn't we take this opportunity to work together to not only create jobs but to also protect the good-paying jobs we already have here in America?

Recently, the Peterson Institute for International Economics concluded that China's currency is undervalued by 24 percent against the dollar. That means that America's manufacturers are competing with Chinese manufacturers who are enjoying a permanent 24 percent off sale. Isn't it time to do something about these problems, problems that are damaging the U.S. economy, and to stand up for American manufacturers?

When countries are allowed to keep the values of their currencies artificially low and, in turn, the price of their exports into the United States, American companies face an unfair disadvantage. American companies are currently playing on an unlevel play-

ing field where their competitors are able to maintain a permanent sale on all the products they sell. As our trade deficit increases with countries like China, we lose American jobs. In fact, the Economic Policy Institute released a study this fall showing that, between 2001 and 2010, the U.S. lost 2.8 million jobs, including nearly 62,000 jobs in my own State of Indiana, as a result of the expanding trade deficit with China.

The Senate has already acted on this issue. It passed the Currency Exchange Rate Oversight Reform Act in October. The passage of this bill assures that correcting unfair trade practices is not a Democrat or a Republican issue—rather, it's an American priority. Sixteen Republican Senators joined 47 Democrat Senators in voting for this bill to counter the currency manipulation that is damaging our economic recovery. In a time of too much partisan bickering, we need to take the opportunity to work together and stand up for American businesses and American workers. That's what we were sent here to do.

In addition to the Senate-passed bill, we have a piece of legislation, which is waiting for a vote right here in the House, with 225 cosponsors of both Republicans and Democrats. That's more than a majority. The Currency Reform for Fair Trade Act would allow the Department of Commerce to counter imports, made cheaper by currency manipulation, with a corresponding tariff. A nearly identical bill passed the House last year with 348 votes. The support is here. We just need to take this vote.

When I travel around north central Indiana, I often hear from small businesses and manufacturers on this issue, and they never ask that Congress guarantee their success. They simply ask for a level playing field and to have the rules the same for everybody. All they want is a fair fight.

So, today, I echo my request from 2 months ago to the House leadership: It is time. It is time for bipartisan legislation that addresses currency manipulation and to have a vote on it here in the House of Representatives—a stand-alone up-or-down vote.

As I said then and as I'll say again to our House leadership: Who do you stand with, the Chinese Government or the American workers? It is time to stand up for our country—for all of the people who work in our country and for all of our citizens. Let's have a vote.

SMART SECURITY: A BETTER INVESTMENT THAN 10 YEARS OF
WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Madam Speaker, this week, representatives from several nations will meet in Bonn, Germany, to

discuss the future of Afghanistan. The Bonn Conference comes exactly 10 years after the first Bonn Conference, which established the Karzai government. So right now is the perfect moment to assess and reflect on where we are and where we're going in Afghanistan.

By any measure, Madam Speaker, the war we have been waging in Afghanistan for the last decade has been a failure. Our hard-earned tax dollars have been tragically wasted on a policy that has projected the worst image of America to the rest of the world. It has undermined our interests and damaged our national security—and let's not forget the human cost. More than 1,800 American families will sit at their tables over the holiday season—tables with a person missing. If we want to eliminate fallen warriors, we must bring them home while they're still alive.

Hopefully, the Bonn Conference will pivot us to the next phase of our Afghanistan engagement: from military occupation to constructive partnership, from waging war in Afghanistan to helping in the spirit of peace and friendship. Ten years after we supposedly liberated them, the people of Afghanistan have enormous humanitarian needs. We need to help them rebuild their infrastructure, strengthen their democracy, and safeguard the rights of their people, all of which can be done for pennies on the dollar compared to spending military dollars. In short, we need the SMART Security approach that I've been advocating for years.

In Bonn, President Karzai is saying that Afghanistan will require foreign economic assistance for at least the next 10 years. The estimated cost of \$10 billion a year, which sounds like a lot for that support, makes you realize, however, that we're spending at least that much, probably more, every month in Afghanistan. As a nation, we should eagerly embrace the responsibility to make these relatively modest investments in nonmilitary aid to Afghanistan. It's the right thing to do, and in the long run, we'll discover it's a far greater investment than 10 more years of war.

The past 10 years of war have done little to improve the lives and to advance the rights, for example, of Afghan women. Many of us are familiar with the story of the Afghan woman who was raped and then impregnated by a male relative when she was 19 years old. She was then sent to jail for the crime of adultery. Her initial sentence was 3 years; then, after a second trial, it was increased to 12 years, but a judge offered her clemency under one condition—she had to marry the man who raped her. At long last, Madam Speaker, after a petition drive organized by the woman's lawyer yielded 6,000 signatures, President Karzai

granted the woman an unconditional pardon—she will be released from prison without having to spend her life with her attacker.

It's a relief that moral decency prevailed in this one case; but the fact that this qualifies as a human rights victory in Afghanistan reveals just how far we have to go. There are many more Afghan women like her who suffer humiliation every single day, who have no control over their destinies. The true measure of American leadership is what we do to help these women and so many other Afghans who want nothing more than to live a decent life of hope, freedom, and relative comfort. We won't help by extending a war that has already failed these people and has violated our most fundamental values. It's time to bring our troops home and to make the transition to SMART Security now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess until noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Bryan Thiessen, Journey Church, Bridgeville, Pennsylvania, offered the following prayer:

Father, we thank You for this Nation, Your love, and, most of all, Your forgiveness of sins.

We acknowledge, as Scripture states in James 1:5, that You are the giver of all wisdom. May You give these men and women, whom You have placed in leadership over this Nation, Your wisdom in all their deeds and discussions.

According to Romans 13, "Let everyone be subject to the governing authorities, for there is no authority except that which God has established." May these here be good stewards of this responsibility, leadership, and Your gift of freedom for our Nation.

We ask for Your special protection over our military and blessing for their families. We pray for our enemies, as You instruct us in Matthew 5:44. May their plans be thwarted, and may they come to the love and grace that You offer.

In the only name through whom man can be saved, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's pro-

ceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. FLEISCHMANN) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND BRYAN THIESSEN

The SPEAKER. Without objection, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 1 minute.

There was no objection.

Mr. MURPHY of Pennsylvania. Mr. Speaker, I would like to introduce today's guest chaplain, Pastor Bryan Thiessen of the Journey Assembly of God Church in Bridgeville, Pennsylvania.

Since the first House chaplain was elected by Congress in 1789, it has been tradition for a prayer to open the House's daily floor proceedings, and I thank the Office of the Chaplain and the Reverend Patrick Conroy for allowing Pastor Bryan Thiessen to have the opportunity to continue this tradition and lead us in prayer.

Pastor Thiessen joined the Bridgeville community in April of 2011, along with his wife, CaRanda Thiessen, and has been a driving force in improving the community since the moment he stepped foot in southwestern Pennsylvania. During Pastor Thiessen's tenure, he has seen his parish grow in size, which can directly be attributed to the exceptional work he has done in leading his church. He has also been elected president of the Bridgeville Ministers Association, where he leads Bridgeville-area churches, nonprofit organizations, and community outreach events. He also serves as the Christian education director of the Southwest Metro section of the Assemblies of God. As director, Pastor Thiessen guides 35 churches in Christian education programs and ministries in the southwestern Pennsylvania region.

I especially thank Pastor Thiessen and members of his parish for making the trip to Washington this morning. The House is very pleased to have all of them, and we are excited to hear the words of the Lord he has chosen to share with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FITZPATRICK). The Chair will entertain

up to 15 further requests for 1-minute speeches on each side of the aisle.

□ 1210

THE REINS ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today the House will begin consideration of the Regulations from the Executive in Need of Scrutiny Act of 2011, also referred to as the REINS Act. This bill will require Congress to approve any Federal regulation that will impact our economy by \$100 million or more.

The Small Business Administration estimates that regulations are costing our Nation's citizens \$1.75 trillion per year. The current administration's report on Federal regulations listed over 4,200 under development since last December and over 200 additional regulations proposed this year, costing consumers billions of dollars, destroying jobs. This fact is another example of how out of touch the President is with the hardworking and deserving American families. It is time for Congress to take action and stop the imposition of these job-killing policies that discourage small businesses from growing and expanding.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

FACTS ARE STUBBORN THINGS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, America's third President, John Adams, once said, "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence."

Well, Mr. Speaker, the facts now show that the health care reform law is working for America's seniors. This morning, CMS released figures that show that 2.7 million seniors saved \$1.2 billion in 2011 with lower prescription drug costs because the health care reform law is closing the prescription drug doughnut hole; 28,500 in Connecticut, 5,560 in my district, the Second Congressional District. The report also shows that 24 million seniors have used the annual checkup that the health care reform law now provides free of charge, a smarter, more intelligent way to pick up disease and illness for our elderly.

As President Adams once said, "Facts are stubborn things," and the facts show the health care reform law is working for America's seniors.

THOMAS EDISON'S LIGHT BULB—OUTLAWED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, freedom of choice is under attack by Washington. The government wants to control the light in homes and businesses throughout America. A new law bans the incandescent light bulb and will require Americans to buy the new, special \$3 government-approved light bulb. Soon it will be against the law to sell Thomas Edison's incandescent light bulb—the symbol of American innovation.

This kind of government intrusion in our lives has left many Americans in the dark about what's next, and the government invasion into our lives is only increasing. Since the Federal Government has taken the power to choose away from Americans, people are flocking to their local Wal-Marts to hoard the last of the incandescent light bulbs.

Government controls so much of our lives in the name that government is smarter than we are; but for now, it's turn out the lights—the party's over for Thomas Edison's incandescent light bulb.

And that's just the way it is.

VOTER SUPPRESSION

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, the national move to interfere with the voting rights of eligible citizens is deliberate. In 2011 the number of States requiring strict forms of government-issued IDs has nearly quadrupled. Why the sudden increase?

Proponents claim that voter fraud is the driving force; yet there is no evidence of this kind of deception. What do they think? That there are droves of people sneaking across the southern border so they can vote or that there are 15-year-olds trying to sneak into voting booths, and so we've got to card them? This is simply discrimination masquerading as orderly government.

The Brennan Center for Justice estimates that one in 10 eligible registered voters does not have the forms of ID that are acceptable under these expanding State laws. We can't stand by and let big money and special interests manipulate the results of elections by enacting 21st-century poll taxes. Poll taxes were thrown out decades ago as discrimination and contrary to processes.

SAFEGUARD MISSILE DEFENSE TECHNOLOGIES

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, during the House Armed Services Committee's review of the National Defense Authorization Act, or NDAA, I successfully proposed a two-tier amendment to protect America's missile defense technology.

Tier 1 bars the White House from giving the Russian Federation any American hit-to-kill or other sensitive missile defense technology. Tier 2 bars the White House from giving Russia any American non-sensitive missile defense technology unless the White House first certifies to Congress that America's missile defense will not be undermined and that our technology will not be proliferated.

Senator MARK KIRK of Illinois is blocking the Russian ambassador nomination until the appropriate safeguards exist that protect America's missile defense technology. I applaud Senator KIRK's efforts.

The NDAA is now in conference committee. I urge the conferees to support the HASC amendment and to safeguard missile defense technologies that have cost American taxpayers so much and that have helped protect America so well.

HONORING UNIVERSITY OF TENNESSEE LADY VOLS BASKETBALL COACH, PAT SUMMITT

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, today I rise to recognize not only one of the greatest coaches of all time but also one of the greatest people of all time, the University of Tennessee Lady Vols basketball coach, Pat Summitt.

Yesterday, Coach Summitt was named Sports Illustrated's Sports-woman of the Year, and there was no one more deserving than she. Not only is she the all-time winningest coach in NCAA basketball history, having well over 1,000 wins, including 16 SEC titles and eight national championships, but she is also an exemplary role model for the students she coaches and is a shining ambassador for the university she represents.

Earlier this year, Coach Summitt was diagnosed with early onset dementia, Alzheimer's type. While the news would be unbearable for many to take at such a young age, Coach Summitt has stayed on the sidelines and continues to coach the Lady Vols. She is, again, leading by example and is showing her players that, while life is full of obstacles, you can continue to achieve success through hard work and dedication.

Thank you, Coach Summitt. I am glad you represent my alma mater. Go Big Orange.

PROTECT THE MEDICARE PROGRAM

(Mr. BUCSHON asked and was given permission to address the House for 1 minute.)

Mr. BUCSHON. Mr. Speaker, as a cardiothoracic surgeon, I stand here today to voice my concern about the impending cuts to the Medicare program. I implore the Congress to craft a multiyear fix to the SGR—ideally, a permanent fix. This is a real threat to seniors across the country. Each year, the Congress continues to play politics with seniors' access to quality care. This must end.

Seniors, some of our most vulnerable citizens, may not be able to see the doctors of their choosing if Congress does not address this issue. According to the AMA, one in three physicians is limiting the number of new Medicare patients they see, and one in eight doctors is no longer taking new Medicare patients. That's today.

What is more disturbing than these immediate cuts is the fast approaching insolvency date. This is a critical problem. Ignoring the insolvency date of 2024 puts our seniors' care at risk, once again, on an even larger scale than what we are facing today.

We cannot continue to bury our heads in the sand. As a physician, on behalf of my patients, let's act now to protect the Medicare program and ensure access to quality care for America's seniors.

HONORING LARIMER COUNTY

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise today to honor the 150th anniversary of Larimer County, Colorado.

The first settlers arrived in 1858; and Antoine Janis, who led the party, declared the area of present-day Larimer County to be "the loveliest spot on Earth." Larimer County captures what outsiders envision as Colorado's true beauty. The county is named after General William Larimer, an early Denver settler and founder who was made the county's namesake as a tribute.

From the farmlands, to the majestic mountains, to the robust business sector, to the kind people, Larimer County is Colorado.

It is the sixth most populous county in the State. While other areas of Colorado were settled and founded at the prospect of gold and mining riches, Larimer County was different. It attracted many settlers because of fertile lands and reliable water sources. Larimer County started as an agricul-

tural area and continues to flourish in agriculture production today. Aside from ag, Larimer County has a thriving business and health industry, a strong education system, picture-perfect scenery, wonderful locations for outdoor recreation, and a top-tier research university at Colorado State University.

In my humble opinion, Rocky Mountain National Park in Larimer County is one of the most beautiful places in the entire country and is the crown jewel of our National Park System. It is my honor to recognize Larimer County's 150th anniversary on the House floor and acknowledge all that it has to offer.

A PERMANENT FIX TO STOP MEDICARE PROVIDER CUTS

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, Medicare physicians are facing a 28 percent cut come January 1, 2012, unless this Congress acts to stop it. If left alone, these cuts will force many physicians to stop seeing Medicare beneficiaries, a move that could harm millions of seniors who are in search of care.

It is incomprehensible that congressional Democrats have already cut Medicare provider rates as a way to help pay for ObamaCare and that they again offered to cut provider rates during our debt negotiations this Congress.

Providers in my district and across this country have told me that if Congress continues to cut provider rates they won't be able to see Medicare patients, pure and simple. In fact, CMS actuary Rick Foster has told us that the cuts to hospitals in ObamaCare alone will force 15 percent of these facilities to close. The seniors in my district tell me they can't afford to lose their doctors. Let's get a fix to this problem done, and done permanently.

□ 1220

THE BENEFITS OF HEALTH SAVINGS ACCOUNTS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, health savings accounts have been shown to lower health care costs and allow Americans to have more control over their money and their health care decisions.

Recently the Bureau of Labor Statistics reported that 14 percent of all workers in the private sector now have access to a health savings account. The number of people with HSA-type ac-

counts rose to over 11½ million in January, up from 10 million a year before and 8 million the year before that.

But, Mr. Speaker, health savings accounts are at risk. Under the Affordable Care Act passed in this House of March of 2010, by 2014 there will be a phase-in of what's known as the medical loss ratio rules that may eliminate the ability of HSAs to continue to exist. It's all in the hands of the Secretary of Health and Human Services, who, in the past, has not been favorably disposed to HSAs.

Now, Governor Mitch Daniels understands the power of consumer-directed health care. Governor Daniels, when he came and talked to our Health Caucus a little over a year ago, talked about his Healthy Indiana plan, a plan that in his State has allowed him to provide for his State workers health care benefits that receive a positive approval rating by 94 percent of his workers and, at the same time, lowering costs by 11 percent.

This is the type of innovation that the Affordable Care Act should have fostered. Instead, it stands in the way of this groundbreaking way to deliver health care to our Nation's folks.

MEDICARE BENEFICIARIES AND ACCESS TO CARE

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. Mr. Speaker, as both a practicing physician and a Member of Congress, I have had numerous discussions with patients and constituents regarding how difficult it is for Medicare beneficiaries to find access to care.

Unfortunately, this dilemma will only be exacerbated if Congress fails to enact legislation by the year's end for the sustainable growth rate, the formula in which physicians are paid for treating seniors on Medicare. Without congressional action, physician reimbursement will be cut by 28 percent on January 1, 2011, which will drastically hurt seniors' ability to find medical care.

For roughly 8 years, Congress has applied a short-term fix to resolve these cuts. Republican doctors are committed to enacting a permanent solution to the flawed SGR formula. Democrats had a chance to deal with this issue during the passage of ObamaCare but, instead, chose to cut roughly \$525 billion in Medicare.

Congress must have the courage to repeal the flawed SGR formula and create a sustainable and reliable payment schedule.

HEALTH CARE REFORM

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, nearly 3 years ago, the President of the United States stood in this Chamber and said we need health care reform to address "the crushing cost of health care" and to "strengthen Medicare for years to come."

Well, we got the President's type of health care reform. Seniors had to help pay for it, however, by removing \$500 billion—a half trillion dollars—from Medicare in order to subsidize ObamaCare. But guess what. That has made Medicare even weaker.

Today we're trying to find billions of dollars to pay for another temporary fix to Medicare reimbursement rates to ensure access by patients to their physicians. Last year it cost \$19 billion, and it will cost more in future years.

ObamaCare did not bend the cost curve down as it was promised; it just pushed the issue down the road.

Republicans are committed to getting the doc fix done and finding a permanent solution; but Medicare is running out of money, and these fixes are getting more expensive. It's time to repeal ObamaCare and replace it with reforms that truly strengthen Medicare for years to come.

AMERICANS DISTRUST THE NATIONAL MEDIA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Pew Research Center has found that negative opinions about news organizations now equal or surpass all-time highs. In their poll, 66 percent of those surveyed stated news stories are often inaccurate, and 77 percent think that news organizations seem to favor one side over the other. And in a recent Gallup poll, Americans were asked how much trust and confidence they have in the mass media. A majority, 55 percent, responded "not very much" or "none at all."

Three years ago I started the Media Fairness Caucus in Congress. This caucus helps encourage a free and fair media as our Founders intended. The purpose of the caucus is not to censor or condemn but to urge the media to adhere to the highest standards of their profession and to provide the American people with the facts, balanced stories, and fair coverage of the news.

Our national media should be held accountable for their performance, just like any other institution. We need to remind the media of their profound obligation to provide the American people with the facts, not to tell them what to think.

CONGRATS TO THE NIU HUSKIES

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate the Northern Illinois University Huskies football team for winning the 2011 Mid-American Conference championship.

Last Friday, the Huskies overcame three first-half turnovers and a 20-point deficit to defeat the Bobcats of Ohio University with a last-second field goal as time expired. The incredible win caps off another great season for the Northern Illinois University Huskies as they finished with a 10-3 overall record and now head to the GoDaddy.com Bowl on January 8 to play Arkansas State.

Congratulations to the players, coaches, and support staff for all of the Huskies for another fantastic season. Go Huskies.

THE OKLAHOMAN: OKLAHOMA CITY HAS MUCH TO OFFER MILITARY RETIREES

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Mr. Speaker, I rise today to praise the incredible people of Oklahoma City and the wonderful community they're building for our retired military veterans.

A recent study conducted in 379 cities nationwide by USAA and Military.com ranked Oklahoma City as the number one city for a second career for military retirees. Oklahoma City's economy is boosted by a great combination of veteran-owned businesses, defense contracting companies, Federal workers, and Tinker Air Force Base.

This study simply proves what Oklahomans already know: Oklahoma is a great place to live and to work. Oklahoma City has one of the lowest unemployment rates in the Nation and one of the highest work ethics. Oklahoma City is a great place to raise a family, start a new career or retire.

The vets who have chosen to live in Oklahoma City are hardworking individuals with great skills, a great work ethic, and a love for our country. Military retirees make long-lasting contributions within their communities, and they're vital to our State's success.

My message to veterans across the Nation who want to start a new business or new career or find a new community that honors vets for their service, you're welcome to join us in Oklahoma City.

LOOMING CRISIS FOR OUR SENIORS

(Ms. BUERKLE asked and was given permission to address the House for 1 minute.)

Ms. BUERKLE. Mr. Speaker, I rise to call attention to a looming crisis for our seniors. We are facing the very real

prospect of millions of Americans losing their access to health care providers because of reductions in Medicare payments to physicians due to the flawed Sustainable Growth Rate, SGR, formula.

Mr. Speaker, on January 1, 2011, the SGR formula will trigger a 27.4 percent pay cut across the board for Medicare physician services. According to the AMA, in my home State of New York, Mr. Speaker, the cut will amount to \$28,000 per physician. That loss makes it harder for physicians to pay for office staff, space, and equipment, which translates, Mr. Speaker, to decreased access to care for many patients.

Many physicians have indicated that they will no longer accept Medicare patients. Our seniors, Mr. Speaker, rely on Medicare, which they have paid into and has been there for them.

Mr. Speaker, doctors want to provide care to our seniors, and we cannot allow Medicare payment cuts to prevent doctors from serving all of their patients. Our doctors deserve better. Our seniors deserve better.

MEDICARE

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, 10,000 older Americans are entering the Medicare system every day, so access to quality physicians is more important than ever. The sad fact is we are not paying our Medicare providers enough to keep their doors open, much less accept new patients.

In usual Washington fashion, past Congresses have kicked the can down the road; and if we don't act before the end of the year, physicians will face a 27 percent cut in their Medicare reimbursement.

We need to come together and find a better method to pay our Medicare physicians for the long term and include it in a properly thought-out health care reform. If we continue to allow these flawed policies, Medicare patients will suffer, and we owe our seniors better.

Our seniors were made promises by those that came before us serving you today, and I'm here to tell you that we will keep those promises. Taking up this important fix to health care before it's too late will allow us to continue to be the best Nation, a healthy Nation that we can be proud to leave our children and our grandchildren.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 479 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly.

SEC. 3. Clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman

from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, H. Res. 479. H. Res. 479 provides for a structured rule so that the House may consider H.R. 10, the Regulations from the Executive in Need of Scrutiny Act.

The rule gives the House the opportunity to debate a wide array of important, germane amendments offered by Members from both sides of the aisle. Better known as the REINS Act, the underlying legislation is a pivotal bill that would change the very way Washington does business.

The REINS Act takes a step back and looks at our current regulatory process, where Congress passes broad, general laws and then lets the executive branch interpret and regulate them however they see fit. H.R. 10 brings us back to the vision that our Founding Fathers had for this Nation and for the institution of Congress. It would ensure that our three branches are co-equals, the way they were designed to be. H.R. 10 would hold Congress accountable for setting America's regulatory policies. It makes Congress do the work that our Founders intended this institution, the first branch, to do: to regulate.

Mr. Speaker, I know that regulations have been a buzz word up here in Congress recently, and I think it has become so popular, so frequently discussed because people within the Washington Beltway are finally starting to wake up to the fact that those in my home State of Florida have been telling me since before I ever came here: that regulations matter. The government can't really do much to actually create jobs or to physically put people back to work. We might wish it were so, but we don't have the magic job formulas on either side of the aisle that we can use to suddenly create millions of jobs for the nearly 9 percent of Americans who are currently out of work. What we can do is create an environment where real job creators—small businesses and private companies—can gain access to capital and operate with as much regulatory certainty as possible.

Unfortunately, it's hard to create such an environment when the executive branch is constantly churning out one major regulation after another. According to the Congressional Research Service, during his first 2 years in of-

fice, Federal agencies under the leadership of the Obama administration published over 175 major rules. These regulations impose tens of billions of dollars annually on our economy and on consumers. This is on top of the continuing burden of redtape that we are already up against, which the Small Business Administration estimates to cost \$1.75 trillion—\$1.75 trillion—yearly.

The Federal Register is sort of like the daily newspaper of the Federal Government. It holds all Federal agency regulations, proposed rules and public notices, Executive orders, proclamations, and other Presidential documents.

According to the National Archives' Web site, you should read the Federal Register if, among other things, your business is regulated by the Federal Government; if you're an attorney; if your organization attends public hearings; if you apply for grants; if you're concerned with government actions that affect the environment, health care, financial services, exports, education, and other major policy issues. Reading this recommendation, it sounds to me like they're saying if you're an active and informed member of the American public, you need to know what's in the Federal Register.

What they don't mention is that the complete Federal Register is 72,820 pages long. That's over 145 reams of paper that contain regulations. To help put it in perspective, that's 725 pounds of paper. And for my Floridian friends, that's about three Josh Freemans, the quarterback for the Tampa Bay Bucs.

Within these 73,000 pages of regulations are regulations that result in 120 million hours of paperwork burdens for United States businesses every year. The 2011 Federal Register, the rules that are contained within, cost American employers \$93 billion in compliance costs, which equals about 1.8 million jobs.

Think about everything that job creators could do instead of spending hundreds of millions of hours filling out paperwork for the Federal Government, all of the jobs that could be created if they weren't spending money complying with regulations that Congress hasn't even put on them, but regulatory agencies have.

H.R. 10 really does "rein" in these burdens. Instead of letting the White House decide what the regulations should be, only allowing Congress to disapprove an executive's action, H.R. 10 flips the current system on its head.

□ 1240

The REINS Act says if the executive branch wants to impose a major rule, a rule that's going to cost \$100 million or more, then Congress, this body, needs to approve that rule before it has the force of law.

In 2010, according to the Congressional Research Service, executive

agencies published over 100 major rules. These basically are rules that went into effect simply because the President said it was so. The REINS Act says: no more.

Now, once the executive branch issues a rule, Congress needs to approve it, otherwise it never takes effect. It's stunning that something so simple, that Congress should make the laws, can be so contentious.

I've heard my colleagues on the other side of the aisle say if Congress just wrote better, more precise laws, the Executive wouldn't need to regulate through these rules. The problem is that sometimes the executive branch agencies have shown they're using their regulatory powers to circumvent the legislative process.

For example, after it was clear the Senate wasn't going to pass cap-and-trade, which really ought to be called cap-and-tax, the EPA just went ahead and started regulating greenhouse gases through the rulemaking process, cutting Congress out of the process altogether. This year's most expensive rule, the greenhouse gas/CAFE standards, is estimated to cost \$141 billion. That's greater than the entire GDP growth for the United States in the first quarter of 2011.

We're not all constitutional scholars. I'm certainly not. But if one thing is clear, Congress is the one who makes the laws. It's not that Congress makes the laws unless they don't make the laws the President wants them to make. The Regulations from the Executive in Need of Scrutiny Act brings us back to the basic foundation of our government. It says that not only does Congress provide the legislative intent, but it also provides the legislative oversight as the rule comes back if it's a major rule that's going to cost over \$100 million to our businesses and citizens of this country.

That's what we're designed to do, to make tough decisions. That's why I'm so proud to cosponsor this bill. It's why I'm proud to sponsor this rule, and it's why I'm proud to vote for both the rule and the underlying legislation.

With that, I encourage all of my colleagues to vote "yes" on this rule and "yes" on the underlying legislation.

I reserve the balance of my time.

Ms. SLAUGHTER. I thank my friend for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, there's a very dangerous and cynical game being played in the House. Americans need jobs now; and instead of spending our time on job creation, the majority continues to waste time focusing on bills like this one that make it easier for polluters to spoil our air and water; make it easier for big banks to take the kind of risk that brought on our recession; and make it easier for unsafe products from China to poison our children.

The majority seems to think if they repeat their message that Big Government is destroying jobs enough times, it will become true. But economic surveys and economists from the left, right, and center say it's all a made-up argument. Bruce Bartlett, an economist who worked in the Reagan and first Bush administrations, writes that "regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

My friends on the other side of the aisle know this bill won't create jobs. And here's how we know. When the bill is considered for amendment, they will block an amendment that simply says if the independent experts conclude a rule will create jobs, it can go into effect without all these time-consuming extra steps. Why would we want to slow down a rule that could create tens of thousands of jobs? If this bill will create jobs, like the majority claims, what's the harm in saying the bill does not apply when it conflicts with the important goal of creating more jobs for Americans who are out of work? The majority cannot have it both ways, Mr. Speaker.

It has now been a full 336 days since Republicans took control of the House, and they have yet to put a real jobs bill on the floor. But as of today, they've made time for 23 bills that would roll back protections for public health and safety. They provided ample floor time to de-fund public radio; to make it easier for felons to carry concealed weapons; and to reaffirm our national motto, which did not need reaffirming; and, of course, did we want to micro-manage light bulbs. Why? Does the majority really think these are pressing national issues that demand our attention when we should focus on jobs?

There's no doubt in my mind that in addition to making our workplace, food, water, and airplanes less safe, H.R. 10 would endanger our fragile economic recovery, impeding job creation. Having the right amount of safeguards against bad behavior is part of what has made this country so economically successful. We all know it was only after the financial sector was deregulated so much that we had a catastrophic housing crisis and the recession. Indeed, what regulation there was basically looked the other way. Indeed, in 2008 the Bush administration itself estimated that benefits to the economy for major rules outweighed the cost by at least 2½ to 1. Possibly as much as 12 to 1, they said.

Mr. Speaker, I would be remiss if I did not explain the violence this bill does to the process of passing the laws, the process executing the laws, and the

important constitutional principle of separation of powers. The practical result of this bill's new, additional steps in the regulatory process would be to grind the wheels of government to a halt.

Our system of government already has checks and balances built in to make sure that the regulations do what Congress says they should. That is why we have oversight committees. After Congress writes the laws, there are numerous statutes and executive orders that ensure an open process as an agency writes the regulations, requiring them to listen to the stakeholders and the public, to conduct cost-benefit analyses, and justify every aspect of the proposed rule. Congress also continuously keeps an eye on the executive branch by exercising its authorization, appropriation, and oversight functions. Furthermore, entities whose activities are regulated have access to the courts.

When Congress last considered a nearly identical bill in the 1980s, now-Chief Justice John Roberts, who was then an associate White House counsel in the Reagan administration, criticized the legislation for "hobbling agency rulemaking by requiring affirmative congressional assent to all major rules." He said that such a requirement "would seem to impose excessive burdens on regulatory agencies."

Justice Roberts was right then, and he's right today. Congress writes the laws. We rely on professionals and experts—doctors, engineers, microbiologists, statisticians, and so forth—to spell out the details of those policies so the law can be implemented and enforced in a way that makes sense.

If this bill is enacted, those decisions will instead be made by Members of Congress with no or little expertise in what they're talking about. In addition, with the staffs we now have, it would be an impossibility for us to be able to do it. Americans are sick of Congress's political gamesmanship. The last thing they want to do is extend its reach into vast new areas of our government.

But the Rules Committee's primary responsibility in relation to H.R. 10 is to ensure the integrity of the legislative process in the House. In sending H.R. 10 to the House floor, the committee failed its responsibility. The sheer volume of additional measures the House and Senate would be required to consider should H.R. 10 become law is enough to force Congress to come back into the Capitol and work in shifts. Otherwise, we would never get it all done.

Even though President Obama's administration has promulgated new rules at a slower rate than the Bush administration did in his last 2 years, the 100 or so new major bills on our schedule would mean we would have to take

up seven of them a day on every other Thursday just to try to get it done. Inevitably, we could not finish it all; and under this ridiculous bill, it means we would vote on the rest without debate.

□ 1250

If the Rules Committee had bothered to hold any hearings on the bill, maybe the majority would realize how drastically H.R. 10 undermines the deliberative process in this House.

Finally, I want my colleagues to know that this rule deems passage of a nongermane amendment that was written by Mr. RYAN, the chairman of the Budget Committee. The Republicans made an embarrassing discovery at the Rules Committee last week. They realized that the hundreds of new measures the House will consider under this bill would actually violate both their new CutGo rule and the pay-as-you-go statute that Democrats put in place. So the Republicans had a choice: they could either violate the budget rules a hundred times every year or just pass an amendment to make these embarrassing violations vanish. Which one do you guess they chose?

This rule includes a magic amendment that makes all the budget violations go away in a big "poof." But here's the best part: They're using the famous deem-and-pass procedure, which means the mystery amendment will be automatically adopted and the House will never vote on the Ryan amendment.

I guess after all we've seen this year, it should not surprise me that last Tuesday the majority blocked our amendment to strip the special tax breaks from big oil companies supposedly because it was nongermane. That was Tuesday. On Thursday, they just ignored the germaneness rule for this budget amendment.

But, most importantly, Mr. Speaker, we've had 336 days of Republican control of the House with no jobs agenda. It is imperative that we extend the payroll tax cut and the unemployment benefits before Congress leaves Washington for the holidays. That is why I will amend this rule to require those votes if we defeat the previous question.

So I'm urging my colleagues on the other side, please stop worrying about your campaign message and start getting the message: America's top priority is job creation.

Let's defeat this restrictive rule and get back to work on jobs.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague for yielding, and I am in favor of the underlying bill and the rule.

When I talk to small business owners in my district in western North Carolina, I hear very clearly that regula-

tions and regulatory uncertainty is in fact costing jobs. It's costing our economy, and it's making sure that unemployment remains high, which is an absurd policy coming out of Washington.

Well, I know from my small business owners that regulations cost jobs. Even the Small Business Administration here in Washington, D.C., says that Federal regulations cost \$1.75 trillion per year. That costs our economy, and that is a major impact on our job creators. We know that regulations cost jobs.

Now, some politicians in Washington that don't understand business think that their regulations create jobs. Well, they're right; they create Federal jobs. They create more government employees. They create more people creating more paperwork for those who are trying to move our economy forward. We need to relieve our small businesses of this regulatory hurdle and the challenges that they face.

The Obama administration admitted 1 year ago at this time that they had over 4,000 regulations that they were trying to put in place actively. Over 200 of these regulations cost \$100 million or more on the economy, seven of which will cost \$1 billion, a negative impact of \$1 billion. These regulations, even the Obama administration admits, cost the economy money. And if they cost the economy money, they're costing jobs.

This is the wrong approach, this regulatory approach. What we need to say is, if politicians in Washington think these regulations are in fact good, they need to proactively vote on them.

When I go home and talk to small business owners, they wonder how these regulations actually go into place. It's faceless bureaucrats working behind desks in Washington that put them in place. Their elected officials here in Washington may be able to go home and say they're against them, but they've never had to cast a vote.

What the REINS Act does is say that the elected officials that come to Washington to represent their folks at home need to proactively put their stamp of approval or disapproval on these regulations. That way we can get this economy going again. That's what we need to be about.

I hope that we can have bipartisan support on this very important piece of legislation, the REINS Act. I urge my colleagues to vote for it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Speaker, this Republican leadership is starting to make me envious of the people of ancient Rome, because although Nero only fiddled while Rome burned, at least he did something. House Republicans, on the other hand, have brought yet another piece of legislation to this

floor that will do absolutely nothing, not a thing, to address the number one issue facing our country—jobs.

Millions of Americans, through no fault of their own, cannot find work. That means millions of families are struggling to pay their bills, keep their homes, and put enough food on the table. And instead of facing this problem head on, Republicans here in Washington are turning a blind eye to the needs of our neighbors.

You would think that with all the recesses we take around here these days my Republican friends would hear from their constituents about the still struggling economy. I know that's what I hear about from the people of Massachusetts.

There are two things that we can and must do before we break for yet another holiday recess: extend the payroll tax cut and extend unemployment insurance. By refusing to bring the payroll tax cut to the floor, the Republicans are risking tax relief for 160 million Americans while protecting massive tax cuts for 300,000 people making more than \$1 million per year.

Extending and expanding the payroll tax cut would put \$1,500 into the pockets of the typical middle class family. Hundreds of thousands of jobs are at risk. Even Mitt Romney has come out in support of extending the payroll tax cut. If he can take a position, Mr. Speaker, I would hope that the House Republicans could do the same. And every dollar invested in unemployment insurance yields a return of \$1.52 in economic growth. Again, hundreds of thousands of jobs are at risk unless we act.

So instead of those simple, effective measures to improve our economy and spur job creation, we have before us yet another waste of time. It is time to put the people of this country first. I urge my colleagues to reject this rule, and I urge them to vote against the underlying bill.

Mr. NUGENT. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the Members of the House should listen to the voices that have been raised about the jobs crisis in our country. These voices are speaking loud and clear.

We should also listen to the quiet voices of desperation of so many Americans who will sit down this Friday night to try to pay their bills and find they have 70 cents worth of income for every dollar's worth of bills that they have. Or the Americans who retired a few years ago and thought that they were set for the rest of their lives but are now looking at the want ads every day because they think they have to get a job to continue to pay their bills in their retirement. Or the quiet, anxious voices of small business owners

who are thinking that maybe this Friday will be the last Friday they keep their business open and they shut for good.

These are the voices that should be heard in this country, and they're not being heard by this majority.

Eighty-nine days ago, the President of the United States came to this Chamber and proposed four good ideas to put Americans back to work:

Build more roads and bridges and schools to put construction workers back to work—we haven't taken a vote on that;

Cut taxes of small business people that hire people in the private sector—we haven't had time to take a vote on that;

Take teachers and police officers and fire fighters who have been taken off the job because of this economic disaster at the State and local level and put them back in the classroom, put them back on the job—the majority hasn't had time to vote on that; and, finally,

Let's avoid a tax increase of \$1,000 a year or more on middle class families that's coming January 1, in 25 days, January 1—but the majority hasn't had time to vote on that.

We do have time today to vote on the Temporary Bankruptcy Judgeship Extension Act of 2011. This is entirely appropriate. Bankruptcy judges are very busy in America today because when small businesses don't have customers and customers don't have money in their pocket and people don't have jobs to pay their bills, bankruptcy judges are very, very busy.

□ 1300

It is one thing for the majority to oppose these ideas the President brought here 89 days ago—that's their prerogative and their right—but it's quite another to refuse to even put these ideas up for a vote.

So I would say, Mr. Speaker, to all of our colleagues on both sides of the aisle, let's take this moment. Let's take this bill, let's take this day to put on the floor of the House legislation that would postpone and cancel the tax increase on middle class Americans that's due in 25 days.

Let's not have it. And let's extend jobless benefits for those who are diligently trying to find a job in this difficult economy. Let's find time to do something for the American people today.

Mr. NUGENT. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Ms. DeLauro).

Ms. DeLauro. Mr. Speaker, while this body wastes its time debating yet another bill that does nothing to create jobs or help the middle class, the American people are looking for action

from us. We need to stop supporting handouts for wealthy corporations and pass an extension of the payroll tax and unemployment benefits immediately.

Despite saying for months, if not years, that tax cuts are their most important priority, the majority has failed to act on a critical extension of the payroll tax, even though it would save the average American family \$1,500 a year; 400,000 jobs will be lost if we do not pass this payroll tax extension.

The majority has also failed to act on extending unemployment insurance benefits, even though UI has kept 900,000 kids out of poverty last year. In fact, the number of Americans in poverty would have doubled last year if the unemployment insurance benefits had not been extended. And at least 200,000 jobs will be lost if the majority blocks an extension of benefits.

But instead of acting on these two important priorities, what does the Republican majority spend its time on?

We have seen them protect wasteful tax breaks for corporate jet and race horse owners, corporate subsidies for Big Agriculture, Big Oil, special tax treatment for Wall Street millionaires and billionaires, and now this misguided bill, which would undermine our regulatory system to the detriment of everything from food safety to protecting the environment without doing anything to create jobs.

Time and again, the majority has shown that they will go to any lengths to side with the wealthiest 1 percent of Americans, while turning their backs on middle class and working families.

To take one more example, this past week Democrats introduced a payroll tax cut for 160 million people, offset by raising taxes on 350,000 millionaires. But the Republican majority instead put forward a package that would slash the Federal workforce, raise Medicare premiums, curtail the social safety nets.

Instead of just having America's wealthiest families pay their fair share of taxes, the majority would rather see more lost public jobs and less support for middle class families, all in order to continue a tax cut that independent economists agree is critical for our economy.

Keep in mind the Republican mantra in recent memory has always been that tax cuts never, never need to be offset. And a year ago they said the same of a payroll tax cut. They've now changed their tune.

American families deserve better leadership than this. Right now, Congress should be doing everything in its power to create jobs, rebuild our schools and infrastructure, support our small businesses, get our economy moving again. That means passing an extension and expansion of the payroll tax cut; that means passing an exten-

sion of the unemployment insurance benefits.

Working to create jobs, that's our job. We do not have the luxury to waste America's time catering to the wealthiest interests in our society and considering ill-conceived bills such as this one.

Mr. NUGENT. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. Schakowsky).

Ms. Schakowsky. I thank the gentlewoman for yielding to me.

I am really confused. I know that many of my Republican colleagues have signed a pledge that said that never will they raise taxes on anybody, the Grover Norquist pledge. I think it's a silly idea to sign such a thing, but most have done that.

Yet it does seem that when it comes to middle class tax cuts, there's this little hesitation going on. Do we really mean cutting taxes for the middle class? Do we mean preserving tax cuts for the middle class? Or are we just talking about the wealthiest Americans?

Right now, if we don't move ahead with extending the payroll tax cut, that's what most, that's what all working families pay, their payroll taxes. You know, we hear, oh, the wealthy, that the wealthy are paying all the income taxes. Yeah, most people would like to pay income taxes. But they definitely pay payroll taxes if they're working. And they're risking 160 million Americans who would not get tax relief if we don't extend the payroll tax cut for working families.

So we need to do that before we leave. But, instead, we're talking about some way to stop any kind of regulations, further health and safety regulations, making it hard to do that.

I got a letter from someone talking about the unemployment insurance and extending those benefits. He says, this is from John, in my district: "I'm a Desert Storm Veteran and lost my job October 21, 2010. I've been drawing unemployment and am now on extended unemployment benefits. I, like millions of Americans, would rather be working 80 hours a week if possible. The job market is scary, but what's worse is the thought that we might be without that last bit of a safety net come the end of December."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I would be happy to yield my colleague an additional minute.

Ms. Schakowsky. John continued: "These benefits for many is the difference between having a roof over your head and living on the streets."

He says: "I just hope you can encourage your fellow House Members to put the livelihood of millions of Americans above their petty politics."

Above the petty politics. That's what we're facing right now. If we extend unemployment insurance benefits, it's not just good for John and his family; it's not just good for the hundreds of thousands of people that would lose their unemployment benefits over 500,000 in January. It is also good for the economy. Every dollar generates a \$1.52 in economic activity in the country.

These are the things that the American people at this holiday season are worrying about, are afraid of. He calls it scary. He's afraid. And we're dealing with this pettiness right now. Let's get over it and on with the business of the people.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to my fellow Rules member, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank you for the time.

Mr. Speaker, I will apologize in advance for actually talking on topic here.

In 1791, the Second Session of Congress, John Page was a Congressman from Virginia, and he objected to his peers who wanted to leave and let the designation of postal routes be left to the President. They trusted the President, justifiably, but John Page threatened his colleagues by saying that if we do so he will move to adjourn and leave all the objects of legislation to the President's sole consideration and direction.

□ 1310

Now, the issue at hand back in 1791 was not necessarily what roads and routes should be taken, even though they did have an economic impact. The issue was who should designate those routes because every rule and regulation is, by definition, a legislative function. It is not a function of the administration that should be given to the President or the bureaucracies that are created because of it. It is a congressional function. But we do not take the time to make the details in our particular piece of legislation. When we simply ask in our legislation that a Secretary in a department shall have the power to write rules and regulations and then leave it at that, we are abrogating our responsibility.

"Country of origin" labeling sounded like a great idea. We should know if we are buying American beef. Even though it was passed before I became a Member of Congress, it was my eighth year in Congress before they were able to write the rules because Congress did not take the time and effort to go through the details of understanding what we were doing when we are passing legislation.

The States—my home State—has an administrative review committee that reviews every rule and regulation, because these are rules and regulations that our people must obey, and if they

don't, they are subject to jail and fines; and it is done by a nameless executive bureaucracy that has no accountability to the people by ballot box, nor do they have it to us. We can simply say, Well, I'm sorry about the situation. They, over there, did it, instead of taking the time to do our responsibility. I am told that we need experts over in the executive branch to do this.

The Founding Fathers designed the situation in this country so that people could make judgments for themselves. The idea of needing experts only came in the late 1800s, early 1900s when an individual, who eventually became President, wrote a book about Congress without ever having visited Congress. And in that, he claimed this balance of power, this separation of responsibilities was, in his words, "constitutional witchcraft." From that time on, we decided to abrogate legislative responsibility and simply give it to the other branch, like it's one of those simple things.

Congress has passed 16 jobs bills in the House and sent them over where the Democrat majority in the Senate has refused to deal with any of those bills. Congress is now also dealing with a variety of regulation bills which harm our ability to be economically competitive and harm our ability to actually build new jobs. And once again, the Democrat majority in the Senate has failed to do that.

This is our time and responsibility to look forward to this situation, to take our role and responsibility and pass this particular bill because, like John Page said, It is our job. It is our responsibility. We should accept that responsibility.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague if he has further speakers?

Mr. NUGENT. Yes. I have one further speaker.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman yielding.

As I sit on the House floor here, I listen to the debate, and I hear a lot of conversations that are off-topic. We are talking, on the other side of the aisle, about payroll taxes and unemployment extensions. This is really a conversation about regulations that affect American businesses' ability to compete, expand, grow, and create jobs. This REINS Act is about holding Members of Congress, elected men and women, accountable to the people who sent them here to do their work, not to empower bureaucrats in Washington to pass rules that kill jobs all across this country.

Just yesterday there was a press release in my district where one of our coal power plants has given notice that

they are going to lay off 74 people because of regulations coming from this town. And you talk a lot about the 99 percent. These are part of the 99 percent, people that are now not going to have a job because of regulations and rules that are shutting down our power sources in Wisconsin.

So you can advocate for unemployment—and I'm happy that you are doing it—because your rules and regulations and the policies that you advocate for are causing 74 people in my district to now go on unemployment. That's unacceptable. Let's advocate for pro-growth policies that are going to help American businesses, entrepreneurs, and manufacturers compete in the global competition. If we continue down this path, we are going to see more businesses go overseas, taking with them the jobs of the people who work in our districts.

So with that, I think we should all have a real conversation about the REINS Act and not about payroll tax and an unemployment extension.

Mr. NUGENT. Mr. Speaker, I have no further requests for time and am ready to close.

Ms. SLAUGHTER. I am prepared to close as well.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, the majority's prioritization of special interests over the economy goes beyond their crusade against government protections for our clean air and water, and safe food and workplaces. Not only has the majority refused so far to pass an extension of the payroll tax holiday, meaning even though we're still struggling to recover from a recession, the average American family will see a \$1,000 increase in their taxes come January.

They have also refused so far to extend unemployment benefits for the 2.1 million Americans whose benefits will run out in the coming months if Congress does not act. Congress has never allowed emergency extended benefits to expire when a jobless rate has been anywhere close to its current level of 8.6 percent.

Some Republicans like to argue that unemployment benefits give people a disincentive to work. But how are people supposed to take jobs that don't exist? Believe me, most of the people who are unemployed in our country right now would much rather get a job, but they can't find one. There are still roughly 6.5 million fewer jobs in the economy today than when the Great Recession started in 2007.

So we're supposed to let them and their children starve or face possible eviction or foreclosure? All of the money that the unemployed receive in benefits goes right back into the economy when they buy groceries, clothes, and health care. The Economic Policy

Institute estimates that allowing these Federal unemployment benefits to expire would hurt consumer demand and, thereby, cost the U.S. economy 528,000 jobs.

And the nonpartisan Congressional Budget Office has indicated that providing extended unemployment benefits is one of the most effective job creation strategies available during a period of high joblessness, stating, "Households receiving unemployment benefits tend to spend the additional benefits quickly, making this option both timely and cost-effective in spurring economic activity and employment."

The choices facing us today couldn't be any clearer. That's why, Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can do the right thing for working families and the millions of Americans looking for jobs.

I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself the balance of my time.

An editorial in *The Wall Street Journal* stated that the REINS Act—"this act that we are talking about—"would revolutionize government in practice and help restore the representative democracy the Founders envisioned." Profound words. While discussing regulatory reform, Wayne Crews of the Competitive Enterprise Institute and a contributor to *Forbes* magazine said that "reaffirming Congress' accountability to voters for agencies' most costly rules is a basic principle of good government." And Jonathan H. Adler, a professor of law at Case Western Reserve University School of Law, said in a congressional hearing earlier this year that the REINS Act "offers a promising mechanism for disciplining Federal regulatory agencies and enhancing congressional accountability for Federal regulation."

The REINS Act brings accountability back to the regulatory process. I would agree that some regulations are necessary. We all want clean air and clean water. There's no doubt that we need that. We need a safe and healthy environment. We need safe food if we want to protect ourselves and our families. But regulations at what cost?

Through the rulemaking process, the EPA has put a new burdensome standard on water quality in Florida alone. With the numeric nutrient rule the EPA wants to take over the State's water system. And because they are Washington bureaucrats trying to create a D.C. solution for a Florida problem, the requirements they have set on the State of Florida are scientifically impossible to reach given our State's natural phosphorous levels in our waters. Compliance will require an investment of billions of dollars that will be passed on—to whom? The Florida taxpayers, of course, effectively resulting in a new tax levied on all Floridians. Another analysis estimates that the EPA rulemaking will impose statewide costs ranging from \$3.1 billion to \$8.4 billion per year for the next 30 years.

□ 1320

To put that in perspective, Florida's total budget is only \$64 billion annually. The REINS Act is what people in Florida need and what people in the country need if we're going to keep executive agency rulemaking in check.

We've heard about a number of issues on this House floor. We've heard about issues as they relate to unemployment and to the payroll tax holiday. These issues, though, aren't what are in front of us today. It's really about the REINS Act. It's really about getting government off the backs of people. It's about making Congress accountable for the actions of the agencies that have their authority granted through Congress. It's not the other way around.

Regulatory agencies don't enact laws for Congress. Congress enacts laws. Congress enacts and gives the authority to those who regulate, but Congress can't walk away from its authority to oversee the rules, particularly the major rules, that are promulgated by these agencies—that are costing us jobs, that are costing us billions of dollars every year.

You've heard about it from all of my colleagues who spoke on this side of the aisle. I don't know when Congress lost its way—Representative BISHOP talked about it years and years ago—but Congress did lose its way. It's so much easier to just pass a law and say, You know what? Let the regulatory folks figure out how this is going to shake out at the end.

That's not what we were elected to do. We were elected not only to pass laws but to make sure that the regulations that are proposed by those agencies that have the authority from this Congress are responsible to the people. We need to be responsible to the people who elected us, not the other way around—not responsible to bureaucrats in Washington, D.C.

It's what I hear from all the businesses in my district. It's what I hear from the people I represent. They want

government to get out of the way, not to end all regulations like you hear some of my friends across the aisle say. That's not what we're talking about. We are, though, talking about a congressional review before it actually comes to pass so that we stand up as a body and say, You know what? This is just not good for America.

The Keystone pipeline is a perfect example of a jobs bill. They keep talking about the lack of jobs bills. Had the Keystone pipeline come to fruition, which the President has pushed off until 2013, there would have been 25,000 immediate jobs to create and construct that pipeline, and there would have been 100,000 new jobs within the areas of Texas and Louisiana as it relates to the processing of that oil.

The last time I looked, Canada was a friend, but we buy oil from countries that hate us. Do you know what Canada said?—that China is ready to step in and help them out. Is that really what we want, or do we want to bring jobs to America?

With all that has been said, we're to the point at which we need to talk about regulations, and that's what this bill does. It allows seven amendments that are germane to come to the floor—two Republican and five Democratic amendments.

With that, I am happy to support the rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 479 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

Sec. 4. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: "Payroll Tax Holiday Extension Act of 2011."

Sec. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: "Emergency Unemployment Compensation Extension Act of 2011."

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's

ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2011

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2405) to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Pandemic and All-Hazards Preparedness Reauthorization Act of 2011".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reauthorization of certain provisions relating to public health preparedness.

Sec. 3. Temporary redeployment of personnel during a public health emergency.

Sec. 4. Coordination by Assistant Secretary for Preparedness and Response.

Sec. 5. Eliminating duplicative Project Bio-shield reports.

Sec. 6. Authorization for medical products for use in emergencies.

Sec. 7. Additional provisions related to medical products for emergency use.

Sec. 8. Products held for emergency use.

Sec. 9. Accelerate countermeasure development by strengthening FDA's role in reviewing products for national security priorities.

SEC. 2. REAUTHORIZATION OF CERTAIN PROVISIONS RELATING TO PUBLIC HEALTH PREPAREDNESS.

(a) *VACCINE TRACKING AND DISTRIBUTION.*—Subsection (e) of section 319A of the Public Health Service Act (42 U.S.C. 247d-1) is amended by striking "such sums for each of fiscal years 2007 through 2011" and inserting "\$30,800,000 for each of fiscal years 2012 through 2016".

(b) *IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.*—Effective on October 1, 2011, section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a) is amended—

(1) in subsection (b)(2)(A)—

(A) in clause (iv), by striking "and" at the end;

(B) in clause (v), by adding "and" at the end; and

(C) by adding at the end the following:

"(vi) a description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bio-

terrorism significance, including any utilization of poison control centers";

(2) in subsection (f)—

(A) in paragraph (2), by inserting "and" at the end;

(B) in paragraph (3), by striking "and" and inserting a period; and

(C) by striking paragraph (4);

(3) by striking subsection (h); and

(4) in subsection (i)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

"(A) *IN GENERAL.*—For the purpose of carrying out this section, there is authorized to be appropriated \$632,900,000 for each of fiscal years 2012 through 2016."; and

(ii) by striking subparagraph (B); and

(B) in subparagraphs (C) and (D) of paragraph (3), by striking "(1)(A)(i)(I)" each place it appears and inserting "(1)(A)".

(c) *PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.*—Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d-3b) is amended—

(1) in subsection (a), by inserting ", including capacity and preparedness to address the needs of pediatric and other at-risk populations" before the period at the end;

(2) in subsection (i)—

(A) by striking "The requirements of" and inserting the following:

"(1) *IN GENERAL.*—The requirements of"; and

(B) by adding at the end the following:

"(2) *MEETING GOALS OF NATIONAL HEALTH SECURITY STRATEGY.*—The Secretary shall implement objective, evidence-based metrics to ensure that entities receiving awards under this section are meeting, to the extent practicable, the goals of the National Health Security Strategy under section 2802."; and

(3) by amending subsection (j)(1) to read as follows:

"(1) *IN GENERAL.*—For purposes of carrying out this section, there is authorized to be appropriated \$378,000,000 for each of fiscal years 2012 through 2016.".

(d) *CDC PROGRAMS FOR COMBATING PUBLIC HEALTH THREATS.*—Section 319D of the Public Health Service Act (42 U.S.C. 247d-4) is amended—

(1) by striking subsection (c); and

(2) in subsection (g), by striking "such sums as may be necessary in each of fiscal years 2007 through 2011" and inserting "\$160,121,000 for each of fiscal years 2012 through 2016".

(e) *DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.*—

(1) *ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.*—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d-6(a)(5)(B)) is amended by striking "public health or medical" and inserting "public health, medical, or dental".

(2) *NATIONAL HEALTH SECURITY STRATEGY.*—Section 2802(b)(3) of the Public Health Service Act (42 U.S.C. 300hh-1(b)(3)) is amended—

(A) in the matter preceding subparagraph (A), by inserting "and which may include dental health facilities" after "mental health facilities"; and

(B) in subparagraph (D), by inserting "(which may include dental health assets)" after "medical assets".

(f) *PROCUREMENT OF COUNTERMEASURES.*—

(1) *CONTRACT TERMS.*—Subclause (IX) of section 319F-2(c)(7)(C)(ii) of the Public Health Service Act (42 U.S.C. 247d-6b(c)(7)(C)(ii)) is amended to read as follows:

"(IX) *CONTRACT TERMS.*—The Secretary, in any contract for procurement under this section—

"(aa) may specify—

"(AA) the dosing and administration requirements for countermeasures to be developed and procured;

“(BB) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

“(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

“(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).”

(2) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(A) in subsection (c)—

(i) by striking “special reserve fund under paragraph (10)” each place it appears and inserting “special reserve fund as defined in subsection (g)(5)”; and

(ii) by striking paragraphs (9) and (10); and

(B) by adding at the end the following:

“(g) SPECIAL RESERVE FUND.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated to the special reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under subsection (c) and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), \$2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.

“(2) NOTICE OF INSUFFICIENT FUNDS.—Not later than 15 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than \$1,500,000,000, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report detailing the amount of such funds available for procurement and the impact such funding will have—

“(A) in meeting the security countermeasure needs identified under this section; and

“(B) on the annual Countermeasure Implementation Plan under section 2811(d).

“(3) USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.—The Secretary may utilize not more than 30 percent of the amounts authorized to be appropriated under paragraph (1) to carry out section 319L (related to the Biomedical Advanced Research and Development Authority). Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out such section.

“(4) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund shall not be used to pay—

“(A) costs other than payments made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7); and

“(B) any administrative expenses, including salaries.

“(5) DEFINITION.—In this section, the term ‘special reserve fund’ means the ‘Biodefense Countermeasures’ appropriations account, any appropriation made available pursuant to section 521(a) of the Homeland Security Act of 2002, and any appropriation made available pursuant to paragraph (1) of this paragraph.”

(g) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d-7b(k)) is amended by striking “are authorized to be appropriated \$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years

2003 through 2011” and inserting “is authorized to be appropriated \$5,900,000 for each of fiscal years 2012 through 2016”.

(h) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

(1) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(5)) is amended by adding at the end the following:

“(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.”

(2) BIODEFENSE MEDICAL COUNTERMEASURE DEVELOPMENT FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d-7e(d)) is amended to read as follows:

“(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund \$415,000,000 for each of fiscal years 2012 through 2016, the amounts to remain available until expended.”

(3) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d-7e(e)(1)(C)) is amended by striking “the date that is 7 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act” and inserting “September 30, 2016”.

(i) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) is amended—

(1) in subsection (a)(3), by adding at the end the following:

“(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or by contract providing for payment in advance or by way of reimbursement.”; and

(2) in subsection (g), by striking “such sums as may be necessary for each of the fiscal years 2007 through 2011” and inserting “\$56,000,000 for each of fiscal years 2012 through 2016”.

(j) NATIONAL HEALTH SECURITY STRATEGY TIMELINE.—Section 2802(a)(1) of the Public Health Service Act (42 U.S.C. 300hh-1(a)(1)) is amended by striking “2009” and inserting “2014”.

(k) ENHANCING SURGE CAPACITY.—Section 2802(b) of the Public Health Service Act (42 U.S.C. 300hh-1(b)(3)) is amended—

(1) in paragraph (1)(A), by inserting “, including drills and exercises to ensure medical surge capacity for events without notice” after “exercises”; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), as amended by subsection (e)(2) of this section—

(i) by inserting “availability, coordination, accessibility,” after “response capabilities,”;

(ii) by striking “including mental health facilities” and inserting “including mental health and ambulatory care facilities”; and

(iii) by striking “trauma care and emergency medical service systems” and inserting “trauma care, critical care, and emergency medical service systems”; and

(B) in subparagraph (B), by striking “Medical evacuation and fatality management” and inserting “Fatality management, and coordinated medical triage and evacuation to the appropriate medical institution based on patient medical need as part of regional systems”.

(l) VOLUNTEER MEDICAL RESERVE CORPS.—Section 2813(i) of the Public Health Service Act (42 U.S.C. 300hh-15(i)) is amended by striking “\$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$11,900,000 for each of fiscal years 2012 through 2016”.

(m) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazard Preparedness Act (42 U.S.C. 247d-6a note) is amended by striking “at the end of the 6-year period that begins on the date of enactment of this Act” and inserting “on September 30, 2016”.

SEC. 3. TEMPORARY REDEPLOYMENT OF PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

“(e) TEMPORARY REDEPLOYMENT OF PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.—

“(1) EMERGENCY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL.—Notwithstanding any other provision of law, and subject to paragraph (2), upon a request that is from a State, locality, territory, tribe, or the Freely Associated States and that includes such information and assurances as the Secretary may require, the Secretary may authorize the requesting entity to temporarily redeploy to immediately address a public health emergency non-Federal personnel funded in whole or in part through—

“(A) any program under this Act; or

“(B) at the discretion of the Secretary, any other program funded in whole or in part by the Department of Health and Human Services.

“(2) ACTIVATION OF EMERGENCY REDEPLOYMENT.—

“(A) PUBLIC HEALTH EMERGENCY.—The Secretary may exercise the authority vested by paragraph (1) only during the period of a public health emergency determined pursuant to subsection (a).

“(B) CONSIDERATIONS.—In authorizing a temporary redeployment under paragraph (1), the Secretary shall consider each of the following:

“(i) The degree to which the emergency cannot be adequately and appropriately addressed by the public health workforce.

“(ii) The degree to which the emergency requires or would otherwise benefit from supplemental staffing from those funded through non-preparedness Federal programs.

“(iii) The degree to which such programs would be adversely affected by the redeployment.

“(iv) Such other factors as the Secretary may deem appropriate.

“(C) TERMINATION AND EXTENSION.—

“(i) TERMINATION.—The authority to authorize a temporary redeployment of personnel under paragraph (1) shall terminate upon the earlier of the following:

“(I) The Secretary’s determination that the public health emergency no longer exists.

“(II) Subject to clause (ii), 30 days after the activation of the Secretary’s authority pursuant to subparagraph (A).

“(ii) EXTENSION AUTHORITY.—The Secretary may extend the authority to authorize a temporary redeployment of personnel under paragraph (1) beyond the date otherwise applicable under clause (i)(II) if the public health emergency still exists, but only if—

“(I) the extension is requested by the entity that requested authority to authorize a temporary redeployment; and

“(II) the Secretary gives notice to the Congress in conjunction with the extension.”

SEC. 4. COORDINATION BY ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh-10) is amended—

(1) in subsection (b)(3)—

(A) by inserting “stockpiling, distribution,” before “and procurement”; and

(B) by inserting “, security measures (as defined in section 319F-2,” after “qualified countermeasures (as defined in section 319F-1)”;

(2) in subsection (b)(4), by adding at the end the following:

“(D) IDENTIFICATION OF INEFFICIENCIES.—Identify gaps, duplication, and other inefficiencies in public health preparedness activities and the actions necessary to overcome these obstacles.

“(E) DEVELOPMENT OF COUNTERMEASURE IMPLEMENTATION PLAN.—Lead the development of a coordinated Countermeasure Implementation Plan under subsection (d).

“(F) COUNTERMEASURES BUDGET ANALYSIS.—Oversee the development of a comprehensive, cross-cutting 5-year budget analysis with respect to activities described in paragraph (3)—

“(i) to inform prioritization of resources; and
“(ii) to ensure that challenges to such activities are adequately addressed.

“(G) GRANT PROGRAMS FOR MEDICAL AND PUBLIC HEALTH PREPAREDNESS CAPABILITIES.—Coordinate, in consultation with the Secretary of Homeland Security, grant programs of the Department of Health and Human Services relating to medical and public health preparedness capabilities and the activities of local communities to respond to public health emergencies, including the—

“(i) coordination of relevant program requirements, timelines, and measurable goals of such grant programs; and

“(ii) establishment of a system for gathering and disseminating best practices among grant recipients.”;

(3) by amending subsection (c) to read as follows:

“(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

“(1) have lead responsibility within the Department of Health and Human Services for emergency preparedness and response policy and coordination;

“(2) have authority over and responsibility for—

“(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

“(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

“(C) the Biomedical Advanced Research and Development Authority under section 319L; and

“(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

“(3) provide policy coordination and oversight of—

“(A) the Strategic National Stockpile under section 319F-2;

“(B) the Cities Readiness Initiative; and

“(C) the Medical Reserve Corps pursuant to section 2813; and

“(4) assume other duties as determined appropriate by the Secretary.”; and

(4) by adding at the end the following:

“(d) COUNTERMEASURE IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this subsection, and annually thereafter, the Assistant Secretary for Preparedness and Response shall submit through the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a Countermeasure Implementation Plan that—

“(1) describes the chemical, biological, radiological, and nuclear threats facing the Nation and the corresponding efforts to develop qualified countermeasures (as defined in section 319F-1), security countermeasures (as defined in section 319F-2), or qualified pandemic or epidemic products (as defined in section 319F-3) for each threat;

“(2) evaluates the progress of all activities with respect to such countermeasures or products, including research, advanced research, de-

velopment, procurement, stockpiling, deployment, and utilization;

“(3) identifies and prioritizes near-, mid-, and long-term needs with respect to such countermeasures or products to address chemical, biological, radiological, and nuclear threats;

“(4) identifies, with respect to each category of threat, a summary of all advanced development and procurement awards, including—

“(A) the time elapsed from the issuance of the initial solicitation or request for a proposal to the adjudication (such as the award, denial of award, or solicitation termination);

“(B) projected timelines for development and procurement of such countermeasures or products;

“(C) clearly defined goals, benchmarks, and milestones for each such countermeasure or product, including information on the number of doses required, the intended use of the countermeasure or product, and the required countermeasure or product characteristics; and

“(D) projected needs with regard to the replenishment of the Strategic National Stockpile;

“(5) evaluates progress made in meeting the goals, benchmarks, and milestones identified under paragraph (4)(C);

“(6) reports on the amount of funds available for procurement in the special reserve fund as defined in section 319F-2(g)(5) and the impact this funding will have on meeting the requirements under section 319F-2;

“(7) incorporates input from Federal, State, local, and tribal stakeholders; and

“(8) addresses the needs of pediatric populations with respect to such countermeasures and products in the Strategic National Stockpile and includes—

“(A) a list of such countermeasures and products necessary to address the needs of pediatric populations;

“(B) a description of measures taken to coordinate with Office of Pediatric Therapeutics of the Food and Drug Administration to maximize the labeling, dosages, and formulations of such countermeasures and products for pediatric populations;

“(C) a description of existing gaps in the Strategic National Stockpile and the development of such countermeasures and products to address the needs of pediatric populations; and

“(D) an evaluation of the progress made in addressing gaps identified pursuant to subparagraph (C).

Notwithstanding any other provision of this subsection, the Plan shall not include any confidential commercial information, proprietary information, or information that could reveal vulnerabilities of the Nation in the preparation for or ability to respond to chemical, biological, radiological, or nuclear threats.”.

(b) CONSULTATION IN AUTHORIZING MEDICAL PRODUCTS FOR USE IN EMERGENCIES.—Subsection (c) of section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended by striking “consultation with the Director of the National Institutes of Health” and inserting “consultation with the Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health.”.

(c) BIOSURVEILLANCE PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a plan to improve information sharing, coordination, and communications among disparate biosurveillance systems supported by the Department of Health and Human Services.

SEC. 5. ELIMINATING DUPLICATIVE PROJECT BIOSHIELD REPORTS.

Section 5 of the Project Bioshield Act of 2004 (42 U.S.C. 247d-6c) is repealed.

SEC. 6. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “sections 505, 510(k), and 515 of this Act” and inserting “any provision of this Act”;

(B) in paragraph (2)(A), by striking “under a provision of law referred to in such paragraph” and inserting “under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act”; and

(C) in paragraph (3), by striking “a provision of law referred to in such paragraph” and inserting “a provision of law referred to in paragraph (2)(A)”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “DECLARATION OF EMERGENCY” and inserting “DECLARATION SUPPORTING EMERGENCY USE AUTHORIZATION”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “an emergency justifying” and inserting “that circumstances exist justifying”;

(ii) in subparagraph (A), by striking “specified”;

(iii) in subparagraph (B), by striking “specified”; and

(iv) by amending subparagraph (C) to read as follows:

“(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, involving a heightened risk to national security or the health and security of United States citizens abroad, and involving a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents.”;

(C) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—A declaration under this subsection shall terminate upon a determination by the Secretary, in consultation with, as appropriate, the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist.”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(D) in paragraph (4), by striking “advance notice of termination, and renewal” and inserting “and advance notice of termination”;

(3) in subsection (c)(1), by striking “specified in” and insert “covered by”;

(4) in subsection (d)(3), by inserting “, to the extent practicable given the circumstances of the emergency,” after “including”;

(5) in subsection (e)—

(A) in paragraph (1)(B), by amending clause (iii) to read as follows:

“(iii) Appropriate conditions with respect to the collection and analysis of information concerning the safety and effectiveness of the product with respect to the actual use of such product pursuant to an authorization under this section.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “manufacturer of the product” and inserting “person”; and

(II) by inserting “or in paragraph (1)(B)” before the period at the end;

(ii) in subparagraph (B)(i), by inserting “, with the exception of extensions of a product’s expiration date authorized under section 564A(b)” before the period at the end; and

(iii) by amending subparagraph (C) to read as follows:

“(C) In establishing conditions under this paragraph with respect to the distribution and

administration of a product, the Secretary shall not impose conditions that would restrict distribution or administration of the product that is solely for the approved uses.”;

(C) by amending paragraph (3) to read as follows:

“(3) **GOOD MANUFACTURING PRACTICE; PRACTITIONER’S AUTHORIZATION.**—With respect to the emergency use of a product for which an authorization under this section is issued (whether for an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the circumstances of the emergency—

“(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

“(B) requirements established under section 503(b); and

“(C) requirements established under section 520(e).”; and

(D) by adding at the end the following:

“(5) **EXISTING AUTHORITIES.**—Nothing in this section restricts any authority vested in the Secretary by any other provision of this Act or the Public Health Service Act for establishing conditions of authorization for a product.”; and

(6) in subsection (g)—

(A) in the heading, by striking “**REVOCATION OF AUTHORIZATION**” and inserting “**REVIEW, MODIFICATION, AND REVOCATION OF AUTHORIZATION**”;

(B) in paragraph (1), by striking “periodically review” and inserting “review not less than every three years”; and

(C) by adding at the end the following:

“(3) **MODIFICATION.**—The Secretary may modify an authorization under this section or the conditions of such an authorization, at any time, based on a review of the authorization or new information that is otherwise obtained, including information obtained during an emergency.”.

SEC. 7. ADDITIONAL PROVISIONS RELATED TO MEDICAL PRODUCTS FOR EMERGENCY USE.

(a) **IN GENERAL.**—The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 564 (21 U.S.C. 360bbb–3) the following:

“SEC. 564A. ADDITIONAL PROVISIONS RELATED TO MEDICAL PRODUCTS FOR EMERGENCY USE.

“(a) **DEFINITIONS.**—For purposes of this section:

“(1) The term ‘product’ means a drug, device, or biological product.

“(2) The term ‘eligible product’ means a product that is—

“(A) approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act; and

“(B) intended to be used to diagnose, prevent, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents during—

“(i) a domestic emergency or military emergency involving heightened risk of attack with such an agent or agents; or

“(ii) a public health emergency affecting national security or the health and security of United States citizens abroad.

“(b) **EXPIRATION DATING.**—

“(1) **IN GENERAL.**—The Secretary may extend the expiration date and authorize the introduction or delivery for introduction into interstate commerce of an eligible product after the expiration date provided by the manufacturer if—

“(A) the eligible product is intended to be held for use for a domestic, military, or public health emergency described in subsection (a)(2)(B);

“(B) the expiration date extension is intended to support the United States’ ability to protect—

“(i) the public health; or

“(ii) military preparedness and effectiveness; and

“(C) the expiration date extension is supported by an appropriate scientific evaluation that is conducted or accepted by the Secretary.

“(2) **REQUIREMENTS AND CONDITIONS.**—Any extension of an expiration date under paragraph (1) shall, as part of the extension, identify—

“(A) each specific lot, batch, or other unit of the product for which extended expiration is authorized;

“(B) the duration of the extension; and

“(C) any other requirements or conditions as the Secretary may deem appropriate for the protection of the public health, which may include requirements for, or conditions on, product sampling, storage, packaging or repackaging, transport, labeling, notice to product recipients, recordkeeping, periodic testing or retesting, or product disposition.

“(3) **EFFECT.**—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has, under paragraph (1), extended the expiration date and authorized the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer.

“(c) **CURRENT GOOD MANUFACTURING PRACTICES.**—

“(1) **IN GENERAL.**—The Secretary may, when the circumstances of a domestic, military, or public health emergency described in subsection (a)(2)(B) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

“(2) **EFFECT.**—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

“(d) **MASS DISPENSING.**—The requirements of section 503(b) and 520(e) shall not apply to an eligible product, and the product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because it is dispensed without an individual prescription, if—

“(1) the product is dispensed during an actual emergency described in subsection (a)(2)(B); and

“(2) such dispensing without an individual prescription occurs—

“(A) as permitted under the law of the State in which the product is dispensed; or

“(B) in accordance with an order issued by the Secretary.

“(e) **EMERGENCY USE INSTRUCTIONS.**—

“(1) **IN GENERAL.**—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product’s approved, licensed, or cleared conditions of use.

“(2) **EFFECT.**—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because of—

“(A) the issuance of emergency use instructions under paragraph (1) with respect to such product; or

“(B) the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions during an emergency response to an actual emergency described in subsection (a)(2)(B).”.

(b) **RISK EVALUATION AND MITIGATION STRATEGIES.**—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

“(k) **WAIVER IN PUBLIC HEALTH EMERGENCIES.**—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, an actual or potential domestic emergency or military emergency involving heightened risk of attack with a biological, chemical, radiological, or nuclear agent, or an actual or potential public health emergency affecting national security or the health and security of United States citizens abroad.”.

SEC. 8. PRODUCTS HELD FOR EMERGENCY USE.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by section 7, the following:

“SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.

“It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

“(1) is intended to be held and not used; and

“(2) is held and not used, unless and until that product—

“(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

“(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

“(C) is authorized for use under section 564.”.

SEC. 9. ACCELERATE COUNTERMEASURE DEVELOPMENT BY STRENGTHENING FDA’S ROLE IN REVIEWING PRODUCTS FOR NATIONAL SECURITY PRIORITIES.

(a) **IN GENERAL.**—Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended to read as follows:

“SEC. 565. COUNTERMEASURE DEVELOPMENT AND REVIEW.

“(a) **COUNTERMEASURES AND PRODUCTS.**—The countermeasures and products referred to in this subsection are—

“(1) qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act);

“(2) security countermeasures (as defined in section 319F–2 of such Act); and

“(3) qualified pandemic or epidemic products (as defined in section 319F–3 of such Act) that the Secretary determines to be a priority.

“(b) **IN GENERAL.**—

“(1) **INVOLVEMENT OF FDA PERSONNEL IN INTERAGENCY ACTIVITIES.**—For the purpose of accelerating the development, stockpiling, approval, clearance, and licensure of countermeasures and products referred to in subsection

(a), the Secretary shall expand the involvement of Food and Drug Administration personnel in interagency activities with the Assistant Secretary for Preparedness and Response (including the Biomedical Advanced Research and Development Authority), the Centers for Disease Control and Prevention, the National Institutes of Health, and the Department of Defense.

“(2) TECHNICAL ASSISTANCE.—The Secretary shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practices) to provide both off-site and on-site technical assistance to the manufacturers of countermeasures and products referred to in subsection (a). On-site technical assistance shall be provided upon the request of the manufacturer and at the discretion of the Secretary if the Secretary determines that the provision of such assistance would accelerate the development, manufacturing, or approval, clearance, or licensure of countermeasures and products referred to in subsection (a).

“(c) AGENCY INTERACTION WITH SECURITY COUNTERMEASURE SPONSORS.—

“(1) IN GENERAL.—For security countermeasures (as defined in section 319F-2 of the Public Health Service Act) that are procured under such section 319F-2—

“(A) the Secretary shall establish a process for frequent scientific feedback and interactions between the Food and Drug Administration and the security countermeasure sponsor (referred to in this subsection as the ‘sponsor’), designed to facilitate the approval, clearance, and licensure of the security countermeasures;

“(B) such feedback and interactions shall include meetings and, in accordance with subsection (b)(2), on-site technical assistance; and

“(C) at the request of the Secretary, the process under this paragraph shall include participation by the Food and Drug Administration in meetings between the Biomedical Advanced Research and Development Authority and sponsors on the development of such countermeasures.

“(2) REGULATORY MANAGEMENT PLAN.—

“(A) IN GENERAL.—The process established under paragraph (1) shall allow for the development of a written regulatory management plan (in this paragraph referred to as the ‘plan’) for a security countermeasure (as defined in paragraph (1)) in accordance with this paragraph.

“(B) PROPOSAL AND FINALIZATION OF PLAN.—In carrying out the process under paragraph (1), the Secretary shall direct the Food and Drug Administration, upon submission of a written request by the sponsor that includes a proposed plan and relevant data and future planning detail to support such a plan, to work with the sponsor to agree on a final plan within a reasonable time not to exceed 90 days. The basis for this agreement shall be the proposed plan submitted by the sponsor. Notwithstanding the preceding sentence, the Secretary shall retain full discretion to determine the contents of the final plan or to determine that no such plan can be agreed upon. If the Secretary determines that no final plan can be agreed upon, the Secretary shall provide to the sponsor, in writing, the scientific or regulatory rationale why such agreement cannot be reached. If a final plan is agreed upon, it shall be shared with the sponsor in writing.

“(C) CONTENTS.—The plan shall include an agreement on the nature of, and timelines for, feedback and interactions between the sponsor and the Food and Drug Administration, shall provide reasonable flexibility in implementing and adjusting the agreement under this paragraph as warranted during the countermeasure development process, and shall identify—

“(i) the current regulatory status of the countermeasure, an assessment of known scientific

gaps relevant to approval, clearance, or licensure of the countermeasure, and a proposed pathway to approval, clearance, or licensure of the countermeasure;

“(ii) developmental milestones whose completion will result in meetings to be scheduled within a reasonable time between the applicable review division of the Food and Drug Administration and the sponsor;

“(iii) sponsor submissions that will result in written feedback from the review division within a reasonable time;

“(iv) feedback by the Food and Drug Administration regarding the data required to support delivery of the countermeasure to the Strategic National Stockpile under section 319F-2 of the Public Health Service Act;

“(v) feedback by the Food and Drug Administration regarding data required to support submission of a proposed agreement on the design and size of clinical trials for review under section 505(b)(5)(B); and

“(vi) other issues that have the potential to delay approval, clearance, or licensure.

“(D) CHANGES.—Changes to the plan shall be made by subsequent agreement between the Secretary and the sponsor. If after reasonable attempts to negotiate changes to the plan the Secretary and the sponsor are unable to finalize such changes, the Secretary shall provide to the sponsor, in writing, the scientific or regulatory rationale why such changes are required or cannot be included in the plan.

“(3) APPLICABILITY TO CERTAIN QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS.—The Secretary may, with respect to qualified pandemic or epidemic products (as defined in section 319F-3 of the Public Health Service Act) for which a contract for advanced research and development is entered into under section 319L of such Act, choose to apply the provisions of paragraphs (1) and (2) to the same extent and in the same manner as such provisions apply with respect to security countermeasures.

“(d) FINAL GUIDANCE ON DEVELOPMENT OF ANIMAL MODELS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011, the Secretary shall provide final guidance to industry regarding the development of animal models to support approval, clearance, or licensure of countermeasures and products referred to in subsection (a) when human efficacy studies are not ethical or feasible.

“(2) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the deadline for providing final guidance under paragraph (1) by not more than 6 months upon submission by the Secretary of a report on the status of such guidance to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(e) BIENNIAL REPORT.—Not later than January 1, 2013, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, that, with respect to the preceding 2 fiscal years, includes—

“(1) the number of full-time equivalent employees of the Food and Drug Administration who directly support the review of countermeasures and products referred to in subsection (a);

“(2) estimates of funds obligated by the Food and Drug Administration for review of such countermeasures and products;

“(3) the number of regulatory teams at the Food and Drug Administration specific to such countermeasures and products and, for each such team, the assigned products, classes of products, or technologies;

“(4) the length of time between each request by the sponsor of such a countermeasure or product for information and the provision of such information by the Food and Drug Administration;

“(5) the number, type, and frequency of official interactions between the Food and Drug Administration and—

“(A) sponsors of a countermeasure or product referred to in subsection (a); or

“(B) another agency engaged in development or management of portfolios for such countermeasures or products, including the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the National Institutes of Health, and the appropriate agencies of the Department of Defense;

“(6) a description of other measures that, as determined by the Secretary, are appropriate to determine the efficiency of the regulatory teams described in paragraph (3); and

“(7) the regulatory science priorities that relate to countermeasures or products referred to in subsection (a) and which the Food and Drug Administration is addressing and the progress made on these priorities.”.

(b) SPECIAL PROTOCOL ASSESSMENT.—Subparagraph (B) of section 505(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)) is amended to read as follows:

“(B)(i) The Secretary shall meet with a sponsor of an investigation or an applicant for approval for a drug under this subsection or section 351 of the Public Health Service Act if the sponsor or applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of—

“(I) clinical trials intended to form the primary basis of an effectiveness claim; or

“(II) animal efficacy trials and any associated clinical trials that in combination are intended to form the primary basis of an effectiveness claim for a countermeasure or product referred to in section 565(a) when human efficacy studies are not ethical or feasible.

“(ii) The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of the clinical trials. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant upon request.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2405, introduced by my colleague MIKE ROGERS from Michigan, would reauthorize certain provisions of the Project Bioshield Act of 2004 and the Pandemic and All-Hazards Preparedness Act of 2006. These two laws help protect the United States against attacks from chemical, biological, radiological, and nuclear weapons.

Project Bioshield authorized funds for the purchase of medical countermeasures through the Special Reserve Fund and enabled the Secretary of Health and Human Services to authorize the emergency use of medical products. PAHPA created the Biodefense Advanced Research and Development Authority within HHS to help with the development of medical countermeasures and to ensure the communication between HHS and the developers of the medical countermeasures. PAHPA also created a position at HHS to lead the government's efforts on the chemical, biological, radiological, and nuclear weapons preparedness and response, the Assistant Secretary for Preparedness and Response.

Some of these key provisions expired at the end of FY 2011. Since the terrorist attacks of 9/11, we have become more aware of the dangers our country faces and of the lengths to which some may go to inflict harm on us. These provisions must be reauthorized, so I would urge all Members to support this critical piece of legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011. This bill is an opportunity to build a more prepared and resilient public health infrastructure. We all know very well that our Nation continues to face threats that require an ongoing commitment to public health and emergency preparedness, which is why, over the past 10 years, this Congress has placed a high priority on biodefense.

In 2004, with tremendous bipartisan support, we passed the Project Bioshield Act. Democrats and Republicans worked together to establish a process that would help our Nation respond to bioterrorism threats and attacks. We then identified some shortfalls and, in 2006, worked to amend the program by passing the Pandemic and All-Hazards Preparedness Act, also known as PAHPA. Specifically, PAHPA provided the Department of Health and Human Services with the additional authorities and resources necessary to rapidly develop drugs and vaccines to protect citizens from various medical incidents, whether accidental, such as H1N1 outbreaks, or those that are deliberate, such as anthrax attacks.

The programs and activities first established in both the 2004 Project Bioshield Act and the 2006 PAHPA codified and expanded the Federal Government's support for public health preparedness. As a result of these bills and the investments that followed, our Nation is better equipped to respond to bioterrorism threats and attacks.

H.R. 2405 will now help to build on that progress. The bill further facilitates the development of medical coun-

termeasures, and it bolsters the Nation's public health preparedness infrastructure. It strengthens and clarifies the position of Assistant Secretary for Preparedness and Response, who has led the Federal Government's efforts and attempts to improve coordination and accountability.

I was especially supportive of the bill's provisions to identify and dedicate the FDA's role in hazardous events. H.R. 2405 enhances the flexibility of FDA while strengthening their emergency use administrative functions.

□ 1330

These revisions are a significant step forward on a framework for FDA to develop better policies and guidance in emergency situations.

In addition, I was appreciative of the bipartisan effort to address the special needs of pediatric populations in emergency situations. It was clear that there were some gaps in our Nation's public health emergency strategy for children, and I'm confident we took an appropriate approach for filling in these gaps.

So I really want to thank Representative MIKE ROGERS and Representative GENE GREEN and their staffs, who authored the base bill and have continued to work to strengthen its provisions.

I would also like to thank the staff of the Energy and Commerce Committee and, of course, my chairman, Mr. PITTS, who collaborated in a bipartisan manner to further enhance the bill. They have worked hard to accomplish the goals of our Members, as well as stakeholders, and to strengthen its provisions. It's been a good bipartisan process and one that I think should be emulated in our subcommittee and full committee in the future.

I would urge all Members to support H.R. 2405.

I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS), the prime sponsor of the legislation.

Mr. ROGERS of Michigan. Thank you, Mr. PITTS, and thank you for your leadership on the committee to allow this bill to come to the floor today. Good news, Mr. Speaker: this bill is bipartisan, it's fiscally responsible, and it will make a positive impact on our Nation's national security.

It's been more than 10 years since 9/11 and the anthrax attacks that followed. And while we haven't had a successful terrorist attack on U.S. soil, our enemies are still working every day to kill innocent Americans. Today the threat of bioterrorism remains very real.

Earlier this year, the bipartisan Graham-Talent Commission warned that the United States it is still "vulnerable to a large-scale biological attack."

Thankfully, we have spent the last decade preparing for chemical, biologi-

cal, radiological, and nuclear threats by developing and stockpiling numerous medical countermeasures to protect American citizens in case of such an attack. Because of these efforts, we now have numerous vaccines and treatments in the Strategic National Stockpile that will save lives, and thousands of lives, in the event of such an attack.

But we have more work to do to be prepared. H.R. 2405 is a bipartisan, fiscally responsible bill that will reauthorize successful biodefense programs at the Department of Health and Human Services while also making some key changes to our Nation's biodefense strategy.

In 2004 Congress passed Project Bioshield, which created a market guarantee that prompted the private sector to develop countermeasures for the Federal Government. Because the government is the only purchaser of these countermeasures, it was important to show the private sector we were committed to developing and eventually purchasing these products for stockpile.

Project BioShield Special Reserve Fund has been a critical tool to protect our country against an attack, and this legislation will reauthorize the fund for 5 additional years to continue the Federal Government's commitment to procurement of medical countermeasures. Importantly, this legislation reaffirms that the Special Reserve Fund should only be used for chemical, biological, radiological, and nuclear countermeasure procurement. This is a national security priority, and these funds should never be diverted for other purposes.

In 2006, Congress created a Biomedical Advanced Research and Development Authority, called BARDA, which helped bridge what many termed the "valley of death" that had prevented many countermeasure developers from being successful. BARDA was created because we recognize that most of the CBRN countermeasures do not yet exist and medical development countermeasure is a risky, expensive and lengthy process.

BARDA bridges the funding gap between early-stage research and the ultimate procurement of products from the SRF fund from the national stockpile. H.R. 2405 reauthorizes BARDA for 5 years.

In 2006, we also created a unique set of public health programs to assist hospitals, local public health departments, and first responders in their preparedness efforts. Under H.R. 2405, these programs have been reauthorized for an additional 5 years so that we can continue to strengthen our preparedness infrastructure so critical for prevention and dealing with any possible attack.

H.R. 2405 also strengthens the role of the HHS Assistant Secretary of Preparedness and Response. We need to

have one leader at HHS that coordinates countermeasure development and stockpiling across all agencies. This bill does that.

Finally, this bill includes important reforms to the Food and Drug Administration, the FDA. The bill strengthens FDA's role in reviewing medical products for national security priorities.

I believe that we've identified biological threats and spent millions in taxpayers' funds to develop countermeasures. The FDA must take a lead role in getting these countermeasures approved.

While we can use many of these products without FDA approval through an emergency-use authorization, the FDA licensure is hugely important and sends an important signal to developers of these new hopeful technologies and immunizations working on next-generation medical countermeasures.

Simply put, medical countermeasures for national security priorities cannot continue to be treated the same way as the next Viagra or Lipitor. FDA must accelerate their review and approval.

It's important for Members to know that this legislation, again, is fiscally responsible. H.R. 2405 does not create any new Federal programs or increase spending in any existing programs. I am pleased CBO has confirmed this in their score. H.R. 2405 creates a 5-year reauthorization of the biodefense programs we know are working while making critical policy changes at HHS to strengthen countermeasure development and public health preparedness.

I would like to thank my colleagues on the Energy and Commerce Committee for their hard work on this bipartisan legislation. Mr. UPTON, Mr. PITTS, Mr. WAXMAN, Mr. PALLONE, and their staffs have spent several months helping us develop a bipartisan bill that can be signed into law. I want to especially thank my friends, GENE GREEN, SUE MYRICK, and ANNA ESHOO for their work to advance this legislation; and I appreciate your work and counsel along the way, Mr. GREEN.

I hope we never have to use these countermeasures, Mr. Speaker; but they are critical to the assurance that the public will be protected from an attack, and we must continue to speed development and strengthen our national stockpile. Simply put, we must always be prepared.

I would urge the strong support of H.R. 2405.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to one of the authors of the bill, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, as a personal aside, this probably won't be the headline on the 6 o'clock news tonight around the country because we're actually agreeing on something, and I think I can associate myself with the remarks of my col-

league, the primary sponsor of this bill, as well as he could associate with mine, Mr. PALLONE, and Mr. PITTS.

But I rise today in strong support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011, which will reauthorize certain provisions of the Project BioShield Act of 2004 and the Pandemic and All-Hazards Preparedness Act of 2006, and I'm proud to be an original cosponsor of this legislation.

This legislation was initially passed by Congress to help the U.S. develop medical countermeasures against chemical, biological, radiological, and nuclear terrorism agents to provide a mechanism for Federal acquisition of these newly developed countermeasures.

Our Nation remains vulnerable to these threats because many of the vaccines and medicines that are needed to protect our citizens do not exist. Developing and stockpiling these medical countermeasures require time, resources and research, all of which will be provided under this legislation before us today.

As my colleague from Michigan said, it may not be the bestseller on the market, like so many other pharmaceuticals, but this is something that our country needs.

H.R. 2405 is important to me because the University of Texas Medical Branch-Galveston National Laboratory is literally in the backyard of our congressional district. The Galveston National Lab is the only BSL-4 lab located on a university campus.

At the lab, the scientists conduct research and develop therapies, vaccines, and diagnostic tests for naturally-occurring emerging diseases such as SARS and avian influenza, as well as for microbes that may be employed by terrorists.

This is exactly the type of research we hope to encourage under the Pandemic and All-Hazards Preparedness Reauthorization Act. As an original cosponsor of H.R. 2405 with Mr. ROGERS, I'm really pleased with how quickly we moved this rare bipartisan piece of legislation. I want to thank Mr. ROGERS, Chairman UPTON, Ranking Member WAXMAN and Ranking Member PALLONE, along with the chair of our Health Subcommittee, Mr. PITTS, Mrs. MYRICK, Ms. ESHOO, and Mr. MARKEY for their work on H.R. 2405.

I strongly urge my colleagues to vote "yes."

□ 1340

Mr. PITTS. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act. But I want to take this time

to discuss a critical health issue that Congress must address before the year is out—fixing the sustainable growth rate issue.

Medicare physicians are facing steep reimbursement cuts of nearly 30 percent. And to let these cuts go into effect will harm not only them and their employees, but our seniors as well. That's why I have been a longtime supporter of efforts to postpone SGR cuts and continue to work on a permanent fix.

We here in the House passed legislation to do just that through our version of health care reform. And here we are again, just weeks from the next scheduled cut with an opportunity to craft a bipartisan solution to an issue that both sides of the aisle say they care about. But there is no workable plan in sight.

Instead, it is reported that any fix on the House side will come with indefensible strings attached, pitting doctors' salaries against seniors' benefits, Federal workers, and important cost-saving prevention programs. To be clear, SGR must be fixed permanently, but the idea of stripping other critical health care funding to pay for it, ideas that will not see the light of day in the Senate, is like robbing Peter to pay Paul. It is disingenuous to our Nation's doctors, and it is an indefensible action which will harm our seniors.

So I urge the majority to stop playing politics with the health and well-being of our seniors and to work together to achieve a meaningful and realistic fix.

Mr. PITTS. Mr. Speaker, I would tell the gentleman from New Jersey that I have no other speakers.

Mr. PALLONE. I have no additional speakers. I urge support for this legislation. It is truly bipartisan.

I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, this is good, bipartisan legislation. I would like to thank Mr. PALLONE, Mr. GREEN, Mr. WAXMAN, along with our side of the aisle, for developing and helping move this bipartisan legislation. I urge my colleagues to support it, and I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, I rise in support of the Pandemic and All-Hazards Preparedness Reauthorization Act that aims to bolster the nation's public health preparedness infrastructure.

In particular, I want to thank Congressman ROGERS for including key provisions that enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency. This includes section two that adds the critical care system to the National Health Security Strategy's medical preparedness goals, to ensure that critical care is prioritized in planning efforts to increase preparedness in respect to public health emergencies.

We must understand the significant role critical care medicine plays in providing high quality health care for the critically ill and injured in the context of public health preparedness.

The 2009 H1N1 pandemic highlighted some of the deficiencies in current federal critical care preparedness efforts, as hospitals and intensive care units faced very real shortages of ventilators and federal officials scrambled to identify solutions to mitigate this potential life threatening situation.

In order to ensure that the nation's critical care system is structured to provide the highest quality and most efficient health care, including during a national health emergency, I joined with Congresswoman BALDWIN earlier this year to introduce the Critical Care Assessment and Improvement Act (H.R. 971). This legislation is designed to identify gaps in the current critical care delivery model and bolster capabilities to meet future demand. Today's bill includes provisions that reflect some of the national preparedness priorities from in H.R. 971.

We must ensure that critical care medicine is given sufficient consideration by the Administration in respect to disaster preparedness efforts.

Ms. BALDWIN. Mr. Speaker, I rise in support of the Pandemic and All-Hazards Preparedness Reauthorization Act, H.R. 2405, a measure that will improve our nation's medical preparedness and response capabilities.

I am especially pleased to see that this bill takes important steps to ensure that our medical response systems are prepared to care for the critically ill and injured in the aftermath of a public health emergency.

As you can imagine, when we face a health emergency such as a flu pandemic, the critical care delivery system is an integral component of our nation's medical response. Yet, up to this point, critical care medicine has been largely under-considered in our national health policy.

Earlier this year, I introduced the bipartisan Critical Care Assessment Act, H.R. 971, with my colleague from Minnesota, ERIK PAULSEN. This measure seeks to identify gaps in the current critical care delivery model and bolster our capabilities to meet future demands.

I am pleased that the measure before us today includes two important provisions from my bill to improve federal disaster preparedness efforts to care for the critically ill and injured.

Notably, the reauthorization bill adds critical care to the priorities within the nation's medical preparedness goals. When a natural disaster strikes or a pandemic sweeps the nation, the demands on critical care increase exponentially, and I am pleased to see this language that recognizes the importance of treating the critically ill and injured in a public health emergency.

Additionally, the reauthorization bill improves efforts to ensure that the systems we have in place to address surge capacity will work effectively and efficiently during an emergency. Specifically, the bill includes language to provide for periodic evaluation and testing of the databases intended to ensure medical surge capacity.

As we learned during Hurricane Katrina and the 2009 H1N1 pandemic, having a system in place for the effective deployment of needed medical personnel and supplies is vital for the care of the critically ill and injured.

I would like to thank Chairman UPTON, Chairman PITTS, and my colleagues on both

sides of the aisle for working with me to recognize the importance of critical care preparedness by including these important provisions. I look forward to continuing to work to ensure we have a robust critical care infrastructure.

Mr. WAXMAN. Mr. Speaker, I rise today in strong support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011. I am pleased to report that this legislation represents a bipartisan effort to make certain that our nation is prepared to successfully manage the effects of natural disasters, infectious disease outbreaks, and acts of bioterrorism.

The Pandemic and All-Hazards Preparedness Reauthorization Act reauthorizes and makes minor—but important—improvements to programs and activities first established in the 2004 Project Bioshield Act and the 2006 Pandemic and All-Hazards Preparedness Act, also known as PAHPA. Let me highlight three provisions that deserve particular attention.

First, with respect to the Food and Drug Administration, we took great care to ensure that the agency is focusing on the medical countermeasures—or products that combat chemical, biological, radioactive, and nuclear agents—of highest importance. As we all know, if everything is given priority, then nothing is truly a priority. H.R. 2405 requires FDA to work with industry on industry-submitted regulatory management plans for prioritized countermeasures to facilitate scientific exchanges between the FDA and product sponsors to streamline our ability to make these products available.

Second, the legislation makes improvements to the nation's blueprint for public health preparedness and response activities that will enhance the ability of the health care system to respond to mass casualty emergencies.

Finally, H.R. 2405 continues investment in state and local public health departments to ensure we have the requisite infrastructure to respond to public health threats.

I'd like to thank Congressman ROGERS and Congressman GREEN—the sponsors of the legislation—for their hard work on H.R. 2405. I'd also like to recognize Congresswoman MYRICK, Congresswoman ESHOO, and Congressman MARKEY who contributed a great deal to the Committee's work on this bill.

I understand that Senator BURR and Senator CASEY have recently introduced comparable legislation in the Senate. I look forward to working with our Senate colleagues on this issue and sending final PAHPRA legislation to the President for his signature.

I urge my colleagues to join me in supporting this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 2405, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOAR TECHNICAL CORRECTIONS ACT

Mr. GOWDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3237) to amend the SOAR Act by clarifying the scope of coverage of the Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SOAR Technical Corrections Act".

SEC. 2. USE OF FUNDS.

Section 3007(a)(4)(F) of the Scholarships for Opportunity and Results Act (Public Law 112-10; 125 Stat. 203) is amended to read as follows:

"(F) ensures that, with respect to core academic subjects (as such term is defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)), participating students are taught by a teacher who has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States."

SEC. 3. NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.

Section 3008(h) of the Scholarships for Opportunity and Results Act (Public Law 112-10; 125 Stat. 205) is amended by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATION OF TESTS.—The Institute of Education Sciences shall administer nationally norm-referenced standardized tests, as described in paragraph (3)(A) of section 3009(a), to students participating in the evaluation under section 3009(a) for the purpose of conducting the evaluation under such section, except where a student is attending a participating school that is administering the same nationally norm-referenced standardized test in accordance with the testing requirements described in paragraph (1).

"(3) TEST RESULTS.—Each participating school that administers the nationally norm-referenced standardized test described in paragraph (2) to an eligible student shall make the test results, with respect to such student, available to the Secretary as necessary for evaluation under section 3009(a)."

SEC. 4. EVALUATIONS.

Section 3009(a)(3) of the Scholarships for Opportunity and Results Act (Public Law 112-10; 125 Stat. 206) is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: "in a manner consistent with section 3008(h)"; and

(2) in subparagraph (C), by inserting "if requested by the Institute of Education Sciences," after "will participate".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOWDY. Mr. Speaker, I yield myself such time as I may consume.

Earlier this year, this body debated and ultimately approved legislation authorizing scholarships to give needy District of Columbia students the opportunity to leave their public school and enroll in a private school of their choice.

Following the House's approval of the SOAR Act, the legislation was enacted into law as a part of the Department of Defense and Full-Year Continuing Appropriations Act, which was signed by the President on April 15.

We are here today because there are several small and technical modifications that need to be made in order for the scholarship program to achieve its goal. This legislation would clarify three provisions: first, the education requirements for teachers of scholarship students; second, how the nationally norm-referenced test would be administered in order to properly collect data to study the effectiveness of the program; and, third, which students participate in the study.

On November 3, the House Committee on Oversight and Government Reform approved H.R. 3237, the SOAR Technical Corrections Act, by a voice vote.

Mr. Speaker, I would also like to thank my colleague, Ms. NORTON, and my colleague, Ranking Member CUMMINGS, for working with us to ensure we had the appropriate language to modify the legislation that is before us today.

With that, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I appreciate Speaker BOEHNER, Senate Homeland Security and Government Affairs Committee Chair LIEBERMAN, and Oversight and Government Reform Chair ISSA, as well as my good colleague on the other side of the aisle, the subcommittee chairman, Mr. GOWDY, I appreciate that all of them have worked with us and have consulted with us on these technical changes, and I do not oppose this bill.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I would again thank our colleagues Ms. NORTON and Mr. CUMMINGS, and I urge Members to support the passage of H.R. 3237.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 3237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROMOTING DEVELOPMENT OF SOUTHWEST DISTRICT OF COLUMBIA WATERFRONT

Mr. GOWDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMOTING DEVELOPMENT OF SOUTHWEST WATERFRONT.

(a) **UPDATED DESCRIPTION OF PROPERTY.**—Section 1 of the Act entitled “An Act to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District”, approved September 8, 1960 (sec. 6-321.01, D.C. Official Code), is amended by striking all that follows the colon and inserting the following: “The property located within the bounds of the site the legal description of which is the Southwest Waterfront Project Site (dated October 8, 2009) under Exhibit A of the document titled ‘Intent to Clarify the Legal Description in Furtherance of Land Disposition Agreement’, as filed with the Recorder of Deeds on October 27, 2009 as Instrument Number 2009116776.”.

(b) **CLARIFICATION OF METHOD OF TRANSFER.**—Section 1 of such Act (sec. 6-321.01, D.C. Official Code) is amended by inserting “by one or more quitclaim deeds” immediately after “to transfer”.

(c) **CLARIFICATION OF RELATION TO MASTER DEVELOPMENT PLAN.**—Section 2 of such Act (sec. 6-321.02, D.C. Official Code) is amended—

(1) by striking “an urban renewal plan” and inserting “a master plan”; and

(2) by striking “such urban renewal plan” and inserting “such master plan”.

(d) **EXPANDING PERMITTED DISPOSITIONS AND USES OF CERTAIN PROPERTY.**—Section 4 of such Act (sec. 6-321.04, D.C. Official Code) is amended to read as follows:

“SEC. 4. The Agency is hereby authorized, in accordance with the District of Columbia Redevelopment Act of 1945 and section 1, to lease or sell to a redevelopment company or other lessee or purchaser such real property as may be transferred to the Agency under the authority of this Act.”.

(e) **REPEAL OF REVERSION.**—

(1) **REPEAL.**—Section 5 of such Act (sec. 6-321.05, D.C. Official Code) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 3 of such Act (sec. 6-321.03, D.C. Official Code) is amended by striking “Subject to the provisions of section 5 of this Act, the” and inserting “The”.

(f) **CLARIFICATION OF ROLE OF DISTRICT OF COLUMBIA AS SUCCESSOR IN INTEREST.**—Section 8 of such Act (sec. 6-321.08, D.C. Official Code) is amended by striking “the terms” and all that follows and inserting “any reference to the ‘Agency’ shall be deemed to be a reference to the District of Columbia as the successor in interest to the Agency.”.

SEC. 2. CLARIFICATION OF PERMITTED ACTIVITIES AT MUNICIPAL FISH MARKET.

The Act entitled “An Act Authorizing the Commissioners of the District of Columbia to

make regulations respecting the rights and privileges of the fish wharf”, approved March 19, 1906 (sec. 37-205.01, D.C. Official Code), is amended—

(1) by striking “operate as a municipal fish wharf and market” and inserting “operate as a market and for such other uses as the Mayor determines to be appropriate”;

(2) by striking “, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia”; and

(3) by striking “operation of said municipal fish wharf and market” and inserting “operation of said market”.

SEC. 3. MAINE LOBSTERMAN MEMORIAL.

(a) **IN GENERAL.**—Except as provided in subsection (b), nothing in this Act or any amendment made by this Act authorizes the removal, destruction, or obstruction of the Maine Lobsterman Memorial which is located near Maine Avenue in the District of Columbia as of the date of enactment of this Act.

(b) **MOVEMENT OF MEMORIAL.**—The Maine Lobsterman Memorial referred to in subsection (a) may be moved from its location as of the date of the enactment of this Act to another location on the Southwest waterfront near Maine Avenue in the District of Columbia if at that location there would be a clear, unimpeded pedestrian pathway and line of sight from the Memorial to the water.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOWDY. Mr. Speaker, I yield myself such time as I may consume.

Although the United States Constitution gives Congress exclusive legislative authority over the Federal District, in 1973 we granted the District of Columbia some significant autonomy by approving the Home Rule Act. Congress still must act, however, before the city can pursue certain activities. This brings us to the legislation before us today.

Mr. Speaker, H.R. 2297 is needed to update zoning laws to allow the District the flexibility to lease or sell real property on the Southwest waterfront to a private-sector developer. There is currently a \$2 billion redevelopment plan pending to renovate this area, which is only a short distance from the United States Capitol building.

We hope this redevelopment plan will accomplish its goal of spurring economic development and bringing jobs to the city of Washington, D.C.

This legislation was approved by the Committee on Oversight and Government Reform by a voice vote. I again

would like to thank my colleague, Ms. HOLMES NORTON from the District of Columbia, and Ranking Member CUMMINGS for working with us on this legislation.

I reserve the balance of my time.

□ 1350

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the full committee, Mr. ISSA and my good friend on the other side who is managing the bill for the committee, the chair of the subcommittee, Mr. GOWDY, for working closely with us on this bill so that we could get it to the floor today. I also thank the ranking member of the full committee and Mr. DAVIS, the subcommittee ranking member, for their very important consultation.

H.R. 2297 will allow development of the waterfront area in Southwest Washington, D.C., by making technical changes concerning land owned by the District of Columbia. The District has owned the Southwest waterfront since the early 1960s, but the legislation that transferred the land to the District contained restraints typical of the pre-home-rule period.

H.R. 2297 updates that outdated legislation to allow for the highest and best use of the land. The limitations serve no Federal purpose, but the unintended effect was to make a wasted asset of land that could be productive and revenue- and jobs-producing. Federal agencies have been consulted on H.R. 2297 and raised no objections.

The bill will allow mixed-use development on the waterfront for the first time and will create jobs and raise local and Federal revenue at a time when they are needed most. The Federal Government has no interest in the Southwest waterfront other than the Maine Lobsterman Memorial and the Titanic Memorial, which the District and the National Park Service have worked together to preserve.

The bill also expands the types of goods that can be sold at the fish market on the waterfront—a market well known in the region. The bill includes language that we developed with Senator SUSAN COLLINS of Maine to ensure the protection of the Maine Lobsterman Memorial, which is located at the Southwest waterfront near Maine Avenue.

Mr. Speaker, this is a noncontroversial bill that passed committee by voice vote that removes out-of-date restrictions. It involves no cost to the Federal Government.

I urge passage of the bill.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I would once again thank our colleague Ms. HOLMES NORTON and Ranking Member CUMMINGS. Mr. DAVIS, the ranking member of the subcommittee, as my colleague so aptly pointed out, also deserves credit.

With that, I would urge all of our fellow Members to support the passage of H.R. 2297, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:45 p.m. today.

Accordingly (at 1 o'clock and 54 minutes p.m.), the House stood in recess until approximately 2:45 p.m.

□ 1451

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 2 o'clock and 51 minutes p.m.

ONLINE CONSENT FOR SHARING VIDEO SERVICE USE

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a videotape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) to any person with the informed, written consent (including through an electronic means using the Internet) in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer given at one or both of the following times—

“(i) the time the disclosure is sought; and
“(ii) in advance for a set period of time or until consent is withdrawn by such consumer;”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2471, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased that we are considering a bipartisan bill to update the Video Privacy Protection Act of 1988. This bill will ensure that a law related to the handling of videotape rental information is updated to reflect the realities of the 21st century.

The VPPA was passed by Congress in the wake of Judge Robert Bork's 1987 Supreme Court nomination battle, during which a local Washington, D.C., newspaper obtained a list of videotapes the Bork family rented from its neighborhood videotape rental store. This disclosure caused bipartisan outrage, which resulted in the enactment of the VPPA.

The commercial video distribution landscape has changed dramatically since 1988. Back then, the primary consumer consumption of commercial video content occurred through the sale or rental of prerecorded videocassette tapes. This required users to travel to their local video rental store to pick a movie. Afterward, consumers had to travel back to the store to return the rented movie. Movies that consumers rented and enjoyed were recommended to friends primarily through face-to-face conversations. With today's technology, consumers can quickly and efficiently access video programming through a variety of platforms, including through Internet protocol-based video services, all without leaving their homes.

This bill updates the VPPA to allow videotape service providers to facilitate the sharing on social media networks of the movies watched or recommended by users. Specifically, it is narrowly crafted to preserve the VPPA's protections for consumers' privacy while modernizing the law to empower consumers to do more with their video consumption preferences, including sharing names of new or favorite TV shows or movies on social media in a simple way. However, it protects the consumer's control over the information by requiring consumer consent before any of this occurs, and it makes clear that a consumer can opt-in to the ongoing sharing of his or her favorite movies or TV shows without having to provide consent each and every time a movie is rented.

It also makes clear that written, affirmative consent can be provided through the Internet and can be withdrawn at any time.

Finally, thanks to an amendment from the gentleman from New York,

the ranking member of the Constitution Subcommittee, Mr. NADLER, the amended bill we are considering today requires that the consent be distinct and separate from any other form setting forth other legal and financial obligations.

This bill is truly pro-consumer and places the decision of whether or not to share video rentals with one's friends squarely in the hands of the consumer. In fact, the cochairs of the Future of Privacy Forum correctly pointed out, in an opinion piece in Roll Call on November 29, that "the antiquated law on the books is a hindrance to consumers."

This legislation does not change the scope of who is covered by the VPPA or the definition of "personally identifiable information." In addition, it preserves the requirement that the user provide affirmative, written consent.

It is time that Congress updates the VPPA to keep up with today's technology and the consumer marketplace. This bill does just that. I hope my colleagues will join me in supporting this important piece of bipartisan legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Virginia (Mr. GOODLATTE) for his excellent presentation. I agree with him that what probably triggered this bill in 1988 was Supreme Court nominee Robert Bork's video rental history in which his privacy was violated in a very major way. And so I join him and the members of the House Judiciary Committee in supporting the Video Privacy Protection Act, which provides continued consumer protection. H.R. 2471 is very important in this respect because, over the course of the 23 years since this measure has become law, there have been significant changes in the ways and the means by which people view technological content.

Movies can now be downloaded to mobile phones; live events can be streamed in real-time to laptops using mobile Internet services. There were so many other things happening in the transformation that go on at all times that could not have been contemplated in 1988. So there was ambiguity about whether the statute applies only to physical goods, such as videocassettes and DVDs.

Under this bill, a videotape service provider means anybody engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery or prerecorded videocassette tapes or similar audiovisual materials. It's the phrase "similar audiovisual materials" that has created some ambiguity. So what we've done is specified the requirement of informed written consent for disclosure may include consent through electronic means using the Internet.

As the bill moved through committee markup, I wanted to make sure that the bill provided the greatest protections for consumer privacy. Accordingly, like the subcommittee chair, I supported the Nadler amendments that required such consent requests be clearly and prominently presented to the consumer.

□ 1500

Fortunately, those amendments were accepted. And though I feel that the bill could have gone further—I believe, for example, that the consumer should be asked periodically if their consent should be renewed—it is a good bill. Accordingly, I join in supporting its passage.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Michigan, the distinguished ranking member of the committee, for his support for the legislation.

I continue to reserve the balance of my time.

Mr. CONYERS. I am pleased to yield such time as he may consume to the gentleman from North Carolina, my friend MEL WATT of the Judiciary Committee. He is the ranking subcommittee member of this part of the Judiciary Committee.

Mr. WATT. I thank the gentleman from Michigan for yielding time. I regret that I have to be the skunk at the party today in opposition to this bill.

While I support innovation on the Web, I do not support it at the expense of consumer privacy. I believe we've rushed this bill to the floor without sufficient development and, consequently, without giving any thought to its implications for consumer privacy.

The bill would amend what is widely considered to be one of the strongest protections of consumer privacy records in the United States, the Video Privacy Protection Act, without receiving testimony from a single privacy expert. It also ignores the impact this bill may have on State laws providing similar or greater protections. At a time when we know that technology that's pervasive and invasive has become almost commonplace, our responsibility as policymakers is not to surrender to technology and to sacrifice the values that we have held dear since the founding of this Nation.

Technology and privacy are not incompatible. We can and should promote technological innovation while simultaneously preventing the unwarranted, uninformed dissemination of personal information. This bill falls short of that objective. The supporters of this bill point to the widespread sharing already taking place over the Internet, but they neglect to publicize the privacy lawsuits, some of which are still pending, against those video and music sites that permit their users to share their playlist.

The Video Privacy Protection Act was not only a reaction to the publication of Judge Robert Bork's rental records during his nomination proceeding to the United States Supreme Court. The committee report also noted where an attorney obtained video records in a custody dispute to demonstrate that the father was unfit to have custody of his children based largely on his video rental records. Many of the lawsuits today reflect consumer concerns with precisely this type of abuse and misuse of rental records and other equally private information.

The stated purpose of the bill is to respond to the new commercial video distribution landscape by empowering consumers to do more with their video consumption preference, including sharing names of new or favorite TV shows or movies on social media in a simple way. But when you really peel away the layers, you have to ask yourself one question: Who does this bill benefit? It really doesn't benefit the consumer. The consumer already has the capacity to share his or her video preferences online however she pleases.

The bill instead benefits companies by relieving them of the burden of protecting consumer records by getting a one-time universal consent to disclose users' viewing history in order to share them on social media sites. But because social media sites are often dynamic, with users' rosters of friends ever changing, a consumer's consent today to allow access to their viewing history is clearly not informed by who will be their friend tomorrow.

Today, when online bullying of teens or young adults is increasing and leading to depression or suicide, we should have greater care to ensure that their interests are not cavalierly disregarded. Allowing video service providers to release information as private as a person's viewing history, which clearly shows to the world their loves, likes, and dislikes, should not be done without careful contemplation and consideration.

In closing, I would just emphasize that I believe that technological advance and innovation are both extremely important. It is the future of America's economy. I don't question that. However, allowing the release of truly private consumer information in the name of innovation without careful consideration is reckless on our part, and I urge my colleagues to vote "no" on this legislation.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume to respond to my good friend from North Carolina. He and I have attempted to work together to resolve his differences. In fact, I believe that the amendment offered by the gentleman from New York (Mr. NADLER) does resolve some of the concerns the gentleman had. But obviously, as he

has just expressed, not all of them. So I would like to respond to what he has indicated.

Content providers, the Internet community, and consumer advocacy groups support the bipartisan effort to enact a commonsense modernization of the Video Privacy Protection Act. Hulu, Google, Facebook, IAC, Apple, the Center for Democracy and Technology, and the Future of Privacy Forum are among those who see H.R. 2471 for the simple modernizing amendment that it is.

The VPPA contains a strict standard of privacy: Opt-in consent. The proposed amendment to the VPPA, H.R. 2471, keeps the opt-in standard fully intact. H.R. 2471 enhances the protection provided by the VPPA by ensuring that the opt-in consent required must be separate and distinct from any other end-user agreement. This measure further empowers consumers to make decisions about their information in a manner that is fully informed.

None of the examples provided by Mr. WATT illustrated disagreement between the commenters he highlighted with the consumer empowerment measures that H.R. 2471 provides. H.R. 2471 simply gives consumers the freedom to share what they've watched with their friends if they would like to. It grants consumers the same right to share movies and television shows that they've enjoyed, as is already possible for music, news, and books. He correctly notes that someone can right now go on Facebook or some other social media and say, I watched this movie or that television show, and I like it or don't like it. The difference, however, is that consumers do not understand why they can have an arrangement for the music they listen to to immediately go up online so that their friends can listen to the same music simultaneously, but with regard to movies they have to take additional steps that can, under circumstances, be inconvenient to them. That's why they like this convenience, and that's why consumers should have it. And that's why this bill empowers consumers in ways that they are not empowered today, and why it is a real consumer bill.

H.R. 2471 ensures that the VPPA's high standard of privacy protection remains untouched. Consumers must affirmatively opt in to share with friends the movies and television shows they've watched. A consumer can withdraw his or her consent at any time. And H.R. 2471 is narrowly tailored to update the VPPA, a 1980s law, to make it compatible with consumers' desires, with consumers' communication, with consumers' socializing on the Internet in the 21st century.

□ 1510

The committee has indicated in its report language that there is no inten-

tion for this clarification to negate in any way existing laws, regulations, and practices designed to protect and provide the privacy of children on the Internet. As always, however, the first line of defense to protecting a child's privacy while online is the parents.

Social networking Web sites allow users to share personal information about themselves with their friends; but used inappropriately, personal information can be shared beyond a user's friends. Just as parents are responsible for teaching their children not to talk to strangers, the committee expects parents to play an active role in ensuring their children's proper use of social networking or any other Web sites on the Internet.

This legislation in no way changes the privacy protection for children on the Internet. And that law, as the VPPA itself, with regard to its privacy protections and its opt-in requirements, is not changed. This is simply a modern way for people to be able to communicate with their friends in ways that are convenient to them and that they already use and do not understand why, if they can use it with music, with news, with books, with other forms of communication and speech, that they can't do it with regard to their movie and television shows.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield my colleague from North Carolina (Mr. WATT) as much time as he may consume.

Mr. WATT. I thank the gentleman for yielding once again.

And in response to my colleague from Virginia (Mr. GOODLATTE), we have in fact been trying to work out our differences. The problem is that his definition of protecting privacy is not as extensive as my definition of protecting privacy. And I think my definition of protecting privacy is more consistent with consumers, because consumers keep filing these lawsuits to try to protect themselves from the disclosure of their personal information.

The Electronic Privacy Information Center, which has been at the forefront of ensuring privacy protections for consumers in the information age, just last week secured a victory for Facebook users when its complaint to the Federal Trade Commission resulted in a settlement requiring Facebook to establish an extensive privacy program. Analytics Company and Web video Hulu.com have been hit with another privacy lawsuit over their alleged use of supercookies to track people.

There is case after case after case of consumers' information being used, abused, and misused, and here we are making it easier for that to occur by saying you can give one time—they already have the authority to release the information when they download a

movie now, but this will give one-time, universal coverage to release everything that I view on video. And that's inconsistent with what I think is necessary to protect the privacy of people in this electronic age.

Now, I understand that there are people who have an interest in this; I mean, there are people who profit from mining this kind of information. But our interest should be in protecting the rights of consumers, protecting them from having this kind of private information—I would think since the original Video Protection Act was about protecting the privacy of Judge Robert Bork and people going into his records to review his video viewing privacy, that my colleagues on the opposite side of the aisle would be the most vigorous in trying to protect this. But here we are giving in to the interests that will make money out of this and exposing our children and our own viewing habits to this kind of intrusive action on our part, and we are doing it without the benefit of any testimony at a hearing to talk about this. We should simply not be doing this.

I would like to submit for the RECORD a letter dated December 5, 2012, from the Electronic Privacy Information Center in which they aggressively oppose this legislation. They say they are a nonpartisan public interest research organization.

The Video Privacy Protection Act was passed in 1988, following disclosure of the private video rental records of a Supreme Court nominee by a video rental store to a news organization. There was broad-based support for passage, and the act was signed by President Ronald Reagan. This act is considered a model privacy act in many respects. It is technology neutral.

And this bill undermines this Video Privacy Act that was the model act that was designed to protect a Republican nominee to the Supreme Court and was signed into law by a Republican President. And here we are in this Congress getting ready to send a bill over to the Senate—which hopefully they won't act on; they will save us from our own ineptitude—which would undermine the key provision of the Video Protection Act, which is the right of users to give meaningful consent to the disclosure of their personal information.

This blanket consent, according to the Electronic Privacy Information Center—and I agree with them wholeheartedly. The blanket consent provisions transfer control from the individual user to the company in possession of the data and diminish the control that Netflix customers would have in the use and disclosure of their personal information.

“While we recognize that other companies routinely report on the activities of their customers, we note that Facebook users have never been particularly happy about this. The history

of Beacon is well known—and also that the routine disclosure of video viewing activities is not something that most Facebook users are clamoring for.”

In fact, Facebook, as we just indicated, just entered into a settlement of a privacy lawsuit. And here we are on the floor of the House saying that we value the business interests more than we value the personal privacy interests of individual citizens.

This is a bad idea. It shouldn't be here on the suspension calendar as if it's a noncontroversial clarification of the law. This is a dramatic undermining of the Video Privacy Protection Act. We are doing a disservice to our constituents by giving this authority. They already have the authority to do it on a case-by-case basis. It may be inconvenient to the companies to get the authority given to them that way, but that's the way it should be given to them, not in some blanket authority that just allows the companies to go in and use this information willy-nilly and without regard to the privacy.

I thank the gentleman for yielding again. And I may ask him to yield again depending on what happens—oh, he says he's not going to yield to me anymore.

I just think my colleagues should vote against this bill, defeat it on suspension, and let's at least debate it under regular order on the floor of the House or send it back to the committee so we can have some hearings about the privacy implications so we can get this done.

ELECTRONIC PRIVACY
INFORMATION CENTER,

Washington, DC, December 5, 2011.

Congressman MEL WATT,
Rayburn HOB,
Washington, DC.

DEAR CONGRESSMAN WATT: Thank you for your request for comments from the Electronic Privacy Information Center (“EPIC”) regarding H.R. 2471, which would amend the Video Privacy Protection Act (“VPPA”). EPIC had hoped to provide comments at a hearing on the bill, but as the sponsors of the legislation chose to push through the legislation without the opportunity for public discussion, we appreciate the opportunity to share our views in response to your request.

EPIC is nonpartisan, public interest research organization, established in 1994 to focus public attention on emerging privacy and civil liberties issues. We maintain two of the most popular privacy sites on the Internet—EPIC.ORG and PRIVACY.ORG—and testify frequently in Congress. We have also represented the interests of Facebook users over the years in a wide range of privacy matters.

The Video Privacy Protection Act was passed in 1988 following the disclosure of the private video rental records of a Supreme Court nominee by a video rental store to a news organization. There was broad-based support for passage and the Act was signed into law by President Reagan. The VPPA is considered a model privacy law in many respects—it is technology neutral, focusing on the obligations of businesses and the rights of customers in the collection and use of per-

sonal information. It makes clear the circumstances when personal information may be disclosed and it provides a private right of action when violations occur.

The VPPA makes no specific references to particular technologies. First Amendment concerns are addressed in the Act by recognizing that when the press seeks to publish information, Congress may not limit the rights of the press. However, businesses that collect information from their customers have an obligation to safeguard that information and to ensure it is used only for appropriate purposes. As with most privacy laws, the VPPA contains a consent provision that allows individuals to disclose their personal information to others if they wish. There is nothing in the Act that prevents individuals from so doing.

H.R. 2471 would undermine the key provision in the VPPA, which is the right of users to give meaningful consent to the disclosure of their personal information. Such blanket consent provisions transfer control from the individual user to the company in possession of the data and diminish the control that Netflix customers would have in the use and disclosure of their personal information. While we recognize that other companies routinely report on the activities of their customers, we note that Facebook users have never been particularly happy about this—the history of Beacon is well known—and also that the routine disclosure of video viewing activities is not something that most Facebook users are clamoring for. If anything, most Netflix users seem to be unhappy about the company's disregard for its customers.

The proposal is particularly surprising in light of the recent decision by the Federal Trade Commission concerning Facebook and privacy, which found that when companies seek to change the privacy defaults of their users, they are essentially engaging in an unfair and deceptive trade practice. That would be the practical impact of this amendment—to take away control of the user's information after the user had subscribed to the service. There is nothing in the proposal that would “modernize” the Act; it simply allows Netflix to post more information about the activity of its customers, whether or not the customers would choose to post such information themselves.

EPIC would therefore recommend that members of Congress vote NO on H.R. 2471. Users remain free to disclose their video viewing habits if they wish; there is no reason to change the default. EPIC would also recommend a hearing on the legislation so that all views, both for and against, can be presented, and Members are provided an opportunity to fully assess the proposal.

Privacy is the number one concern of Internet users today. It would be foolish to adopt an amendment that weakens privacy legislation already in place.

Please feel free to contact me if you have any further questions.

Sincerely,

MARC ROTENBERG,
President, Electronic Privacy
Information Center (EPIC).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

In no way does this legislation in any way undercut the principal purpose of the Video Privacy Protection Act because the power rests with the consumer.

□ 1520

Basically, what this legislation does is it empowers consumers to do things in the 21st century with regard to their movie and television viewing, communications with their friends that they already have with music, they already have with news, they already have with books or magazine articles that they read; and we should have that kind of consistency in the law.

The Video Protection Privacy Act remains strong, and its principal purposes remain there intact; and it has an opt-in requirement, an opt-in requirement that anyone who wants to avail themselves of this convenience has to give informed concept to do so.

I urge my colleagues to support this very bipartisan legislation. It has strong support on both sides of the aisle.

I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield the remainder of my time to a distinguished magistrate from Georgia (Mr. JOHNSON), now a member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman is recognized for 2 minutes.

Mr. JOHNSON of Georgia. Thank you, mister ranking member.

Mr. Speaker, I rise today in opposition to passage of H.R. 2471. This bill will make it easy for video producers to be able to sell to others information that consumers may feel is private.

Now, I, myself, don't want folks to know that I have ordered up “Debbie Does Dallas.” I may not mind if they know that I ordered up “J. Edgar,” but I don't want them to know that I ordered “Good Girls Gone Bad.” And on behalf of Judge Robert Bork, I certainly wouldn't want anyone to be able to uncover the fact that he's been ordering up relentlessly the film “Bad Boys of Summer.”

We have a right to privacy, and that right should not just be given away without adequate knowledge on behalf of the consumer what they're giving away.

This bill has proceeded to the suspension calendar without any kind of hearing before the Judiciary Committee on whether or not the bill should be marked up or not. We have not heard from experts. We don't know what kind of waiver by Internet, we don't know the mechanics of that waiver. We don't know how easy it will be to waive your right. It could be as easy as waiving your right to a jury trial in a cell phone contract. For those reasons, I ask that this bill be denied.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume just to say to the gentleman from Georgia that I have good news for him. There is absolutely no way that anyone can, under this legislation, find out any of his video-viewing habits unless he consents, with informed consent,

with a separate consent to allowing that information to be made known to anybody.

Again, this legislation makes good sense. It's what consumers want in the 21st century. It's how they share their information online. And those who don't want to share their information this way do not have to give this consent. Therefore, this legislation, I think, strikes the right balance.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2471. This bill would update the Video Privacy Protection Act by giving consumers the ability to use social media to discuss movies they have been watching. When it was passed in 1988, internet social media did not exist, and the law needs an update for the digital age.

This legislation explicitly prevents businesses from using an "opt out" mechanism which businesses might abuse to consumers' detriment. Instead, it requires that consumers proactively choose to share their movie preferences with their friends. For this reason, the Future of Privacy Forum, a consumer advocacy group, supports this legislation.

This update ensures that consumers can use existing social media outlets to discuss movies they have watched. It may also contribute to the health of the movie industry by integrating it more fully into new modes of internet communications used by consumers.

I applaud my colleague from Virginia, Mr. GOODLATTE, for his work on this legislation and urge my colleagues to support it.

Mr. CLARKE of Michigan. Mr. Speaker, today the House of Representatives is considering H.R. 2471. H.R. 2471 would amend the Video Privacy Protection Act (VPPA), a 1988 law that prohibits video rental stores from disclosing a consumer's rental history. Currently, the only way such information can be shared is with the consumer's written consent each time the video tape service provider wants to share their information. H.R. 2471 would allow video tape service providers to obtain a consumer's consent on an ongoing basis and that consent may be obtained through the Internet. In recent years, the Internet has changed how we share movies and other media. This is why I originally supported the bill. Ultimately, I am voting against H.R. 2471 because the bill could undermine the key provision of the VPPA which is the consumer's right to give meaningful consent to disclose their personal information. H.R. 2471 transfers control from the consumer to the company in possession of the data and diminishes consumer's control over their personal information.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 2471, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1021) to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Bankruptcy Judgeships Extension Act of 2011".

SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109-8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

- (A) The central district of California.
- (B) The eastern district of California.
- (C) The district of Delaware.
- (D) The southern district of Florida.
- (E) The southern district of Georgia.
- (F) The district of Maryland.
- (G) The eastern district of Michigan.
- (H) The district of New Jersey.
- (I) The northern district of New York.
- (J) The southern district of New York.
- (K) The eastern district of North Carolina.
- (L) The eastern district of Pennsylvania.
- (M) The middle district of Pennsylvania.
- (N) The district of Puerto Rico.
- (O) The district of South Carolina.
- (P) The western district of Tennessee.
- (Q) The eastern district of Virginia.
- (R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

- (i) occurring more than 5 years after the date of the enactment of this Act, and
 - (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the central district of California—

- (i) occurring 5 years or more after the date of the enactment of this Act, and
 - (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

- (i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109-8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102-361 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.—

(1) **EXTENSION.**—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) **VACANCY.**—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) **APPLICABILITY OF OTHER PROVISIONS.**—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

SEC. 3. BANKRUPTCY FILING FEE.

(a) **BANKRUPTCY FILING FEE.**—Section 1930(a)(3) of title 28, United States Code, is amended by striking “\$1,000” and inserting “\$1,042”.

(b) **EXPENDITURE LIMITATION.**—Incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(c) **EFFECTIVE DATE.**—This section shall take effect 180 days after the date of enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1021, as amended, currently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

One of the results of a slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past 3 years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our Federal bankruptcy courts. The important bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse; and large, complex chapter 11 cases, like

the recently filed mega-case of American Airline, are time intensive for our bankruptcy judges.

In the last Congress, the Judiciary Committee reported a bankruptcy judgeships bill that would have created new permanent judgeships, converted temporary judgeships to permanent status, and extended temporary judgeships. The House passed that bill, but it did not pass the Senate.

As a result, several temporary judgeships are in danger of being unable to be refilled if there is a vacancy. But the need for bankruptcy judges remains high.

I introduced the legislation under consideration with the ranking member of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee, STEVE COHEN, the chairman of that subcommittee, HOWARD COBLE, and the ranking member of the full Judiciary Committee, JOHN CONYERS.

This bill permits 23 temporary bankruptcy judgeships in judicial districts throughout the country to be filled if there is a judgeship vacancy in those districts during the next 5 years as a result of a judge's death, removal, retirement, or resignation.

Congress should ensure there are enough bankruptcy judges to handle the increased caseloads as a result of the recession; but Congress should also conserve Federal resources and conduct periodic oversight of judicial caseloads. H.R. 1021 authorizes a 5-year extension, which preserves Congress's ability to reassess the need for bankruptcy judges in a few years.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I want to thank the bill's cosponsors for their bipartisan support.

One of the results of the slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past three years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our federal bankruptcy courts. The important bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse. And large, complex chapter 11 cases, like the recently filed mega-case of American Airlines, are time-intensive for our bankruptcy judges.

However, no new bankruptcy judgeships have been created since 2005. At that time, Congress created temporary judgeships so that it could periodically review the caseloads in each district and assess whether the temporary judgeship was still needed. Permanent judgeships have not been authorized since 1992.

Every two years, the Judicial Conference of the United States publishes a report to Con-

gress that details the judicial needs of each district. The Conference evaluates need based on a “weighted caseload” analysis. The 2011 weighted caseload statistics demonstrate that judges are desperately needed in many districts.

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The relief a debtor receives from the bankruptcy system is extraordinary; they either reorganize their debts on more favorable terms or they get a complete discharge of all their prepetition debts. All except the poorest of debtors pay a fee to file a bankruptcy case and receive these benefits.

I believe it is fair to use debtors' filing fees to pay for the costs associated with our bankruptcy judges. This legislation, as amended, raises the filing fee on chapter 11 reorganization cases from \$1000 to \$1042—a modest 4 percent increase. As a result, this bill does not increase direct spending by the federal government.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I thank the bill's cosponsors for their bipartisan support.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 5, 2011.

HON. LAMAR SMITH,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing concerning H.R. 1021, as amended, the “Temporary Bankruptcy Judgeships Extension Act of 2011,” which is scheduled for floor consideration the week of December 5, 2011.

As you know, the Committee on Ways and Means maintains jurisdiction over revenue measures generally. H.R. 1021, as amended, contains a provision that raises revenue by increasing the Chapter 11 filing fees for the

operation and maintenance of the courts of the United States, which falls within the jurisdiction of the Committee on Ways and Means. In order to expedite this bill for Floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1021, as amended, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,

*Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC.*

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 1021, the "Temporary Bankruptcy Judgeships Extension Act of 2011," as amended, which is scheduled for consideration by the House during the week of December 5.

I am most appreciative of your decision to forego consideration of H.R. 1021, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Ways and Means is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that Ways and Means be represented therein.

Finally, I shall be pleased to include this letter and your letter of the same date in the Congressional Record during floor consideration of H.R. 1021.

Sincerely,

LAMAR SMITH,
Chairman.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the excellent description of the chairman, LAMAR SMITH, on H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act. This is a very bipartisan piece of legislation, extending by 5 years the authorizations for 30 temporary bankruptcy judges in more than 20 judicial districts around the country.

I might point out that we're not adding bankruptcy judges; and, Members of the House, that's what we ought to be doing, really, instead of just continuing the same number. We need more. Why? Because bankruptcy judges are needed more than ever.

The bankruptcy filings have increased during the worst economic downturn the Nation has experienced since the Great Depression because long-term high unemployment rates and reduced incomes have sent more people into the bankruptcy court, because of the continuing mortgage foreclosure crisis which has affected so many people, and the increasingly on-

erous credit card obligations, and the sky-high student loans that are being collected on, and the uninsured medical debt.

□ 1530

Last year 1.6 million bankruptcy cases were filed, representing a more than 8 percent increase over the prior years. Two of the Nation's largest automobile manufacturers in Detroit, General Motors and Chrysler, filed for bankruptcy relief under chapter 11. These two cases alone involved billions of dollars, tens of thousands of workers, thousands of auto dealers, and thousands of creditors located in all parts of our Nation. Just last month, American Airlines filed for chapter 11 bankruptcy relief, and the national bookstore chain Borders filed last month.

A third factor must be kept in mind: that while we maintain the status quo, more needs to be done. Bankruptcy courts have been performing admirably but under critical strain. So while the bankruptcy courts' workload increases, judicial resources are, in fact, diminishing. And that's why we're authorizing new judicial membership in the bankruptcy courts in the coming year, if everything works out as we anticipate.

Right now, though, we merely ask the House of Representatives to support the bill that I and Chairman SMITH have cosponsored which would maintain the new judges that are on the bench but will not add any more.

I urge your support for the additional judgeships.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. I yield such time as he may consume to the distinguished gentleman from Georgia, Mr. HANK JOHNSON, a member of the committee.

Mr. JOHNSON of Georgia. I thank the ranking member.

Mr. Speaker, I rise in support of H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act of 2011, sponsored by my good friend Representative SMITH of Texas, who is also the chair of the Judiciary Committee, which I am pleased to serve on.

I would point out how ironic it is because we are now in the 336th day of this reign of the Tea Party Republican Party, which is unalterably linked with the notorious Grover Norquist and his tax pledge, his pledge to not raise taxes. We're getting ready, Mr. Speaker, to get to the end of this year, and we still have 160 million Americans at risk of suffering a tax increase, \$1,000 a person on average. I don't know how many millions of dollars that would take out of consumers' pockets. And I don't hear Grover Norquist or the Tea Party Republicans crying about that. If it's the middle class, the working people tax increase, it's okay. If it is

the top 1 percent making over a million bucks a year, then "you can't touch this." Well, I think the American people know that it's "hammer time" out here. It's time for there to be justice and fairness for all under the law. And it's ironic we need these bankruptcy court judges' tenures to be extended, as this Act would allow, because there's going to be more bankruptcies filed.

Just \$1,000 can push a person over the edge in terms of their solvency. People are now just living paycheck to paycheck, hand-to-mouth, trying to determine whether or not we're going to pay the light bill or whether or not we're going to get the medication that we need in order to be healthy. People are deciding whether or not to pay the gas bill or whether or not they're going to be able to eat more than ramen noodles every night for the month. So \$1,000 means a lot. It may not mean a lot to a millionaire, one of those top 1 percent that my Tea Party Republican friends so heartily support, but it will hurt the little man and woman and their families, especially at Christmas time.

At a time when the corporate chiefs are getting their bonuses, multi-million-dollar bonuses based on increased profits, we're still left on December 6 with people being worried about whether or not they're going to suffer a tax increase on January 1. So let's not impose an average \$1,000—actually, \$1,500; let's not impose the threat of a \$1,500 tax increase on the middle class and working people by failing to do what we should have done much earlier. There's no reason why we have not done this, why we have not expanded the payroll tax cut that was enacted last year. Let's keep that \$1,500 in the pockets of the average middle class family. Let's try to keep down the need for people to go into bankruptcy court. Let's at some point let it expire, the number of bankruptcy court judges temporarily serving.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1021, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question

on House Resolution 479; adopting House Resolution 479, if ordered; and suspending the rules and passing H.R. 2471.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 236, nays 184, not voting 13, as follows:

[Roll No. 889]

YEAS—236

Adams	Davis (KY)	Hartzler
Aderholt	Denham	Hastings (WA)
Amash	Dent	Hayworth
Amodei	DesJarlais	Heck
Austria	Diaz-Balart	Hensarling
Bachus	Dold	Herger
Barletta	Dreier	Herrera Beutler
Bartlett	Duffy	Huelskamp
Barton (TX)	Duncan (SC)	Huizenga (MI)
Bass (NH)	Duncan (TN)	Hultgren
Benishek	Ellmers	Hunter
Berg	Emerson	Hurt
Biggert	Farenthold	Issa
Billray	Fincher	Jenkins
Bilirakis	Fitzpatrick	Johnson (IL)
Bishop (UT)	Flake	Johnson (OH)
Black	Fleischmann	Johnson, Sam
Blackburn	Fleming	Jones
Bonner	Flores	Jordan
Bono Mack	Forbes	Kelly
Boustany	Fortenberry	King (IA)
Brady (TX)	Fox	King (NY)
Brooks	Franks (AZ)	Kingston
Broun (GA)	Frelinghuysen	Kinzing (IL)
Buchanan	Galleghy	Kline
Bucshon	Gardner	Labrador
Buerkle	Garrett	Lamborn
Burgess	Gerlach	Lance
Burton (IN)	Gibbs	Landry
Calvert	Gibson	Lankford
Camp	Gingrey (GA)	Latham
Campbell	Gohmert	LaTourrette
Canseco	Goodlatte	Latta
Cantor	Gosar	Lewis (CA)
Capito	Gowdy	LoBiondo
Carter	Granger	Long
Cassidy	Graves (GA)	Lucas
Chabot	Graves (MO)	Luetkemeyer
Chaffetz	Griffin (AR)	Lummis
Coble	Griffith (VA)	Lungren, Daniel
Coffman (CO)	Grimm	E.
Cole	Guinta	Mack
Conaway	Guthrie	Manzullo
Cravaack	Hall	Marchant
Crawford	Hanna	McCarthy (CA)
Crenshaw	Harper	McCaul
Culberson	Harris	McClintock

McCotter	Rehberg
McHenry	Reichert
McKeon	Renacci
McKinley	Ribble
McMorris	Rigell
Rodgers	Rivera
Meehan	Roby
Mica	Roe (TN)
Miller (FL)	Rogers (AL)
Miller (MI)	Rogers (KY)
Miller, Gary	Rogers (MI)
Mulvaney	Rohrabacher
Murphy (PA)	Rokita
Neugebauer	Rooney
Noem	Ros-Lehtinen
Nugent	Roskam
Nunes	Ross (FL)
Nunnelee	Royce
Olson	Runyan
Palazzo	Ryan (WI)
Paul	Scalise
Paulsen	Schilling
Pearce	Schmidt
Pence	Schock
Petri	Schweikert
Pitts	Scott (SC)
Platts	Scott, Austin
Poe (TX)	Sensenbrenner
Pompeo	Sessions
Possey	Shimkus
Price (GA)	Shuler
Quayle	Shuster
Reed	Simpson

NAYS—184

Ackerman	Filner
Altmire	Frank (MA)
Andrews	Fudge
Baca	Garamendi
Baldwin	Gonzalez
Barrow	Green, Al
Bass (CA)	Green, Gene
Becerra	Grijalva
Berkley	Gutierrez
Berman	Hahn
Bishop (GA)	Hanabusa
Bishop (NY)	Hastings (FL)
Blumenauer	Heinrich
Boren	Higgins
Boswell	Himes
Brady (PA)	Hinojosa
Braley (IA)	Hirono
Brown (FL)	Hochul
Butterfield	Holden
Capps	Holt
Capuano	Honda
Carnahan	Hoyer
Carney	Israel
Carson (IN)	Jackson (IL)
Chandler	Jackson Lee
Chu	(TX)
Cicilline	Johnson (GA)
Clarke (MI)	Johnson, E. B.
Clarke (NY)	Kaptur
Clay	Keating
Cleaver	Kildee
Clyburn	Kind
Cohen	Kissell
Connolly (VA)	Kucinich
Conyers	Langevin
Cooper	Larsen (WA)
Costa	Larson (CT)
Costello	Lee (CA)
Courtney	Levin
Critz	Lewis (GA)
Crowley	Lipinski
Cuellar	Loebach
Cummings	Lofgren, Zoe
Davis (CA)	Lujan
Davis (IL)	Lynch
DeFazio	Maloney
DeGette	Markey
DeLauro	Matheson
Deutch	Matsui
Dicks	McCarthy (NY)
Dingell	McCollum
Doggett	McDermott
Donnelly (IN)	McGovern
Doyle	McIntyre
Edwards	McNerney
Ellison	Meeks
Engel	Michaud
Eshoo	Miller (NC)
Farr	Miller, George
Fattah	Moore

Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Waters	Welch	Yarmuth
Watt	Wilson (FL)	
Waxman	Woolsey	

NOT VOTING—13

Akin	Giffords	Myrick
Alexander	Hinchey	Nadler
Bachmann	Inslee	Young (FL)
Cardoza	Lowe	
Castor (FL)	Marino	

□ 1607

Mr. COURTNEY and Ms. LORETTA SANCHEZ of California changed their vote from “yea” to “nay.”

Ms. BUEKLE changed her vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 180, not voting 18, as follows:

[Roll No. 890]

YEAS—235

Adams	Duffy	Johnson (IL)
Aderholt	Duncan (SC)	Johnson (OH)
Amash	Duncan (TN)	Johnson, Sam
Amodei	Ellmers	Jones
Austria	Emerson	Jordan
Bachus	Farenthold	Kelly
Barletta	Fincher	King (NY)
Bartlett	Fitzpatrick	Kingston
Barton (TX)	Flake	Kinzing (IL)
Bass (NH)	Fleischmann	Kline
Benishek	Fleming	Labrador
Berg	Flores	Lamborn
Biggert	Forbes	Lance
Billray	Fortenberry	Landry
Bilirakis	Fox	Lankford
Bishop (UT)	Frelinghuysen	Latham
Black	Galleghy	LaTourrette
Blackburn	Gardner	Latta
Bonner	Garrett	LoBiondo
Bono Mack	Gerlach	Long
Boren	Gibbs	Lucas
Boustany	Gibson	Luetkemeyer
Brady (TX)	Gingrey (GA)	Lummis
Brooks	Gohmert	Lungren, Daniel
Broun (GA)	Goodlatte	E.
Buchanan	Gosar	Mack
Bucshon	Gowdy	Manzullo
Buerkle	Granger	Marchant
Burgess	Graves (GA)	Matheson
Burton (IN)	Graves (MO)	McCarthy (CA)
Calvert	Griffin (AR)	McCaul
Camp	Griffith (VA)	McClintock
Campbell	Grimm	McCotter
Canseco	Guinta	McHenry
Cantor	Guthrie	McIntyre
Capito	Hall	McKeon
Carter	Hanna	McKinley
Cassidy	Harper	McMorris
Chabot	Harris	Rodgers
Chaffetz	Hartzer	Meehan
Coble	Hastings (WA)	Mica
Coffman (CO)	Hayworth	Miller (FL)
Conaway	Heck	Miller (MI)
Crawford	Hensarling	Miller, Gary
Crenshaw	Herger	Mulvaney
Culberson	Herrera Beutler	Murphy (PA)
	Huelskamp	Neugebauer
	Huizenga (MI)	Noem
	Hultgren	Nugent
	Hunter	Nunes
	Hurt	Nunnelee
	Issa	Olson
	Jenkins	Palazzo

Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

King (IA)
Lewis (CA)

Marino
Myrick

Nadler
Young (FL)

Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.

Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarell
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)

Sarbanes
Scalise
Schilling
Schmidt
Schock
Schradner
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—180

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Oliver

Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Bachus
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a videotape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 303, nays 116, not voting 14, as follows:

[Roll No. 891]

YEAS—303

Adams
Aderholt
Altmire
Amash
Amodei
Andrews
Austria
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carney
Carter
Cassidy
Chabot

Chaffetz
Chu
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farr
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffith (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Higgins
Hochul
Holden
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston

McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Neugebauer
Noem

Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta

NAYS—116

Ackerman
Baca
Baldwin
Barton (TX)
Bass (CA)
Becerra
Bishop (GA)
Bishop (NY)
Brown (FL)
Butterfield
Capuano
Carnahan
Carson (IN)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Costello
Crowley
Culberson
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Edwards
Ellison
Engel
Farenthold
Fattah
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva

Gutierrez
Hahn
Hanabusa
Hastings (FL)
Herrera Beutler
Himes
Hinojosa
Reyes
Hirono
Holt
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kapoor
Keating
Kildee
Kind
Kissell
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lowey
Maloney
Markey
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Napolitano
Neal
Oliver

Pastor (AZ)
Payne
Peterson
Pingree (ME)
Price (NC)
Rangel
Reyes
Richardson
Richmond
Roybal-Allard
Rush
Ryan (OH)
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Speier
Stark
Stearns
Sutton
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—18

Akin
Alexander
Bachmann
Cardoza

Castor (FL)
Cole
Cravack
Franks (AZ)

Garamendi
Giffords
Hinche
Inslee

NOT VOTING—14

Akin	Dicks	Marino
Alexander	Giffords	Myrick
Bachmann	Gohmert	Nadler
Cardoza	Hinchey	Young (FL)
Castor (FL)	Inslee	

□ 1621

Mr. RUSH changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 889, 890 and 891, I was delayed and unable to vote. Had I been present I would have voted “yea” on all three.

□ 1620

GIVING CONGRESSIONAL CONSENT TO MISSOURI AND ILLINOIS BI-STATE DEVELOPMENT AGENCY

Mr. GOHMERT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 22) to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 22

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

The text of the amendment is as follows:

Amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on the date of enactment of this Act.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S.J. Res. 22, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

The Founding Fathers did not believe that the Federal Government should try to solve every problem in the country. Instead, they believed that local problems should have local solutions. This system of federalism became the bedrock of the Constitution.

One particular aspect of our federalist system is found in the Compact Clause of the Constitution. The clause

recognizes agreements or contracts that States make among themselves, with congressional approval when necessary. Today, there are approximately 200 active interstate compacts addressing a variety of issues that range from environmental and energy policy to natural resources to traffic and transportation. Rather than wait for a one-size-fits-all program from Washington, D.C., the Constitution allows States to solve these kinds of problems for themselves.

In 1949, Missouri and Illinois formed a compact to create the Bi-State Development Agency. The agency's mission is to facilitate and coordinate economic and infrastructure development in the St. Louis metropolitan area. Among other projects, the agency runs the public transportation system in St. Louis. The agency does not have taxing authority, but it may issue bonds. For example, in the 1960s, the agency sold bonds to finance construction of the tram to the top of the Gateway Arch, which it operates today. The compact allows the agency to sell 30-year bonds. Last year, most States adopted legislation to amend the compact and allow the agency to issue 40-year bonds.

In addition to other capital improvements, the agency could use revenue from these 40-year bonds to support the CityArchRiver 2015 initiative. The purpose of the CityArchRiver 2015 is to better connect downtown St. Louis with the Gateway Arch and the Jefferson National Expansion Memorial National Park. The project also involves building elevated walkways across the river to Illinois.

Senate Joint Resolution 22 gives congressional approval to this amendment, the Missouri-Illinois Interstate Compact. The Judiciary Committee marked up its companion, House Joint Resolution 70, on September 21. The suspension version of Senate Joint Resolution 22 contains one amendment, to correct a minor drafting error regarding the effective date. With this amendment, Senate Joint Resolution 22 will be effective upon the date of enactment.

In conclusion, I'm pleased to see this feature of our federalist system at work. I urge my colleagues to join me in supporting this resolution and look forward to its swift passage.

With that, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Members of the House, under the Constitution, Article I, section 10, clause 3, these kinds of interstate compacts must be ratified by the House of Representatives. Senate Joint Resolution 22 gives congressional approval to an agreement between Missouri and Illinois to amend the interstate compact establishing the Bi-State Development Agency.

My colleague on the Judiciary, Judge GOHMERT, has expertly described what

it is that brings us here, but I would merely add that the congressionally approved interstate compact establishing the Bi-State Development Agency in 1950 serves as the primary provider of the public transportation for the St. Louis metropolitan area. It also develops, maintains, owns, and operates bridges, airports, wharves, docks, grain elevators, industrial parks, parking facilities, refuse and waste handling facilities, as well as fuel, energy, air, water, rail, or commodity storage areas. Also, there is a 40-year maximum maturity period for bonds and other financial instruments which will allow the agency to finance projects for longer periods of time.

I congratulate my colleague from St. Louis, WILLIAM LACY CLAY, a distinguished Member from Missouri whose father was in on the first interstate compact, and now we're proud that he and other of his colleagues from both Missouri and Illinois are supporting this Senate Joint Resolution 22. I urge its favorable consideration.

I would like to yield the distinguished gentleman as much time as he may consume.

□ 1630

Mr. CLAY. Madam Speaker, I want to thank the chairman and ranking member of the full committee and the chairman and ranking member of the subcommittee for their leadership and for moving this critical resolution.

I'm proud to have introduced the House version of this joint resolution, and it accomplishes two very good things: S.J. Res. 22 approves an important amendment to a compact between two States.

As was mentioned before, in 1949, Missouri and Illinois entered into an agreement to foster "regional economic development through excellence in transportation." The compact created the Bi-State Development Agency. Congress approved it, and has approved several amendments over the last 6 decades.

The agency, now known as "Metro," operates the St. Louis Metropolitan region's public transportation system. It has more than 2,400 employees and carries over 55 million passengers each year.

This resolution approves a small but crucial change to the Bi-State Compact. Both State legislatures have passed it, and both Governors have signed it. This is a necessary and good amendment, and there is no negative impact to the Nation or to States. As such, Congress should approve it.

This resolution also enables the Congress to fulfill one of its constitutional duties. And I agree with my good friend, Mr. GOHMERT, that Congress should not overstep its authority. While we do not always agree on the limits of that power, we agree on this resolution and on the constitutional authority for it.

Article I, section 10, clause 3 of the Constitution says that "No State shall, without the consent of Congress . . . enter into an agreement or compact with another State."

The Framers of the Constitution required that Congress would have to approve these agreements to protect the interests and rights of the other States. This also protects the rights of the citizens within the States that are party to the compact by providing Federal oversight.

This clause was a compromise. There were those who wanted to give the Federal Government greater power over the States, including the authority to regulate to negate State laws. Others felt very strongly that this would be overly nationalist and broad.

The Constitutional Convention, rather than giving the Federal Government complete control over everything, or nothing, compromised. They compromised for the good of the Nation. They granted the Federal Government blanket authority over some areas. They also limited the Federal Government's authority in others. And they required congressional approval for agreements between the States.

This compromise, one of many that formed our great country, demonstrates that two opposing sides, who each feel passionately about their point of view, can come together and compromise for the good of the Nation. They each put aside their well-intentioned and strongly held belief that they were completely correct, and that the other side was completely wrong, and found a way to work out the differences. Each gave up something they held dear in order to achieve a higher good: That was the creation of a strong Nation, a Nation that would endure.

Madam Speaker, there is a lesson here, a 224-year old lesson for us who serve in Congress today.

Once again, I thank the chairman and ranking member.

Mr. GOHMERT. I have no requests for time, and I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield as much time as she may consume to the distinguished gentlelady from Houston, Texas (Ms. JACKSON LEE), a senior member of the committee.

Ms. JACKSON LEE of Texas. Madam Speaker, I want to applaud the gentleman from Texas (Mr. GOHMERT), the ranking member, and my colleague from Missouri, and to echo the comments of Mr. CONYERS on his father, but also the stellar work that he is doing. As a member of the delegation, we can always count on Missouri to test the Constitution and to ask the United States to do what is right.

I am rising to support this compact. Frankly, I want to really embrace it because it is maybe one aspect of legislation, Madam Speaker, that we are ac-

tually bipartisan and supporting it without hesitation.

I, frankly, believe that the Federal Government should not overreach as it relates to compacts that have been between States. But I do think that regulation is key and crucial to give States extra leverage.

So let me congratulate Mr. CLAY. And I look forward to supporting this legislation.

I will add, as well, that when I think of bonds, I think of opportunities for building, using resources to restore. And by the very nature of that, Madam Speaker, we're talking about creating jobs.

So I add another applause to this particular legislation coming out of the Judiciary Committee because, for once, among many bills that we have been debating from the Judiciary Committee, this bill might enhance opportunities for jobs. I think of bonds. I think of jobs. I think of utilization of funds from bonds as they mature. And this is a good thing.

I'm sad to say that in the course of the time that we've spent, maybe over the last 3 weeks, when we could have actually engaged in reasonable debate on how we raise the payroll tax, how do we extend the payroll tax cut, and how do we extend the unemployment benefits, we have not been able to do that.

So let me just share my assessment of the folk who are needing unemployment benefits. Personal savings have gone. Family savings have gone. They've exhausted the 401(k)s and they have tapped every other fungible amount of dollars that they might have, maybe even to the kiddie's saving account that started with 25 cents, leaving many individuals in this harmonious, humble holiday time, desperate, desperate for a job, desperate for assistance, desperate for being able to pay their mortgage, desperate for paying their rent.

Madam Speaker, maybe we should also say, desperate in getting one more allotment of food stamps. Maybe we're not aware that there are 46 million families on food stamps, and most of them wait all the way to the exhaustion of those food stamps; find themselves, before the next opportunity for food stamps, literally drinking water, making tea, and eating crackers. There was an expose on this just recently on one of our cable stations, families waiting until 12 midnight to watch and see if their account has in it the amount of money they needed to enter a grocery store to feed their children.

I don't believe that we can leave this sacred and august institution without, one, providing relief on extending the payroll tax cut, giving \$1,000 and \$1,500 to the American working class. And clearly, I don't believe that we can leave without providing for unemployment. Every dollar invested in unemployment insurance yields \$1.52 in economic growth, and at least 200,000 jobs

will be lost if Republicans block extension of the unemployment insurance.

In fact, frankly, I know that Scrooge would not find a place of comfort in this House.

□ 1640

We have always risen to the occasion of helping the most desperate. Whether it has been under Franklin Delano Roosevelt in World War II, where he had to put the apple sellers back to work, or whether it was when our President had to stop the bleeding with the \$800 billion stimulus, we have always risen to be able to find a way to move our economy. And if we would tell the truth, we would see that our economy is percolating along.

So in the tribute of President Obama, who speaks today in Kansas in the same place that President Teddy Roosevelt spoke about opportunity for Americans, I'm asking for the Members of Congress to come to the floor and give opportunity for Americans.

I will close by saying to my friends, there are many good friends who are running for President. Many of us have worked with them. And anytime an American wants to offer themselves to serve this country, I have no angst with them, no matter how much I disagree with their policy. But let me be very clear, as a child that grew up poor, lived with neighbors who were poor—not in our minds, but certainly by our economics—I want to make the record very clear: poor children have role models because poor families get up every day and go to work. And the solution to poor children being the best that they can be is not a Donald Trump apprenticeship, and it sure isn't to get rid of the working janitors who are supporting their families and put the poor children to work.

I hope that we can do better than that, Madam Speaker, and get back to work and make sure we extend the payroll tax for working families. And let's extend the unemployment insurance for the 99ers.

Mr. CONYERS. Madam Speaker, I yield as much time as he may consume to the distinguished gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the Representative from Michigan for the opportunity to speak to this measure and to really express concern about the inordinate time that we are spending on measures that allow us to harm the air that we breathe and the water that we drink.

The American people are asking us to set priorities here that focus on job creation. They're demanding that this body focus on jobs and helping rebuild our economy. Instead, we seek to be spending hours debating regulatory and bureaucratic measures that are flawed and would dramatically undermine the ability of our government to protect the air that we breathe and the water that we drink. Instead, I would

suggest that our time be better spent focusing on putting more money in the pockets of American workers, empowering our middle class.

Mr. GOHMERT. Will the gentleman yield?

Mr. TONKO. I yield to the gentleman from Texas.

Mr. GOHMERT. I thank the gentleman.

If our time would be better spent on those things, we would be glad to withdraw the suspension on your suggestion and just drop it right now. We will be glad to do that. I will make that offer.

Mr. TONKO. Madam Speaker, might I suggest that during this holiday season, as the American public struggles to pay bills that range from gas bills to groceries that are required for their mortgages, again, the focus should be on job creation. And the payroll tax holiday is nearing its expiration. This body should act to extend that tax cut for hardworking middle class American families. A failure to do so would result in job losses, a reduction in economic activity, and higher taxes for many families when they can least afford it.

So my suggestion here is to stop wasting time on less important priorities and start focusing on creating jobs and standing up for our middle class, enabling them to strengthen their purchasing power and to enable our economic recovery to be as vital and strong as possible.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. As a closing comment, I have come to know the gentleman from Missouri (Mr. CLAY), my friend across the aisle, and hold him in very high regard. I appreciate very much his comments earlier about what this compact means to Illinois and to Missouri. I know Mr. CLAY has been a leading proponent of this happening, and I really very much appreciate his comments. This will not provide jobs across the country, but it solves a problem. It will ease things for those two States so that jobs should be easier.

And I was totally serious when I offered my colleague who was saying that we were wasting our time on this—I know Mr. CLAY and many others have spent a great deal of time on this, and I didn't think the Democrats that were pushing this bill so hard were wasting our time. I think it's a very legitimate use of our time.

Some people like to confuse the term "interstate," as used in the Constitution; and they want the term "interstate" to be expanded, as it has sometimes, to apply to nothing but activity wholly within one State. The Supreme Court has even given some regard to those kinds of arguments, but this is not one of those cases. This is a matter that's been taken up and passed by the Senate, and we should pass it today. It takes up a matter clearly between two States that makes it interstate.

And then it is not the State of Illinois or Missouri coming and begging for the Federal Government to take over a State responsibility. It is two States with different opinions, different concerns, but wanting things to work together for good, coming to a solution; and then the Federal Government, since it is interstate, must recognize that compact. I think it is an appropriate thing to do. I don't think the Democrats who are pushing this bill were wasting our time. I think it's an appropriate use of Federal time.

With that, I would urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. NOEM). The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the joint resolution, S.J. Res. 22, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING AMERICAN LEGION GUIDANCE TO INDIVIDUAL POSTS

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (S. 1639) to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL POWER OF AMERICAN LEGION UNDER FEDERAL CHARTER.

Section 21704 of title 36, United States Code, is amended—

(1) by redesignating paragraph (5) through (8) as paragraphs (6) through (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1639, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

The American Legion received its Federal charter in 1919 as a patriotic veterans organization. Today, the Legion is America's largest Veterans Service Organization with 2.5 million members. Membership is available to persons who have served in the United States Armed Forces during wartime, including the current war on terrorism, and were honorably discharged or are continuing their service.

□ 1650

The Legion's goals are to uphold and defend the U.S. Constitution, promote worldwide peace and goodwill, and preserve the memories of the two world wars and the other conflicts fought to uphold democracy. The Legion also aims to cement the ties and comradeship born of service and to commit the efforts of its members to service to the United States.

The American Legion has over 14,000 local posts. The national organization is not designed to have control over all the independent posts. As the Supreme Court of Minnesota has found, local "posts and State chapters are separately incorporated . . . and the posts all have their own constitutions and bylaws." The court found that there was a very limited relationship between the posts and national headquarters.

The national organization's "Officer's Guide and Manual of Ceremonies" states "the post is a separate and distinct unit which can and often does function independently."

The American Legion has asked Congress to amend its Federal charter to specify that the national organization may provide guidance and leadership to the individual departments and posts but that it may not control or otherwise influence the specific activities and conduct of the departments and posts.

The director of the Legion's National Legislative Commission explained the request by stating the following:

"The Legion wants to allow members to renew their memberships and pay their dues to the national organization through the use of a credit card over the Internet . . . Currently, these dues payments flow to the national organization from our posts through our departments. We are concerned that plaintiffs' lawyers would argue this would indicate that the national organization has control over those departments and posts . . . Appearance of control may . . . support a claim of liability against the national organization when a legal dispute against a post arises."

S. 1639 amends the Legion's Federal charter as requested. Our colleague, the gentleman from Pennsylvania (Mr. ALTMIRE), introduced the House version of the bill, H.R. 2369, which the Judiciary Committee approved by voice vote.

I thank the gentleman from Pennsylvania for his work on this legislation and am pleased to see that his bill has a remarkable 432 cosponsors. It's almost unheard of.

So there are things that this Congress needs to be doing, and there are many things that are very important that this Congress does; but this is something that only the Congress can do. So if we hear from other speakers who want to talk about a jobs bill, I would encourage them to go talk to the Senate about the 15 to 20 jobs bills that they are down there sitting on.

I look forward to the day when the President says that this is a do-nothing Congress that he's no longer half right in making that statement. The House is certainly not a do-nothing House. The Senate is sitting on many bills. This is a bill for which the gentleman from Pennsylvania saw a need, so he stepped up and filled that need, and I appreciate his efforts in doing this.

The American Legion has performed a great service in bringing together veterans. I've spent a great deal of time with American Legion posts, and I'm grateful they exist. I think this is a good bill, and I would urge my colleagues to support it.

With that, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume and am glad to be the Hoyt Wilhelm of the Judiciary Committee and to relieve the gentleman from Michigan, Chairman CONYERS.

S. 1639, the Senate version of H.R. 2369, is a bipartisan bill which makes a minor change to the Federal charter of the American Legion. The American Legion, as we all know, is the Nation's largest veterans service organization, which was chartered after World War I, by Congress in 1919.

S. 1639, introduced by Senator TESTER of Montana, a distinguished Member of the Senate, is the Senate companion of the bill introduced by the distinguished Representative and former defensive back from the Florida State Seminoles, Representative ALTMIRE of Pennsylvania, who introduced H.R. 2369. He did a phenomenal job of getting 432 cosponsors—433 if including himself in the sponsorship. He can't be a cosponsor because he is "the" sponsor, which might make this the easiest suspension vote we've ever taken.

The change made by this bill simply reaffirms the organization's structure, which grants broad autonomy to the departments and posts throughout the country. While this is not a major change to the existing charter, it will

help the American Legion carry out changes to the membership renewal process that were adopted by resolution at its national convention last year.

Senator TESTER and Representative ALTMIRE are responding to a call from the American Legion. I am proud to join with them, as just about everybody else is in this House; and I support the bill.

I reserve the balance of my time.

Mr. GOHMERT. I continue to reserve the balance of my time.

Mr. COHEN. I now yield 3 minutes and 7 seconds to the gentleman who represents the State of Pennsylvania (Mr. ALTMIRE), an alumnus of Florida State University, who lost to the University of Tennessee in the national championship football game that I attended in Phoenix.

Mr. ALTMIRE. I thank the gentleman, my friend from Tennessee, and I especially thank the gentleman from Texas for his kind words.

There are other things that are more important than this—our friends in the American Legion would be the first to agree—that we are working on in this Congress; but as the gentleman from Texas pointed out, this is something only the Congress can do.

This is an important issue for the American Legion. It modernizes the charter of the American Legion, and it clarifies the local autonomy of the local posts throughout the country. This needs to be done. It is important, and it is something that we in this Chamber have come together to do. It is long overdue.

When I first introduced this bill in June, I started to talk with folks in this Chamber, and I found out that there really are things we can agree on. We've spent a lot of time over the course of the year—in fact, a lot of time today—pointing fingers at each other and casting blame and talking about all the things that we don't agree on. Yet, for our men and women in uniform, the people who are honorably and bravely serving this country, and our American veterans, we agree that they need this change and that we support them.

As the gentleman from Texas pointed out, according to the Congressional Research Service, this bill that we introduced in the House, which is the companion bill to the Senate bill on which we will vote tomorrow, has received the most cosponsors of any bill ever introduced in the history of the Congress—432 cosponsors. It's more than any bill that has ever been introduced in history. It passed unanimously in the Senate after it was introduced in October, which shows there really are things we can work together on.

Maybe this isn't the most important thing we could be doing, but it's something we need to do; and it's something we're going to do. Hopefully, it will

send a message on both sides of this Capitol that we should come together and that we should put our differences aside. That doesn't mean we have to always agree, but at least let's work together, because this bill proves we can do it.

So I am proud to stand here as the author of the House companion of this bill, and I am a proud supporter of the Senate bill that we will be voting on. I'm grateful that Senator TESTER took the leadership role in the Senate to get this done.

I thank the gentleman from Texas, and I thank the gentleman from Tennessee. I support this bill and urge my colleagues to vote for it.

Mr. COHEN. I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, again, Mr. ALTMIRE is owed a great debt of thanks. When my friend from Tennessee said this was a bipartisan bill, apparently it's the most bipartisan bill ever brought before the House. It's wonderful that a group like the American Legion could bring us together, and I appreciate Mr. ALTMIRE's efforts in doing that.

I would urge my colleagues to support its passage. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, S. 1541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHANGES IN MEMBERSHIP REQUIREMENTS FOR BLUE STAR MOTHERS OF AMERICA, INC.

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF MEMBERSHIP TERMS.

Section 30504 of title 36, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the text preceding subparagraph (A) and inserting “she is a mother (meaning a woman who filled the role of birthmother, adoptive mother, stepmother, foster-mother, grandmother, or legal guardian) of a person who—”; and

(B) in subparagraph (B), by striking “in World War II or the Korean hostilities”; and

(2) in paragraph (2), by inserting “or is a citizen of the United States living outside

the United States” before the period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1541, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1700

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

The Blue Star Mothers of America was established during World War II and federally chartered in 1960. The organization's 5,000 members and 225 chapters provide support for our men and women in uniform and assist veterans' organizations. According to their charter, the Blue Star Mothers also care for unsupported mothers.

Membership in the Blue Star Mothers is open to a mother, an adoptive mother or stepmother who lives in the U.S. of a child who serves in the Armed Forces or has served in the Armed Forces during World War II or the Korean War.

Wendy Hoffman, the national president of the Blue Star Mothers, has sent a letter to the committee and requests that their charter be amended consistent with the resolution passed at their national convention. She stated the following:

“As mothers of American servicemen and veterans, we recognize changing family dynamics and have found it extremely important to include other ‘mothers’ who have played a part in raising military heroes and also those mothers who are not residents of the U.S.”

The Blue Star Mothers have also opened membership to mothers of children who have served in the military at any time. This bill makes the changes to the charter requested by the Blue Star Mothers. Our colleague SCOTT Tipton introduced the House version of the bill, H.R. 2815, and the Judiciary Committee approved Mr. TIPTON's bill by voice vote.

This commonsense bill opens eligibility to “a woman who filled the role of birth mother, adoptive mother, stepmother, foster-mother, grandmother, or legal guardian” to a current member of the Armed Forces or to a child who has served at any time. To be eligible, the mother will not have to reside in

the United States as long as she is a U.S. citizen.

I urge my colleagues to support this bill to help enable the Blue Star Mothers to continue their wonderful work.

With that, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

S. 1541, the Senate version of H.R. 2815, is another bipartisan bill to revise the Federal charter of the Blue Star Mothers of America. The revisions implemented by the legislation once again reflect minor changes recently made to the organization's membership eligibility requirements.

The Blue Star Mothers of America, representing the mothers of military servicemen and -women, has been a federally chartered organization since 1960. The existing charter restricts member in three ways:

A, members must be birth mothers, adoptive mothers, or certain stepmothers;

B, members must be U.S. citizens currently living in the country; and

C, the corresponding serviceman or -woman must be currently serving in the Armed Forces or must have served in World War II or the Korean War.

Last year, at the organization's national convention, the group adopted a resolution expanding these eligibility criteria. A conforming amendment to the Federal charter is needed in order make these changes operable.

S. 1541, the Senate bill, was introduced by Senator MICHAEL BENNET of Colorado. Its House companion was introduced by Representative SCOTT Tipton, also of Colorado.

The legislation makes three minor revisions to the organization's charter:

First, to expand the membership eligibility requirements to include foster mothers, grandmothers, female legal guardians, and all stepmothers;

Second, it expands membership to U.S. citizens living abroad;

Third, it expands eligibility to servicemen and -women who served in prior conflicts other than World War II and the Korean War.

Our men and women in the military need all the support we can offer, so I applaud this effort by the Blue Star Mothers to provide the circle of support that the organization can provide. They do much to remember our servicepeople, and I appreciate their efforts. I support these changes, and I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, this is also another very bipartisan bill.

The Blue Star Mothers is a wonderful group. I have met with them and I have wept with them. I've prayed for them and am grateful to them for their work. I'm grateful for my mother, who passed away in 1991, as the mother of a servicemember and my stepmother as well, now.

What they're asking for makes perfect sense, and I would encourage my colleagues to support this resolution as the Blue Star Mothers have requested.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, S. 1541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAVE THE POST OFFICE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, the other day the Postmaster General said that first class mail wasn't going to be first class anymore; it wasn't going to be overnight; it might be 2 or 3 days.

Because of the problems we have with making the post office financially sufficient, there are ways they could accomplish this, and I've got a bill that allows them to go into other services to expand their revenue base, and there's also about \$5 billion that's an issue concerning payments into a health fund that could be resolved.

The post office is almost as American as apple pie. A lot of people will switch to using the Internet to pay their bills and they'll never go back to the post office. I'm afraid that what's been recommended is penny-wise and pound-foolish, and a great American institution that serves many rural people and others without a lot of connectivity and fortune will suffer.

I wish the Postmaster General will reconsider his action. I have a "Dear Colleague" being circulated. I hope people will sign on and that we will save the U.S. Postal Service.

AMERICA AT A CROSSROADS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Madam Speaker, there are an awful lot of people hurting across America now.

We take up a few suspension bills here that only the Congress could deal with, so it's something we have to do, we're proud to do, important to those organizations in two States. It's important to them; it's important to us.

We have people on the other side of the aisle who come forward and try to make it into a jobs debate when it would seem that some of the best debate would be if all of us, en masse, walked down to the other end of the

hall of this building and began to seek to debate the Senate—the Senate leadership, that is—and Democratic Party on why they are so intent on stopping legislation that could put people back to work.

There are many besides the President, in addition to the President, who say this is a do-nothing Congress; and because the Senate does so very little, they give credence to that argument. One need only look to all the bills we have been passing here in the House that could help the economy, would help the economy, would put people back to work, would bring down dramatically the cost of energy, which would bring down inflation and the stagnation and stagflation that's been put in place by this President and, actually, the 2 years prior to this President when our Democratic friends across the aisle controlled Congress and jumped up spending like we could not have anticipated.

Our friends across the aisle correctly pointed out that Republicans in 2006 were spending too much money. They were right in pointing out that we should never be spending \$160 billion more than we were taking in. They were right.

As a result of their being right on that and their promises that they would rein in that runaway spending, our friends across the aisle were given the majority in November of 2006.

□ 1710

What followed in 2007, 2008, 2009, and 2010 under the Democratic majority was runaway spending at a level never even dreamed of, at least on our side of the aisle.

Who would have ever dreamed that the same party that condemned Republicans—correctly—for overspending the amount of money coming into the Federal Treasury by \$160 billion would up that ante and overspend by 10 times that much? Over a \$1.5 trillion deficit in just 1 year. It is just unfathomable.

One of the things that so concerned me about TARP, not only the bill when I read it, but the fact that it desensitized Americans to just how much \$700 billion is and how much it was in late 2008.

It's my belief that if we had not passed TARP and people being so desensitized as to how much \$700 billion was, President Obama could never have gotten through what was said to be around an \$800 billion porkulus, stimulus, whatever you want to call it, which turned out, by some accounts, to be more like a trillion dollar giveaway program—only if you consider giving away amounts like \$500 million to \$600 million to Solyndra, that goes bankrupt, as throwing away money.

We have set this country on a course toward ruin. And now the Secretary of the Treasury, Mr. Geithner, who we recall had time with the International

Monetary Fund, as came to light during his unfortunate confirmation hearings, 4 years in a row he was paid by the International Monetary Fund and was said to be an independent contractor, although he manifested control and some level of governance within the International Monetary Fund. He had a job with the International Monetary Fund, but they paid him as an independent contractor, and, therefore, when he signed a document swearing that he would pay all of the taxes due on those amounts that were listed on those four documents, then he was allowed to receive all of the money that should have been paid to the Federal Government in taxes in return for his sworn agreement to pay that tax independently on his own. As we found out during those confirmation hearings, he did not fulfill his oath. He broke his oath. He didn't pay those taxes, and now he's in charge of the Treasury. How amazing.

I've privately had Internal Revenue Service employees tell me how grieved they were to have had someone who did not pay his taxes when he was required to do so by law, went even further and he signed a sworn document that he would take care of it, and didn't, because, despite all the jokes about the IRS and despite there being some people with the IRS who can be a bit brutal at times, there are some wonderful people who work for the Internal Revenue Service who are abundantly fair, want to do the right thing, and have incredibly clean backgrounds.

In fact, the rule as I was given to understand by IRS employees is, if you ever have underpaid your taxes or failed to pay taxes, you're out. You cannot work for the IRS. There have been incidents where an IRS agent has overpaid taxes and then recalled someone giving them cash, and without anyone ever being able to hold them accountable, no one would have ever reported it, but to keep a clean conscience because an IRS agent was so clean and had a conscience and wanted so to abide by honesty and truth and the U.S. law, filed an amended tax return which still allowed a refund coming back. And as a result, their employment was in jeopardy.

Imagine the feeling of Internal Revenue Service employees who have had to throughout their stellar careers at the Internal Revenue Service, had to keep all of their affairs clean and in order, open, honest, to find out they are going to be ruled and governed by someone who misrepresented on signing a sworn document that they would pay taxes that they didn't until someone called it to their attention prior to being appointed to that role. It has to be tough for IRS agents who have had such stellar, honorable careers to have dealt with that.

So what's wrong with having somebody who plays so fast and loose with

signing documents, not paying taxes, playing with other people's money in the International Monetary Fund? I would submit to you that we get things, as we have here recently, with our Secretary of the Treasury, who enjoyed spending hundreds of billions of dollars from TARP, who has enjoyed the power of giving away money, paying money. Under TARP, in fact, a provision allowed the Secretary of Treasury to pay more than fair market value if anything—and this is my interpretation—if anything in his opinion, his sole opinion, would somehow, some way, some day help our economy somehow, even if it was helping a foreign economy. That's the mentality at the IMF and apparently the mentality currently at the Treasury Department.

I did not think we could get a worse Treasury Secretary than Hank Paulson until we got our current Treasury Secretary, making the mistakes he has and taking the position he has, and now wanting Americans to come in and bail out foreign countries who are slightly ahead of us on the road to socialism.

If you go back to the Roman Empire, the Romans found that over time when you continue to give people bread and circuses, they come to rely on those. They come to believe that they shouldn't have to work, that the government will give them entertainment and will give them money to use, food that they need, and it materially affects work.

Socialism of a sort was tried in the New Testament church. And on this Earth, on this planet with fallible individuals, it resulted, as it always has and always will, in the Apostle Paul ultimately having to come to the conclusion and issue the order, okay, new rule: if you don't work, you don't eat.

The Pilgrims had a beautiful compact. They were going to bring together all into a common storehouse and share and share alike. That brutal first winter caused them to lose so many. Eventually, they got to a new thing that we now call private property where people would own their own property, produce from it as they wished with full freedom to do so. They could eat what they raised. They could trade what they raised. They could use it as they saw fit. That kind of mentality and that kind of structure that affords private property to people to own and use on their own, or rental property that they can use to produce income, those kind of freedoms have allowed the entrepreneurship that has brought us to the point in history where we are the greatest Nation in the history of mankind, with more freedoms than any in the history of mankind.

□ 1720

But over time we've seen those who fled Europe and England to come to

America to start a new life, so many of them fleeing persecution as Christians, coming to a new land where they would not be persecuted as Christians. They came to America. And with private property engendering the kind of thought processes that led our Founders through the guidance—divinely, I believe—that they got, as pointed to by so many of the Founders, we got our Constitution. We have a structure of government from Founders who did not trust government; who wanted to make it as difficult as possible to pass laws. Even once they were passed, they could be vetoed. Struck down. They wanted it difficult. They saw gridlock as being a good thing. The more difficult it was to pass laws, the less chance the government would interfere in personal property rights and personal freedoms of the individual.

Europe after World War II seemed to move into this socialist type of thinking where the government will take care of people. Some in this country after World War II for 60 years, going on 70 years now, have been pushing an agenda to get us to a socialist state, where we take on the attributes of those systems that have repeatedly failed over and over in time.

I was recently in Israel. I went to a former kibbutz. Those were truly communes. They had real communism there. Share and share alike. But socialism, communism, it can sound so nice. Everyone bring in to the common storehouse. Share and share alike. It sounds nice, but it never works.

And I saw that so clearly in an exchange program to the Soviet Union back in 1973, when it really was the Soviet Union. And on visiting a collective farm, a socialist farm, you look out, the fields did not look very good. I have worked on farms and ranches, and those did not look productive. But I was surprised to see in the middle of the morning the farmers were sitting in the shade in the center of the village. I spoke some Russian back then and asked as nicely as I could without meaning to insult because I really was curious, When do you work out in the fields? And they laughed. And one of them that seemed to be the most boisterous of the group said, I make the same number of rubles if I'm out there or I'm here in the shade. So I'm here in the shade.

That's socialism. That's why it fails. And we've seen the riots in Greece as the government tried to be responsible and say, Look, we're going broke. We're out of business. We have got to stop spending money we don't have. We've got to rein it in. And people have rioted and say, No, no, no, don't cut back what I'm getting from the government, not understanding if it's not there, your government will eventually be taken over by some type of radical form—at least historically that's what often happens—and some dictator,

which they would hope would be a benevolent dictator, would take over, get the rioting under control, and set the government on a course.

We saw a government after World War I in Germany trying to work toward a process. Economic times were tough. So a little guy with a mustache ends up actually getting elected to office and then eventually taking over the country. We know the results of that—at least most of us do. There are some, like Ahmadinejad, that thought the Holocaust never happened. But it did.

So why in the world, when we see how that works out and we see that a country will not accept its own responsibility, as incredible as the people can be of a country like Greece—you meet people from Greece, you love them. They're just great folks. As beautiful as a country can be, as rich a history as a country can have like Greece, you want to embrace them. Understandable.

But when a people such as those in Greece want to continue down a bankrupt course and you see them heading for the edge of a cliff and they say, Come join hands with us, it doesn't make me feel any better to hear people like Secretary Geithner say, figuratively speaking, Let's join hands as they jump off the cliff and take us with them. But we're told, Well, gee, some of the European countries, they'll feel better about trying to bail out Greece if they know that the United States will come in if things don't work out and bail them out.

We have had such radicalized spending that's been out of control. And until we get that under control, we're of very little use to most of the world economically. The best thing we could do for Greece, for all of Europe, is get our spending under control, come back from a point of strength financially, show them by example how you get out of your problems, and then the world will be better off financially because you see repeatedly in history when a country gets in trouble financially, it opens the door to dictators or a radical form of a government such as we see in Iran today. That wasn't entirely economic.

We do recall—I was in the Army at the time—when President Carter failed to support our ally, the Shah. I never met the man, but apparently historically not a warm fuzzy fellow. Was not fine with the folks in Iran. But using very poor judgment, President Carter hailed the Ayatollah Khomeini in his return to Iran as a man of peace; and as a result that man of peace, as President Carter hailed him, thousands and thousands and thousands of Americans have given their lives or had their lives taken from them.

There are prices that are paid by bad judgment; and this country has paid a price for bad judgment, and now we

have more efforts at bad judgment. That would include telling the world that as we've overspent more than a trillion dollars more than what we have coming in. Don't worry, we'll come bail you out. I was surprised to find out this summer that we're not printing money to get us out of our problem. No, we're not printing money. I was surprised to find out—because I've said that before. I think we're just printing money to try to pay off our debt. That causes runaway inflation. I was corrected. And I stand corrected.

We're not printing money to get out of our financial dilemma. No, I was told we're not printing this money. We're just adding ones and zeroes in a computer to say that we've got more money. We're not even printing it anymore. How irresponsible is that? There is a price that will be paid for that kind of irresponsibility, and it is very tragic that it may well be paid by our children and grandchildren. It is the height of irresponsibility to leave that to future generations.

And then to have our Treasury Secretary say, Let's go bail these folks out. Well, it's not really us. It's the International Monetary Fund.

□ 1730

It is kind of reminiscent of President Obama saying, We're going to go get Qadhafi, we're going to help these so-called "rebels," but we're not actually going to do it. No, we're not going to do it; NATO will do it. We started a little bit out there, but now it's not the United States at all; it's NATO.

So we checked, and we find out 65 percent of NATO's military is United States Armed Services. Oh, no, it wasn't NATO—much. Sixty-five percent was the United States. It was the United States. And now the Secretary of the Treasury wants us to do this with countries that are failing and yet still unwilling to embrace the problem they've created.

And then we're told there's such great news, that unemployment has now dropped from 9.1 percent to 8.6 percent, or 9.0 to 8.6 percent, and we're supposed to feel like that is such a wonderful thing. I'm not a huge fan of *The New York Times*, but there was an article in December 2's *New York Times*, an editorial entitled, "Been Down So Long." I think it's worth entering into the CONGRESSIONAL RECORD by its reading.

The unemployment rate dropped to 8.6 percent in November from 9 percent in October in the jobs report released Friday. The economy added 120,000 jobs and job growth was revised upward in September and October.

That's better than rising unemployment and falling payrolls. Yet, properly understood, the new figures reveal more about the depth of distress in the job market than about real improvement in job prospects.

Most of the decline in November's unemployment rate was not because jobless people found new work. Rather, it is because 315,000

people dropped out of the work force, a reflection of extraordinarily weak demand by employers for new workers. It is also a sign of socioeconomic decline, of wasted resources and untapped potential, the human equivalent of boarded-up Main Streets and shuttered factories.

The job growth numbers also come with caveats. More jobs were created than economists expected, but with the job market so weak for so long, that is a low bar. It would take nearly 11 million new jobs to replace the ones that were lost during the recession and to keep up with the growth in the working-age population in the last four years. To fill that gap would require 275,000 new jobs a month for the next five years. That's not in the cards. Even with the better-than-expected job growth in the past three months, the economy added only 143,000 jobs on average.

And most of those new jobs are low-end ones. In November, for example, big job-growth areas included retail sales, bartending and temporary services. Teachers and other public employees continued to lose jobs, and job growth in construction and manufacturing were basically flat. Indeed, work—once the pathway to a rising standard of living—has become for many a route to downward mobility. Motoko Rich reported in *The Times* recently on new research showing that most people who lost their jobs in recent years now make less and have not maintained their lifestyles, with many experiencing what they describe as drastic—and probably irreversible—declines in income.

Against that backdrop, the modest improvement in the jobs report, even if sustained in the months to come, would not be enough to repair the damage from the recession and its slow-growth aftermath. Help is needed, yet Congress is tied in knots over even basic recovery measures, like extending federal unemployment benefits and the temporary payroll tax cut.

Meanwhile, the increasing likelihood of a recession in Europe, or any other setback, could easily derail the weak American economy, sending unemployment back up to double-digit recession levels.

Now, we've been hearing a great deal lately from the President and from Members of Congress on the Democratic side about how we just needed to extend this wonderful payroll tax holiday. Well, as the person who came up with the idea of a payroll tax holiday 3 years ago, I'm offended at the use of the term "payroll tax holiday" to cut 6.2 percent Social Security tax down to 4.2 Social Security tax when it has not increased jobs, it has not helped jobs.

We're talking \$30, \$40, \$50, \$60, when the payroll tax holiday I was proposing was a true holiday. It would have allowed every worker in America not to pay any Social Security tax, any Medicare tax, any income tax for at least 2 months. It would not have hurt Social Security, the trust fund, and it would not have hurt the Medicare system because it was totally paid for.

My bill said that money that was leftover—which was available at the time before our Secretary of the Treasury just started giving it away—that money would be moved over and would cover the Social Security trust fund monies that were necessary so the tax would not be missed. It would cover the

monies that were supposed to go in to cover Medicare. And so the only way that money would be missed is that Secretary Geithner would not have been able to give it away and support those four-to-one Democrats or Republicans that are executives on Wall Street and who reside in controlling our investment banks.

And that's a shock to some people when they actually do their research and find out Wall Street is four-to-one Democrat over Republican because they've been listening to Democratic leaders for years talk about those sorry fat-cat Republicans on Wall Street. Well, they hadn't done their research either; or if they had, they would have been very disingenuous in so saying.

That money—as I and many others contended—that was in TARP and was in the slush fund of the Secretary of the Treasury would have been far better used by those people who earned it, by just saying you get every dime back that you were paying in this month and next month. And I also knew privately in my heart that if we could have that payroll tax holiday, a true payroll tax holiday for 2 months—and initially I said a year.

But if we could have had that for even 2 months, then I knew taxpayers across the country would see—many, most for the first time—just how much money they were sending for the Federal Government to use, and they would demand better from their Congress, from their President. They would demand better from the bureaucrats in Washington that get to the end of the year and see they've got money left and rush out and throw it away, spend it on whatever they can. They would have demanded better government, and they would have gotten it or they would have fired everybody at the next election and gotten better. But we didn't get a true payroll tax holiday.

I was very honored to have a chance to explain the concept of a payroll tax holiday when President Obama came to our Republican Conference back in the first of the year in 2009. As I explained to him, this is immediate; it immediately helps the economy. Moody's said the tax holiday idea—a true tax holiday, not this bastardization of one—the true tax holiday would have increased the 1-year GDP more than any other proposal, more than any other Democratic proposal or any other Republican proposal. And as I explained to the President, we pass this and you sign it—and if you just say you are willing to sign it, we would get it passed. If you sign it on a Thursday, then on Friday all of that money, all of the income tax, Social Security, Medicare tax, all of that will be in the check of the person that owned it.

□ 1740

It doesn't have to go through Washington, and Washington take its cut

out and dribbles out \$30, \$40, \$50, \$60 to the worker. They got it all. And then, to know that was going to be paid for by stopping the giveaways to the auto companies, to the investment banks, to the fat cats, as the President calls them, that was what I wanted to see. And that money would go into the hands of the people that earned it, and then they would have decided.

We did a survey in our district about what people would use their money for. Look at your check. Think about it for 2 months. What would you use it for? And we weren't talking about \$20, \$30, \$40, \$50, \$60 like this President has. We were talking about, \$2,000 \$3,000 \$5,000 \$6,000. And when people did that, they told us, for example, we've got a gas guzzler, and gas is so high now we can barely pay our gasoline bill, but we're underwater on our car. We owe more than the car is worth so we can't afford to trade it in. So we're stuck.

You let us have our money for 2 months, we'll buy a new car. And the people in America would have decided which car companies deserved to be bailed out, and they would do that by deciding which car they would buy. And you wouldn't have had to have an auto task force secretly meeting in the White House and an auto czar and all those folks breaching the Constitution, breaching bankruptcy law, and deciding which dealers got to keep their dealership and which would have had them arbitrarily yanked away, only years down the road to find out, oops, we made a mistake on that. Oh, well, they're gone. Too bad. We could have avoided all that.

And with all the effort that was undertaken to try to shore up the real estate market, we had people telling us, look, we got behind on our mortgage payments when gas hit \$4 a gallon. You let us have the \$6,000 we'd get to keep over 2 months, we'll catch up on our mortgage. We'll catch up on the other things. You don't need to have some big financial bailout situation because we'll take care of it ourselves if we have our own money.

Then again, to know that that would have been paid for by the TARP money, and Social Security would not have been hurt. They would have gotten all the tax money that would have come in. It would have just come from TARP, instead of the individual taxpayers. And to know that Medicare would not have been hurt, because that money would have gone directly into Medicare, not from the taxpayer for 2 months, but from TARP. That would have been the right thing to do.

If you really want a stimulus, let the people that earned it spend it. They'll know better than the people here in Washington did.

And it didn't pass. And President Obama has chosen to take the name "payroll tax holiday" that I was using 3 years ago and use it for a 2 percent

tax. Why? Because it will look good for the election. Why? Because it looks to be so grand because, see, you can tell people that are working that, gee, the President's got you a petty \$30 extra in your check, and these Republicans don't want you to keep that.

That's not true. We do. But we also, at the same time, don't want Social Security not to have the money that it needs. What the President is not telling people, as he has pitted those who are working now against our seniors, and to the one group saying, hey, workers, I want you to have that little extra 30 bucks in your pay check, and Republicans don't want you to have it. And then going to seniors and saying, you've got to worry about those Republicans because they're not going to take care of Social Security, never bothering to mention that when he says we're allowing you to keep this money in your check now, it means that money will not be in the Social Security Trust Fund, not even the IOU will be in the Social Security Trust Fund to take care of our seniors.

We were told when this President was running that he was a uniter, not a divider. And yet we see in this campaign ploy that working people are being pitted against our seniors. We've seen class warfare. In essence, if you see somebody has more than you do, you need to want it and go after it. After all, that basically seems to be the one common thread running through all the Occupy Wall Street, Washington, all the Occupy groups.

We had them come through Washington screaming in the hallways today. It wasn't enough that they're trying to disrupt a beautiful park people used to enjoy. Why? Because they have no regard for private property. Why? Because they've become envious and jealous.

I can say that because I'm repeatedly told in the analyses that I have less assets than most people. One time I had the least assets of anybody from Texas in Congress.

My wife and I cashed out all our assets, except our house, so I could run for Congress, so I could try to make a difference. And I am not jealous of anyone who has more than me. I thank God we have a country where people can be entrepreneurs. And I've accepted that as a role I can play in helping try to do that.

So it breaks my heart when I see a President dividing America with class warfare, encouraging envy and jealousy. You ought to want what they have and demand that you get theirs. Leaders coming out and saying they fully embrace the Occupy movement, it's a great thing, when even the Occupy folks can't explain anything other than they hate the people that got more than they do.

Then there's a report—I don't often cite CNBC, but cnbc.com, more Ameri-

cans are going abroad for economic opportunities. It says that the State Department now estimates that 6.3 million Americans are studying or working abroad, the highest number on record.

We're told that 70 percent of Americans, adults, believe that their children will not have as much opportunity and freedom as they've had. That's why I ran for Congress. That should not happen. We can change that.

But I'm mystified when I think about the record spending in 2007 that was followed by additional record spending in 2008, under the guidance of Speaker PELOSI and Leader REID, because we know all spending originates in Congress. This is where budgets are passed. It's where appropriations are passed. If money is appropriated, it has to be appropriated from here.

In 2007, 2008, I never heard anybody, Democrat or Republican, complain that those budgets didn't spend enough money, each year going beyond what we had spent the year before. And so, then to have a new President come in in 2009, and with Speaker PELOSI and Leader REID still at the reins, jump up spending an extra trillion dollars, and then come before Congress and the country and say, look, you're just going to have to raise taxes to get up to where this extra trillion dollars is that I've already spent.

Why couldn't we just say, Nobody complained in 2007 or 2008 about too little money being spent. Let's go back to the Pelosi-Reid budget that was so much more than the Republican budgets of 2005 and 2006. We'll go back to those. It means we drop \$1 trillion in spending. Boom, there you go. We didn't need a supercommittee. There you are.

Another easy solution that isn't talked about enough, but this House voted to cut our own legislative budget 5 percent last year and 6.4 percent the year we're in. That amount of money, though significant to most of us, is a drop in the bucket when you look at the overall Federal budget. And the way that that should be used to make a difference is for this House, since we've done it to ourselves, now having the moral authority to say to every Federal department, every agency, we cut ourselves 5 percent last year, you're cutting yourself 5 percent next year.

□ 1750

And the year after that, since we've already done it, you're cutting yourself another 6.4 percent; an 11 percent cut. And there you are. We didn't need a supercommittee. You've got your cuts.

I am so grateful to Chairman PAUL RYAN. We had a good discussion back in July. Since he's been in Congress like I have, the four terms I have been in Congress, each time I filed a zero-baseline budget bill that says no more

automatic increases for every Department. No automatic increases. It ought to be an easy concept.

But we're living under the rules that were established for CBO back in 1974, a very, very liberal Congress that ended our participation in Southeast Asia. We should have ended it because we had not given our soldiers, sailors, airmen—we had not given them the go-ahead to win that war. We had tied their hands.

When I hear some people say we ought to remember the lessons from Vietnam—and then it turns out they didn't get the lesson. The lesson is that unless you are willing to commit 100 percent of the resources and give the rules of engagement that allow our military to win, they should never be sent. It is outrageous to have our military in foreign countries with rules of engagement that don't allow them to adequately protect themselves. That's the lesson that should have been learned from Vietnam. We could have won the war.

SAM JOHNSON can tell you, the leaders in Hanoi, as the POWs were taken out, one was laughing: You stupid Americans. If you had just bombed us one more week—like the 2 weeks they had before—we would have had to surrender unconditionally. They could have done that years before, saved thousands and thousands of American lives in Vietnam, but we didn't commit to win it.

We shouldn't send anybody anywhere unless we're committed to win. It costs too much money. But even more than that, it costs the greatest American treasure, and that's American lives.

We are in an economic crisis; and as Peter Marshall as chaplain of the U.S. Senate prayed in the 1940s: What we call crises, God sees as opportunities.

It turns out, those of us in the House, those of us in the Senate, even the President, have an incredible opportunity. We'll never be called the greatest generation; but 100 years from now, if we bring spending down under control, people can look back and say: Wow, they had about 60 years, 65 years of uncontrolled spending. It grew and grew and grew. And the people that were in government then did something that most have never been able to do when they get to that point, when nearly 50 percent are getting more back than they are paying in. They were able to restrain their spending, get control of their financial destiny, and we got another 200 years of the greatest Nation in history.

The other is possible. They could look back and say: Wow, the United States followed the tried-and-true path to the dustbin of history. They spent more than they had. People found that they could get Congress to vote them money out of the Treasury. And once again, that socialist concept failed, and the Nation failed. The Nation that pro-

vided for that brief time of Camelot, a time of hope, relative peace, evolving toward more perfect freedom, was lost because of financial irresponsibility.

People have heard me so many times quote Ben Franklin. But it's easy to see from Proverbs, it's easy to see from speeches of people like Ben Franklin, our problem is a selfish problem—anytime we spend more money than we have with complete and utter disregard, gross negligent disregard, even intentional disregard for the future of our children and one day their children and one day their children, complete disregard, we want to spend it on ourselves now.

It's time to tell Greece, to tell everyone, let's hold hands and do this together, not jump over the cliff by spending good money after bad. Let's do it by not spending money we don't have. And there's no way a country would not be upgraded when S&P and the world see, these people are really serious about not spending more than they have coming in.

This is a brave country. They know how to make commitments. And that would get us back to having true freedom and not having the American citizens have to come begging to Congress. Please, please, throw us more morsels. Instead, Congress would be a body that inspired greatness and inspired potential again and wouldn't lure young women into the rut of having children out of wedlock because they're bored with high school. It would, instead, give them incentives and encouragement: Reach your potential; finish high school; go to college.

Let's have incentives not to stay out of work. Let's have incentives to get back to work. Let's have incentives to sell our products around the world. You do that by decreasing the tariff that we put on American-made goods by every American company. That would help get us on the road back to financial independence.

One other thing: When you have been blessed as the greatest country in the world when it comes to having your own energy, we ought to use it. We have it. We've been blessed with it. It's time to use it. And I would humbly suggest that this President get out of the way, stop preventing us from using our own energy, and allow us to become an independent and great Nation again.

With that, Madam Speaker, I yield back the balance of my time.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2011 at 2:04 p.m.:

That the Senate passed S. 384.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 1800

THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. I thank you very much, Madam Speaker.

I am very pleased to join my colleagues this evening, including JOHN GARAMENDI of California, to talk a little bit about the standoff that appears to be happening in discussions between the Senate and the House and the seemingly irresolvable issue of whether or not average American families are going to be able to maintain a tax benefit on their payroll tax deduction relating to Social Security contributions for the average family, which is about \$1,000 a year; or whether that money is going to be taken away from them and, instead, tax breaks given to multimillionaires and billionaires in our country.

It appears that the Republican Party is quite averse to having everybody in this country pay their fair share, so I just want to go on record as saying, at this point in our economic recovery, nothing could be more important than keeping that tax benefit in the hands and pockets of America's families. They're the ones who actually take those dollars every month and buy essentials, not extravagant purchases. They make their car payments if they're fortunate enough to have cars; they buy enough food for their families; they buy clothing; my golly, during the holiday season, they might even be able to buy a little bit extra—something special—for their holiday dinners; and they pay down some of the debt their kids have in trying to pay their college or after-high school training bills.

It's really amazing to me that in the richest and most powerful country in the world that we continue to have this tremendous friction here in the Congress to do something that is so reasonable—that is just so eminently reasonable—and would contribute to economic growth. We know that consumer spending is the most powerful instrument to help lift this economy out of its doldrums.

We see the automotive industry recover, this industry that the Obama administration and certain Members of this Congress worked so hard to fight for the recovery of; and we got more signs of that today in Ohio with a wonderful announcement by Ford that it is moving its truck line from Mexico back up to Avon Lake, Ohio, and that it's making over a \$128 million investment there. We see car sales increasing, and that's because people have spendable income.

So why at this point in our history would you want to allow those who have the most not to pay their fair share and take away \$1,000 a year, on average, from middle class families who would spend those dollars in helping to propel economic growth?

I can guarantee you that at firms that I represent, like Chrysler, Jeep, Fiat, that the Wrangler, that the Cherokee, that the Liberty are selling very well and that General Motors' Cruze vehicle, which is largely a northern Ohio-made car, is selling like hotcakes because people are able to make those monthly payments. So that particular part of the discussion here in Washington makes such eminent sense.

Why in the world would you want to penalize middle class families because you want to just take care of the top 1 percent? It simply isn't fair. It simply isn't fair.

It would seem to me, in the holiday spirit, that the tax-writing committees of both Chambers should get together and figure out a solution that is fair to all families. It's pretty clear to me what that is, and it's pretty clear to me that with corporate profits at all-time highs and with those who run these corporations and sit on their boards that they have been doing quite well, thank you, and it's time for them to do something for the Republic.

It's not that big a deal. Who is going to miss an eighth home or a seventh yacht? But the average family is having trouble meeting its credit card debt, paying its children's bills, having enough, as prices go up, to pay for food on the table, and taking care of elderly relatives sometimes who need extra medications.

So I would urge those in both Chambers who are on these budget and tax-writing committees to spend the time that's necessary and not burden the American people with unnecessary delay. Instead, give the economy the boost that it needs by maintaining the middle class payroll tax cut and by making those in the top 1 percent pay their fair share.

Many, many years ago, they paid a lot more percentage-wise than they do today, and we had lots of job creation in this country. It simply eludes me why those at the very top of the income scale, who have taken most of the benefit of growth in the last 20 years and who are doing so well, are so

averse to helping our country and to making sure that everyone has a chance to prosper because, when everyone prospers, so does the top 1 percent. That's where this consumer spending injection from the middle class payroll tax cut plays such a significant role in the economy.

Now, as we buy for the holiday season, nothing could be more important than buying "made in the USA" goods. Why is that important? It's important because, when you see that label, "made in the USA," you know that those dollars flow back to that company and to those workers and that you actually help build wealth in this country.

Last weekend, when we were doing some shopping for the holidays, we went in one store. I kept looking at labels, and it was China, China, China; and I'd put them back on the shelf. It was actually staggering what percentage of those goods—a majority of the goods on the shelves—were actually made someplace else. I made a point of going to a craft fair in our region and was able to buy several Christmas gifts that were handmade. I felt really good about that because I knew that those were people who had taken their artistic abilities and that they had created tableware, table linens and other items. There was jewelry that was handmade. I knew the profits would benefit those families and that they would go to the communities that they came from. It shouldn't be so hard to find "made in the USA" goods on the shelves of our major retailers.

So I would just urge our citizens—and I know sometimes it's hard—as you're doing your holiday shopping to really try to look for that label "made in the USA" and to help your own community. Find small businesses and find products in your community that are made here so that those dollars recirculate over and over and over again and so they help to build the real wealth of our Nation that made America great.

I would urge you to look at candy-makers in your region, at those who are making cookies, at those who are small entrepreneurs of different kinds, making scarves. I was able to go to one potter in our region, and I ordered several items for this holiday season. That's a local artist who has her own shop and makes her own goods right there. She exports out of that shop, and I know that that's going to help our region grow. So we can do a lot in our own lives and in the way that we spend those precious dollars to really help job creation in our regions, in our country, at a time when we really need it.

I see that some of our other colleagues have joined us here on the floor. I want to thank Congressman PAUL TONKO of the great State of New York for joining us this evening. He is such an outstanding and really relent-

less voice on job creation and economic recovery in our country.

Mr. TONKO. I thank the gentlewoman from Ohio. Thank you very much for kicking us off on a wonderful hour of discussion as to a plan to revitalize our economy and to grow the opportunities for our working families across this country.

President Obama has ushered forward a wonderful package called the American Jobs Act that will enable us as an American society to respond to the crisis for jobs and to the crisis for economic recovery, all of which are incredibly valuable to the future of this country.

□ 1810

We need to invest, I believe, in a way that allows us to provide the tools that are essential for a modern-day economy and modern-day manufacturing. This proposal stands in sharp contrast to the work done a decade and a half ago, a decade ago.

What was done then is this spending frenzy that paid for tax cuts for millionaires and paid for tax cuts for billionaires and bought wars in Iraq and Afghanistan and offered a pharmaceutical plan for the Medicare program, all without having a payment mechanism.

And so this spending frenzy, which was tremendous, it was a huge bill for the American public, had been done off budget and had no funding sources. There were no pay-fors, as they are addressed today.

The contrast here with the President's proposal, with President Obama's proposal, is that there is an offering for relief for America's working families, for her middle class strata, with a payroll tax reduction extension, and that enables both employers and employees to realize the savings that then allow us to put together a balanced approach on assisting the economic revitalization of our working families and middle class, and on providing the investments that are essential in going forward, automating our manufacturing concepts in providing an inducement for an ideas economy into the equation of success for this country.

That all requires investment. And so as we look at this plan that is very balanced and paid for, we know that we can compete in that global market if we're given the appropriate revenues to invest in a modern manufacturing concept. Keep in mind, certain sectors were totally avoided by the Bush administration. No focus on agriculture, no focus on manufacturing, a focus on the service sector of the economy, but they are narrowly on the financial services.

We all know the saga there. We know the scenario all too well, that avoidance of a watchdog, turning our back so that there could be this laissez faire

approach that brought America's economy to its knees, and we saw the displacement of 8.2 million jobs.

That was painful and impacted people in tremendously profound measure, and people lost their lifetime savings through those failures. Housing values went down. They plummeted and, again, 8.2 million jobs were lost.

So we have an opportunity, Representative KAPTUR, as you've talked about an extension of the payroll tax holiday, we have an opportunity here to not only provide for savings, for our families, but for investments in a modern world manufacturing model that enables us to, again, utilize the strength of research, the strength of technology, the strength of ideas that can then bridge into a new threshold of manufacturing opportunities in this Nation, and then, of course, the investment in the human infrastructure where we train and retrain workers for that automated phase that comes in manufacturing.

So, I thank you for bringing the focus tonight on the floor of the House of Representatives to what we call in our caucus a progressive agenda for revitalizing the economy, and emphasizing, underscoring the concept of making it in the USA, making it in America, putting a focus, again, onto the manufacturing base.

I represent a host of communities dubbed mill towns. They were the economic engine for an industrial revolution. They were the epicenters of invention and innovation that led to this westward movement that enabled us to impact not only the growth of this Nation in favorable measure, but to impact the quality of life in peoples around the world simply by our spirit of pioneer, which is within our DNA to make a difference in the product delivery, in the quality of life that's addressed by that product line.

I'm filled with optimism. I'm filled with optimism if we move to go forward in a way that invests in the American worker, invests in the American business, small business, and invests in our ingenuity and our innovation.

Thank you so much for the discussion.

Ms. KAPTUR. Congressman TONKO, I want to thank you so much for coming to the floor tonight to again express your deep and abiding passion for jobs in our country. And I wanted to follow on something you said.

This is actually a chart which shows our trade deficit with China. Like your community, our communities are just loaded with goods that are coming in here from China. And if we just look back at the last decade, the enormous rise in those goods on our shelves, when you really put the math of it on a chart, it looks like an avalanche. It is just crowding all this money—in 2010, over \$273 billion of hard-earned

American money was actually used to purchase Chinese goods, and that money then went back to, not the United States, but to China.

And you think about the displacement of production in this country, for everything from tableware to sometimes food products now, and I had an experience over the weekend because I like to work with small businesses, and I ran into a woman who was blending coffee, she's called a master roaster, and her product is called Bea's Blends, Bea's Blends from Toledo, Ohio.

And she was asking me, I want to expand my company but I need a very small loan, and I don't want to go into debt and, oh, gosh, what should I do next? And I told her I would try to put her in touch with the Small Business Administration.

But it was really, when you said the optimism that you have, I'm meeting companies all the time that are inventing new products—incidentally very good products—and trying to counter this trend of more imports versus our exports. And her product is a product that can be sold locally, it can be sold interstate, and ultimately it can be sold internationally because it's vacuum packed.

And I was thinking about the creativity of this individual American trying to make it in a very tough economy. And then a couple of days later I was over at a coffee shop in Lakewood, Ohio, and I happened to tell the owner of that shop—also a woman—that I had met this master roaster. And she said to me, well, you know, Congresswoman, it's interesting you should say that. I'm trying to bring together all these master roasters across the coast.

I said, gosh, we have coastal roasters or roaster coastals? But the point was people were thinking, they were creative, they were bringing something new to the market, beautifully labeled, an excellent product, and trying to counter these trends.

And because small business is located in our communities, it's interesting to look at the last several years as well, which conform to the rise of Chinese imports and other imports into our country. And look at the distribution of income of people in our country. And what's happening is what the American people obviously know, which is why we need to maintain the payroll tax holiday and to make those in the top 1 percent pay their fair share.

The divergence between people who are in the lower income spectrum and the upper has just exploded. It is just that before, those who had much and those who had just enough and those who had little were not so far apart. But the gap has just widened to a level where the American people know something is fundamentally wrong, and that the ship of State is very out of balance, and that somehow we have to begin to make sure that all boats are lifted in

this society and not just some boats get lifted.

And we know that job creation, business growth, business startups, business expansion of American-made products are essential; products that can be exported, that can help to close the trade gap but also then begin to narrow the income gap that we see as we allow more income to be earned by those who are in the middle class and who are in some of the categories of income where they're stretching just to make it every day, every week, to put enough food on the table.

This is really almost un-American. This looks more like an old, stratified society from times past that was very, very undemocratic, places where we wouldn't want to live, the kinds of places that our relatives fled because they couldn't get enough to eat, because they didn't have a chance to earn a fair day's wage.

□ 1820

We are joined this evening by Congresswoman SHEILA JACKSON LEE from the great State of Texas, such a hard-working and able Member who is such a voice for citizens across our country and our world every day.

We thank you so much for joining us this evening.

Ms. JACKSON LEE of Texas. Congresswoman KAPTUR, thank you for allowing me to join you and to join the distinguished gentleman from New York. We are on the floor often, but it is very special to come here tonight as I listen to you discussing the issues not only of Make It In America, but something you have been on—and, in fact, we have known Ohio to be the center point of manufacturing, the center point of production of what we call the raw materials, overlapping with our friends in the Midwest on steel production. We call Ohio the true salt of the earth and the underpinnings of America's economy.

Again, they are very fortunate to have a Member such as MARCY KAPTUR, who has never stepped away from the morality and the moral compass of allowing constituents to work and to fight for them having the opportunity to work and to create opportunities and jobs and manufacturing in Ohio. We thank you. We are joined, of course, by Mr. TONKO, who has never wavered from assisting his constituents, particularly facing the hurricane they had.

I want to join you and pick up the populist chord, if I can. The President went to—I guess he listened to us, listened to you and went to Kansas and went to the place where Teddy Roosevelt, the man with the big stick, went. I think we need a big stick around here. I don't believe in violence, but if I might just get one quote in that I really like: This country succeeds when everyone gets a fair shot,

when everyone does their fair share, when everyone plays by the same rules.

This is what we've been speaking about. This is what the public has been asking us. This is what the coffee maker or the small businesses have been asking for: Give us an even playing field.

I want to briefly speak, as I participate in this Special Order, on one or two points, and that is these go hand in hand.

We know there are people who are unemployed. We know there are working people who will benefit from the extension of the payroll tax cut. We also know that we have great respect for our colleagues, but that we have not been tending to the people's business for the last 3 weeks. We have been passing legislation which has been job killers. We could have had a reasonable discussion on how we get to a point. And I don't mind doing things in a bipartisan way. I've never seen you reject bipartisanship. I have never seen Mr. TONKO reject bipartisanship, or Mr. GARAMENDI do so. We are eager to move this country forward.

I'm going to give the other body a compliment because I know they were stuck on the plan of the payroll tax, but I kind of like the idea of a 1.9 percent surtax applied in 2013—not even in 2012—to millionaires over a 10-year period. An additional \$31.8 billion would be generated by increasing fees on mortgage lenders paid to Fannie Mae and Freddie Mac; and those may have to be reviewed by this body, but it is seeking a way to ensure that everyone gets a piece. Let me tell you what the response is.

The hostage-taking comes when one Senator of our friends on the other side in the other body, a Republican Senator says: Okay, we don't want the Bush tax cuts to ever expire. That's their response.

So I just want to say to my colleagues that the olive branch has been extended. If we do not do this, I will tell you the GOP will be risking 160 million Americans who will not be protected and will be subjected to this massive, if you will, tax increase. If we do it, it will give 160 million Americans relief. 300,000 people making more than \$1 million a year will give a little bit of sacrifice to give a fair shot, a Teddy Roosevelt fair shot, to the American people of \$1,000 to \$1,500.

Let me speak briefly about the unemployment circumstance here. Six million Americans lost their jobs. And I want to speak briefly, and I want to show this picture of a happy family. You've got manufacturing and I've got the Houston port. We've got stevedores. Obviously, when the international economy slows down, what happens to the guys who load and unload ships? My guy who is in this family that's in need, he's been off work for a month or two months. He's got

these beautiful children and a wife. They've got some medical problems. He's had to have surgery. These are the kinds of people that we are castigating, the salt of the earth in Ohio that had jobs in manufacturing and were laid off or they were slowed down.

This headline says: "Illness and budget cuts fail to diminish family's good cheer," but they are the recipients of charitable aid here in Houston, Texas. And you see their three lovely children. If this gentleman does not get unemployment, if, for example, he continues to be laid off, then we are talking about a family that is not on public assistance. We are talking about a family that in fact worked, which is what unemployment insurance is, car insurance, fire insurance. They worked, and they've come upon hard times. New Yorkers worked, and they've come upon hard times. Californians worked, and they've come upon hard times, as have those in Ohio. So I would just, in the spirit of bipartisanship, say to my good friends, find a way to repay the American workers who have come upon hard times, the children who have watched their parents get up every day and work.

Here is my swan song on this point. I wanted to show this picture because I have been plagued over the weekend by the words of one of our national figures who indicated that poor children have no role models; no one in the poor communities ever goes to work; no one who happens to be poor watches any family member get up and go to work unless they're doing illegal activities.

So a solution is we watch the janitors in the schools—let's make sure the poor children, pluck them out of the pre-K and first grade and sixth grade, let them do the janitorial work of an adult who is providing for his family. In my day, janitorial work, the sanitation department, that was good, hard work for individuals who were providing for their families, and maybe they educated a whole generation of children by being a janitor. Or someone who was housekeeping or someone who was cleaning facilities or office buildings. We are not suggesting that these individuals are not looking for greater aspirations. Maybe somebody went and got a GED or went to a community college.

But to suggest that poor children in Appalachia, where Robert Kennedy went and said he saw the worst poverty he had ever seen, or in places such as inner-city Houston or rural America don't have role models because they are impoverished and the only thing that they are able to see is illegal activity is an insult to the American spirit and is a reflection on what we have come to in this body when we can't give to the working class, this wonderful family that is on the front pages of our paper, indicating they're only in this predicament, they only

can't see daddy go to work because he is a stevedore without work and then getting back surgery, so compounded not because they are poor and in a family where nobody gets up and goes to work.

We've got to do better than this. We have to take the Teddy Roosevelt spirit. I'm glad the President was in Kansas and has taken on this kind of hard talk in order to provide for the working families of America.

Ms. KAPTUR. I want to thank you so much for bringing this family's plight to light here in the Congress on behalf of all of America's families who are suffering at this holiday season.

Isn't it an indictment on the legislative branch of this country at the national level that when people need unemployment benefits, we have to run out the clock right to the bitter end, right to the bitter end for benefits that have been earned—earned.

In church on Sunday, a couple came up to me and the husband asked: Congresswoman, if you know of any other jobs, please let me know. What's going to happen with unemployment benefits? This was a family that obviously needed help, a family that had spent their entire life, the man and wife, both working.

□ 1830

He didn't want to ask about the unemployment benefits; but he knew that for that family, maybe it was all that would be there in the near term.

I'll give you a couple of figures I would like to put on the record this evening. One, I called the head of one of our major railroads the other day because I was trying to get the word out across my region—not everybody is plugged into the Internet—that there were 4,000 jobs that CSX was offering around the country. I wanted to make sure that people in our region knew that they were available. The chief executive officer of the company said, Well, you know, we've had 500,000 applications for 4,000 jobs.

The American people want to work. It is not that they do not want to work, as some of our friends on the other side infer. No, no. They're looking every day. They're just not finding the jobs that existed in past generations. And we know that those jobs have been displaced by imports from places like China. And company after company that used to be located in our neighborhoods aren't there anymore.

So it's harder to find jobs. We have to create new jobs. But the new ones aren't coming on stream fast enough. The level of desire to work in our country is so much higher. Millions more people want to work than there are jobs available right now. And so for many families, unemployment insurance is all that's left for them. Again, this Congress is just waiting to the bitter moment rather than acting responsibly to help families who have literally built this country and who have

a very good work ethic and want to work.

So I want to thank the gentlelady from Texas (Ms. JACKSON LEE) for bringing this subject up and putting a human face on what this unemployment really looks like out in the country. If anyone has any doubt, come to Ohio. Come meet these families who want to work and are looking every day.

Of course, the way it works, you can't go into a company. They tell you, Well, we might have a hundred jobs but apply to us through the Internet. It's like you go into this faceless system where you can't really find a human being.

They're trying out there in the country. All the economic figures show us—and the last thing I will say here for this segment—Mark Zandi from Moody's has classified every single expenditure that one can make that gives the economy more than a dollar for every dollar expended. Would you believe that if one looks at things like unemployment insurance and payments to the unemployed, that produces the biggest bang to the economy? Well over \$1.35 for every dollar invested as opposed to, let's say, tax credits or something like that, these arcane tax provisions, where less than 30 cents is actually reinvested in the economy.

So unemployment insurance extensions also make sense for economic growth at this very tender time because the people who receive those benefits spend them on essentials that drive the economy.

I yield to the gentlelady.

Ms. JACKSON LEE of Texas. I want to follow up and put two more numbers on the record, as you did. You made a very valid point that here we are at the last minute. You would think that we would be sensitive enough to know that families are gathering. Families want to have a holiday for the children. They're trying to be the Santa that they know that the children believe in. They're trying to make preparations. Families are trying to find ways to be with loved ones. It may be gasoline that they may need to drive a car. If we don't do this unemployment insurance, we are poised—unlike if we did it and we get bang for our buck—to lose 200,000 jobs. Compound that with not extending the payroll tax cut and we'd lose 400,000 jobs. That is almost 600,000 jobs.

I finish by saying the tragedy of your point about China—and I want to make it very clear that we love all people. We wish the best for the people of China. It is the policies, the currencies. But not only do we have this in the backdrop; we have to fix our own house so that we're not building a bridge in California that has drawn steel and workers and designers and accountants from way across the ocean in China. We've got to get our house in order.

And so 600,000—if the payroll tax cut extension doesn't go forward, we're losing 400,000 jobs. And if unemployment insurance doesn't go forward, we're losing 200,000 jobs. Is this the way to welcome the most sacred season for many faiths and many families of the year of giving, where we teach our children to give? Is this what we should be doing to the American people? Is this what we should be doing to our soldiers who will be coming home by the end of December? I think not.

I thank the gentlelady for allowing me to share these thoughts. I'm only looking forward to getting our house in order and getting our holiday house in order and reflecting on the needs of the American people and not special interests.

Ms. KAPTUR. I want to thank the gentlelady for those very profound comments tonight and just place on the record that just in our church last weekend the priest informed us that compared to last year he was asking for people to dig deeper because the number of baskets and the number of "asks" was up well over 125. I think just for our church it's over 360 now for this year. For a small congregation, that's a bit of a struggle. That's just one place, just one corner in America, repeated in 50 States, in every hamlet.

I appreciate what the gentlelady said about the spirit of this particular season of light and of giving and that the people who are out of work have earned these benefits. They're not asking for any handout. They're asking for the insurance that they earned as a condition of work in order to help have a merry Christmas and a happy Chanukah and very Eid greeting season. They're not asking for anything they haven't earned.

I thank the gentlelady for coming down tonight.

Our leader, Congressman JOHN GARAMENDI of California, is with us tonight. We thank him so much for reserving this Special Order and for the incredible leadership that he has exhibited each and every week that we have been in session. Just a powerful and sustaining voice on Making It in America and creating jobs here.

Mr. GARAMENDI. Ms. KAPTUR, you've gone too far. Thank you so very, very much for picking up.

Tonight is a very special night for California. We lit the holiday tree in front of the Capitol. It was a tree that came from a community very close to where I was raised in California. I was out there with the choir from Summer-ville High School in Tuolumne County, an area that I represented for some 20 years, and then others around the area. A beautiful, beautiful tree from the Stanislaus National Forest in California.

There really is much to celebrate and much to be concerned about in America. We are still a very great country.

We're the strongest, wealthiest place on this Earth. We have incredible opportunity and potential. I saw it in those kids that were singing in front of the Nation's Capitol this evening. Yet there's so much pain, as was pointed out by you and our colleague from Houston earlier.

Americans care about each other. They deeply are concerned about what's going on in our communities, and they want solutions to the problem. That's our task. There's 435 of us here and over in the Senate another 100. And, of course, the President. It's our task to find the solutions. The President has put forth a very powerful program called the American Jobs Act. One piece of it has, fortunately, passed. It was passed just a few days after Veterans Day when I guess we were out at the parades, and we made promises to take care of the veterans. Fortunately, a piece of legislation did pass. Only one part of the American Jobs Act, though there's much more to do.

My colleagues, Ms. KAPTUR, and the gentlelady from Houston, we're talking about a piece of it. The veterans piece provides employers a very powerful incentive to hire a veteran. A very, very powerful incentive. You can reduce your taxes by \$2,600 to hire a veteran that's been unemployed; a long-term unemployed veteran, \$5,600 reduction in your taxes; and in addition to that, the President proposed that if it is a veteran who is disabled as a result of their service, a \$9,600 reduction in taxes.

□ 1840

That's right off the tax line. So we've got to get the message out to employers: Hire, put people back to work, the veterans. It's one of the elements the President has proposed in his American Jobs Act.

And you were so powerfully putting forward just a moment ago the issue of the payroll tax deduction. It's going to end. There will be a tax increase for every American who is earning up to \$106,000, a tax increase average of \$1,500 across this Nation. We want to keep that tax reduction in place. We Democrats do not want a tax increase on the working middle class, no.

But again, as was pointed out just a moment ago, our Republican friends are saying, Well, that's a good idea, but where are you going to get the money? You can't get the money from those whose annual income is more than \$1 million; \$1 million a year annual income, you can't tax them. That's not fair to tax those people. They're the job creators.

Baloney. They're not the job creators any more than any other small business in the community who doesn't even come close to having an annual income of \$1 million.

So let's be fair about this. They've had an enormous tax break over the

last decade. It's time for them to come forward and to share in the burden of America and put Americans back to work. The American Jobs Act works.

Let me now turn to my colleague from New York.

Well, Ms. KAPTUR, you're running this operation, so, please.

Ms. KAPTUR. I am going to yield the time to you, Congressman GARAMENDI, but I did want to say for the listening audience that this is a coast-to-coast operation. I'm looking at you from California, Congressman TONKO from New York, Congresswoman JACKSON LEE from Texas, and myself from the heartland. That's a pretty broad variety of opinion from across our country, from very significant States.

Mr. GARAMENDI. I thank my colleague from the great State of New York, picking up the east-west program once again.

Mr. TONKO. Representative GARAMENDI, thank you again for bringing us together with this request for a Special Order.

If Representative KAPTUR could just take us back to that second chart that she shared with us earlier this evening and the measurement or the depiction of real average after-tax income.

Now, you talk about the unfairness out there or the inability to go forward and tax fairly. When you look at that graphic, to see the injustice that's displayed just in simple line graph format, that flatlining of America's middle class from 1979 forward, that flatlining contrasted with that steep climb upward for those in the upper income brackets tells us the whole story.

And people have said across this country, when I go home to the district, people say to me that they're concerned, they're upset. They've been taught, rightfully so, they've learned along the way that if you play fair, you roll up your sleeves and you abide by the rules that you should be able to have within your grasp that American Dream. The American Dream, one that allows for working families to climb the ladder. They don't feel that that's within their grasp today.

And it's not only the injustice here that is measured on a chart—and be mindful, they don't reject the notion of working hard and scoring big, making money. They're not concerned about that. They honor that. What they're concerned about is the undue influence that the powerful have, those sitting perched high on the income ladder, the power they have with the process and the policy outcomes. And the fact that we would avoid fairness in revenues and not invest in the American Dream, not invest in opportunity, not invest in the prosperity of this Nation is what bothers them. They don't want to be ignored that way. They want to know that a process out there, there's a government working to create policies that initiate a comeback, that enable

people to have within their grasp the American Dream. That's what they want to know is alive and well here in Washington.

And now it's a fight. It's a fight for the Democrats in this House to score a victory for the middle class. We want that victory. We want people to be able to know that there's a fairness out there. Look at it, \$1,800, \$1,500, whatever your strata would produce as a favorable outcome is something for them. Month to month they will score some victory here where the essentials, as Representative KAPTUR labeled them, are available to them with these savings. Contrasted with opportunities that we see here that find this group that's rising to the top exponentially just won't share the prosperity in that way.

And I think it's the avoidance of sound progressive policy that's really the struggle right now. And people are expressing their anger and their frustration, and rightfully so, because we need to be more fair.

Mr. GARAMENDI. If I might just interrupt you, Mr. TONKO.

You mentioned sound progressive policies. We've all been back home over Thanksgiving. I've talked to a couple of those people that are on that blue line way up there, and they're willing to pay a little more for fairness. But I also have heard from some who say, well, we can't do anything until you control Medicare. And what do they recommend in Medicare? They recommend extending the age from 65 to 67. And I'm going, What sense does that make?

When you consider that Medicare was started in 1964, 51 percent of those men and women over 65 had no health insurance. Today, virtually everyone over 65 has health insurance. It's Medicare. It is one of the solid bedrock programs that keeps people—seniors—from falling into poverty.

Back in 1964, 30 percent of the seniors were in poverty. Without Medicare, they would be in poverty again today. And yet our Republican colleagues want to terminate Medicare, literally turn Medicare over to the private insurance companies who I know, as a previous insurance commissioner, will not provide a reasonably priced policy or benefit to somebody who is 65 because those are the people that get sick.

Similarly, they have said repeatedly since the 1930s that they want to terminate Social Security. We hear that. We hear the background buzz around this building. They want to terminate Social Security. These are the programs that give American seniors the dignity and the opportunity not only to live a good life, but to even live, to stay alive.

Mr. TONKO. Let me just talk about a point of clarification, too, to add to that discussion.

On this whole tax fairness, people have approached me. They've said, Now, explain to me—because they hear different scenarios. They were imagining that there would be this tax, this surcharge on \$1.2 million. For instance, if you're over that \$1 million threshold and you have an annual income of \$1.2 million, the people are now reminded that it's on that \$200,000 over and above the first \$1 million upon which the surcharge is levied. You know, that's an important fact that is sometimes lost in the discussion. So now people are saying, Well, wait a minute; so the first million dollars isn't taxed.

Mr. GARAMENDI. Same tax rate, doesn't change at all.

Mr. TONKO. Right. And so they're saying, Well, whoa, we've been flatlined for so long, and this exponential rise for the highest in the income ladder's outcome.

Mr. GARAMENDI. Surcharge is only on the amount over \$1 million.

Mr. TONKO. So now there is more determination by America's middle class families to have it fixed and done correctly.

And the other thing is, I'm reminded, every time I go home, by middle class Americans, modest household incomes, that: We're job creators. My children needed my attention at home. I opened a childcare in my home. I charge. I have a small business.

Many small business people tell me, as an idea came to mind, they now wanted to turn that into a product. They're small business owners. They're the engine. They're connected to the community. They're tethered to the small community.

Mr. GARAMENDI. Can I interrupt for just a second?

The American Jobs Act, which we're trying to push through this Congress to get men and women back to work, provides a tax reduction for the employer on wages less than \$50 million. So for your childcare provider, for the small business person, the carpenter out there in the small business, they also get a 50 percent reduction in their payroll tax. So instead of 6.2, it goes to 3.1. So this isn't just for the wage earner. This is also for the business person.

Mr. TONKO. Exactly.

Mr. GARAMENDI. So why don't they support this?

Mr. TONKO. You know, this is a statement of underpinning of support for middle class, for working families, for small business. It's the engine that's making it happen.

□ 1850

Small business, the investment we can make, not only the tax cut we can provide here, but the investments that are required for the ideas to move along. We're in a challenging time. We're there competing in a global economy. We invest in the intellectual capacity of this Nation, and how foolish of us not to take that investment,

that product of that investment and put it into working order. That's what we're asking for here.

Give small business the tools, give working class families the opportunity, and we will have a comeback story that is glorious, and we should be filled with optimism if we do the things that are so logical, and that polls across America, individual polls from all sectors, all angles, all different groups that measure, they're saying this is what America wants. And how come they can't get it delivered by their government?

They're speaking to us loud and clear through their opinion surveys. We want this progressive schedule. We want this agenda. Make it happen. We're trying here as the Democratic Caucus in the House of Representatives, Representative KAPTUR, to make it happen, and I think we can if we put our minds to working together in a very, very bipartisan, bicameral way, executive branch working with the legislative branch, vice versa, and making a progressive agenda happen.

Ms. KAPTUR. If the gentleman would just yield, I'd like to add that I agree with you completely. Every small business that I walk into tells me, MARCY, bring me customers. Customers are a function of having spendable income.

There are no more important decisions we could make as a country, right now, as we finish the month of December, than to make sure that middle class families have spendable income by not raising their taxes; middle class families, who've been holding the line here without real additional spending power over the last decade, and to make sure that we extend unemployment benefits to those who've earned those benefits because that has the maximum bang inside the economy when people spend those dollars on basics, on essentials.

Those are two practical decisions from an economic standpoint no rational human being would disagree with. And they contribute to economic growth. They contribute to keeping us on an upward path as we move forward here in our country after coming out of this deep, deep, deep recession.

Mr. GARAMENDI. If I might, Ms. KAPTUR, a fascinating piece of information came across my desk today, and it had to do with the Affordable Care Act, which our Republicans like to call ObamaCare. Hey guys, it's working. It's working.

You just talked about spendable income. Let's see here: 2.65 million seniors, because of the Affordable Care Act, had an average of \$569 additional in their pocket as a result of the discount drug benefit program. Wow. It was incredible. It actually, the 50 percent discount on brand name drugs, saved \$1.5 billion for 2,650,000 seniors. Saved \$1.5 billion, an average of \$569 per senior.

It's working. It's working. And also, very interesting, these kinds of statistics come across, and normally we ignore them. But the annual wellness program, 1,931,927 seniors were able to take advantage of the annual wellness program that is in the Affordable Care Act; 24,175,608 seniors took advantage of the free service program in the Affordable Care Act.

So when folks are out there and they're putting down ObamaCare, be careful. It's not a negative. It's a very, very strong positive.

And you'll like this one, Ms. KAPTUR. Hang on a second. Ohio. One million, let's see here, 1,864,243 seniors took advantage of the affordable care and 50,178 seniors in Ohio took advantage of the discount, the drug discount. It's working. That's exciting.

This is legislation that we passed that's actually helping the seniors and the economy by putting money back in their pockets, rather than in the pockets of the pharmaceutical companies.

Ms. KAPTUR. If I could say, Congressman GARAMENDI, with those seniors, I know the first place they're going to spend those extra dollars, after they pay for food, will be on their grandchildren. And all I hope is that they don't buy Chinese toys this Christmas. I hope they find a way to buy little outfits that are made at your local craft fair, or they find ways to find candy that's made by a local firm, they find ways to spend those dollars wisely, because if we do that, if we spend every dollar as wisely as we can, we really lift the economy of this country, and we put those dollars back into businesses that actually are conducting business on our shores.

Mr. GARAMENDI. Excuse me for getting back into this, but Mr. TONKO gave me that look that says what about New York? 1,410,533 New York seniors were able to get free medical services, and 127,691 were able to take advantage of the 50 percent drug discount. Good for you. You voted for that act. I voted for that act, and I didn't even talk about California. Should I?

Mr. TONKO. You should share it for your home State.

Mr. GARAMENDI. Yes. 1,962,809 seniors in California were able to get free medical services and 139,396 were able to take advantage of the 50 percent drug discount. \$569 average savings for seniors. It's working. The Affordable Care program is working for seniors, and it's putting money back into our economy to grow this economy.

Ms. KAPTUR. I was just going to say, very quickly, that sounds to me very life-giving, Congressman GARAMENDI. It doesn't sound like there are death panels. It doesn't sound anything like some of the opponents were saying when that bill was first passed. In fact, seniors have a greater chance to live now because they can get the medicine they need and they can get the check-

ups they need, and to me, that's very life-affirming. I just wanted to put that on the record.

Mr. GARAMENDI. We also know that there are—I don't know the exact number—I think it's about 20-some million young men and women, age 21 to 26, are now back on to health insurance, their parents health insurance as a result of this law. We'll pick up that statistic as soon as I get my hands on it, but I think that's the number, over 20 million.

Mr. TONKO. So many of these programs, including the longstanding Medicare program, are looked at sometimes in dollars and cents and argued about how they're improved or not improved. But sometimes lost in the whole discussion is the value added, the whole underpinning of support that is offered the senior community.

Prior to the inception of Medicare in 1965, families that retired were probably going to see their economic well-being dip precipitously. And what they had here, with the Medicare Foundation, was that their economic stability, their dignity factor, was addressed in tremendously strong and powerful ways so that they were able to move forward in those retirement years with that sense of dignity, with the quality of life, with economic stability.

These are facts that need to be maintained in the front of any discussion; that to undo Medicare would be a tragedy for American families, for our seniors. And certainly, let's go forward, as we have said, with optimism. Let's invest in Medicare. Let's invest in Social Security, and let's invest in an economic recovery where we cut where we can, belt tighten, but invest where we must so we can compete effectively.

And to my colleagues on the floor here tonight, Representative KAPTUR, Representative GARAMENDI, I join with you in being a powerful voice in promoting optimism as we go forward, and wanting to have progressive change.

Mr. GARAMENDI. I thank you so very much.

MARCY KAPTUR, thank you for grabbing the microphone early on. I was down with that Christmas tree and the lighting ceremony from California. I got here just in time to pick up a couple of these issues.

We know we can put men and women back to work. We have the tools. The question is whether this House has the will to do so and not increase our deficit. We can actually do this and not increase the deficit, take people that are not paying taxes now, put them back to work.

The Affordable Care Act is working. And we know that we can continue the unemployment benefits, and there's a way of paying for it. You show it there on that. The super wealthy, it's time for them to pick up their fair share.

Thank you so very much for this wonderful evening and telling the story

of the prosperous America that we can have once again. This is America. This is a great country. We have within our power to get back on our feet and to charge forward, and we really appreciate all that you're doing to make that happen in the great Midwest and in New York and in Houston.

Ms. KAPTUR. I really have enjoyed sharing this hour with Congressman TONKO of New York and Congressman GARAMENDI of California, speaking out for 100 percent—the 99 percent that are often forgotten, the 1 percent that we don't forget but know that your patriotism really will come to shine in this holiday season—and to urge our colleagues in the House and Senate to do what's right, to make the decisions on extending the payroll tax holiday for the middle class, making sure we extend unemployment benefits which are earned benefits, and that we stand up for all of America because we're all in this together.

I thank my colleagues very much, the listening audience, and those who are out there helping us to move the ship of state in a direction so that we create jobs in this country and we keep this economy on an upward roll.

Mr. GARAMENDI. It's for the 99 percent.

Ms. KAPTUR. For the 99 percent as well.

Mr. GARAMENDI. And 100 percent of Americans moving forward.

Ms. KAPTUR. That is right.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for today on account of a family medical emergency.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and December 7 on account of official business.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.), under its previous

order, the House adjourned until tomorrow, Wednesday, December 7, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4146. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Resolution Plans Required (RIN: 3064-AD77) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4147. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Regulations G, O, W, BB, LL, MM, Rules regarding availability of information, Rules of Procedure, Rules of Practice for hearings, and Post-employment restrictions for senior examiners [Docket No.: R-1429] (RIN No.: 7100 AD-80) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4148. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Remittance Transfers (RIN: 3133-AD94) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4149. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes [Docket No.: 110930606-1640-01] (RIN: 0694-AF40) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4150. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification [FAC 2005-54; FAR Case 2009-019; Item III; Docket 2010-0108; Sequence 1] (RIN: 9000-AL77) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4151. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act [FAC 2005-54; FAR Case 2010-006; Item I; Docket 2010-0106; Sequence 1] (RIN: 9000-AL76) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4152. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Civil Monetary Penalties Inflation Adjustment [CBP Dec. No. 11-23] (RIN: 1651-AA91) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Denton, TX [Docket No.: FAA-2010-1327; Airspace Docket No. 10-ASW-19] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Amendment of Class E Airspace; Harrisonville, MO [Docket No.: FAA-2011-0251; Airspace Docket No. 11-ACE-5] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class D Airspace; Willow Grove, PA [Docket No.: FAA-2011-0355; Airspace Docket No. 11-AEA-8] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mobridge, SD [Docket No.: FAA-2011-0134; Airspace Docket No. 11-AGL-3] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; El Dorado, KS [Docket No.: FAA-2011-0231; Airspace Docket No. 11-ACE-4] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Information System State Procedures Manual, Release 5.2.0 [Docket No.: FMCSA-2011-0039] (RIN: 2126-AB33) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections: Limited Delay of Effective Date for Certain Provisions [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0033; Directorate Identifier 2009-NM-099-AD; Amendment 39-16737; AD 2011-14-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300 B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0000; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aviointeriors S.p.A. Passenger Seat 12M Series, Installed on but not Limited to ATR Model ATR42 Airplanes and Model ATR72 Airplanes [Docket No.: FAA-2011-1000; Directorate Identifier 2011-NM-048-AD; Amendment 39-16828; AD 2011-21-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4163. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Airbus Model A330-243F Airplanes Equipped with Rolls Royce Trent 700 Series Engines [Docket No.: FAA-2011-0999; Directorate Identifier 2010-NM-235-AD; Amendment 39-16825; AD 2011-21-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes with Supplemental Type Certificate (STC) SA03674AT [Docket No.: FAA-2011-0687; Directorate Identifier 2011-CE-017-AD; Amendment 39-16833; AD 2011-21-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes [Docket No.: FAA-2011-0306; Directorate Identifier 2010-NM-176-AD; Amendment 39-16829; AD 2011-21-06] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2011-0312; Directorate Identifier 2010-NM-159-AD; Amendment 39-16838; AD 2011-21-15] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Powered Sailplanes [Docket No.: FAA-2011-0811; Directorate Identifier 2011-CE-026-AD; Amendment 39-16839; AD 2011-21-16] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0264; Directorate Identifier 2009-NM-244-AD; Amendment 39-16837; AD 2011-21-14] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Siema Aero Seat Passenger Seat Assemblies Installed on Various Transport Category Airplanes [Docket No.: FAA-2010-0040; Directorate Identifier 2008-NM-203-AD; Amendment 39-16831; AD 2011-21-08] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-103, B4-203, and B4-2C Airplanes [Docket No.: FAA-2011-0478; Directorate Identifier 2010-NM-138-AD; Amendment 39-16832; AD 2011-21-09] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0564; Directorate Identifier 2011-NM-021-AD; Amendment 39-16830; AD 2011-21-07] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1161; Directorate Identifier 2011-CE-036-AD; Amendment 39-16850; AD 2011-21-51] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2012 Section 1274A CPI Adjustments (Rev. Rul. 2011-27) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4175. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Allocation of Basis in "All Cash D" Reorganizations [TD 9558] (RIN: 1545-BJ21) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3237. A bill to amend the SOAR Act by clarifying the scope of coverage of the Act; with an amendment (Rept. 112-315). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1633. A bill to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes; with an amendment (Rept. 112-316). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BILIRAKIS (for himself and Ms. RICHARDSON):

H.R. 3563. A bill to amend the Homeland Security Act of 2002 to direct the Secretary

of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 3564. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. FLORES:

H.R. 3565. A bill to reduce the salaries of Members of Congress if a Federal budget deficit exists, prohibit commodities and securities trading based on non-public information relating to Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Agriculture, Rules, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. GUTIERREZ):

H.R. 3566. A bill to ensure uniformity and fairness in deficiency judgments arising from foreclosures on mortgages for single family homes; to the Committee on the Judiciary.

By Mr. BOUSTANY:

H.R. 3567. A bill to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Ms. MCCOLLUM):

H.R. 3568. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 3569. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. WOOLSEY, Ms. PINGREE of Maine, and Mr. KEATING):

H.R. 3570. A bill to promote ocean and human health and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU:

H.R. 3571. A bill to direct the Commissioner of Internal Revenue to establish a self-employment tax initiative grant program, and for other purposes; to the Committee on Ways and Means, and in addition

to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 3572. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Ms. MOORE (for herself, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. NORTON, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Ms. WATERS):

H.R. 3573. A bill to reauthorize and amend the program of block grants to States for temporary assistance for needy families and related programs; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Mr. GIBSON, Mr. HIGGINS, Mr. HANNA, Ms. SLAUGHTER, Mr. KING of New York, Mr. GRIMM, Mr. HINCHEY, Ms. BUERKLE, Mr. TONKO, Mr. OWENS, Ms. HOCHUL, Mr. ENGEL, and Mr. ALTMIRE):

H.R. 3574. A bill to revise the formula for allocating funding to States under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate the disbursement of funds for political activity by for-profit corporations and other for-profit business organizations; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California:

H. Res. 484. A resolution calling on the Government of the Socialist Republic of Vietnam to respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code which are often the pretext to arrest and detain citizens who peacefully advocate for religious and political freedom; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BILIRAKIS:

H.R. 3563.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1.

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts, and Excises

shall be uniform throughout the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RANGEL:

H.R. 3564.

Congress has the power to enact this legislation pursuant to the following:

Fourteenth Amendment, Section 5

Section 1: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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By Mr. FLORES:

H.R. 3565.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 6; and Article 1, Section 8

By Mr. TOWNS:

H.R. 3566.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution. This provision grants Congress the power to regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes.

By Mr. BOUSTANY:

H.R. 3567.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. KILDEE:

H.R. 3568.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BACA:

H.R. 3569.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mrs. CAPPS:

H.R. 3570.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. CHU:

H.R. 3571.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3 of the Constitution of the United States of America, the authority to enact this legislation rests with the Congress.

By Mr. CONNOLLY of Virginia:

H.R. 3572.

Congress has the power to enact this legislation pursuant to the following:

The "necessary and proper" clause of Article 1, Section 8 of the United States Constitution.

By Ms. MOORE:

H.R. 3573.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of Section 8 of Article I of the Constitution

By Mr. REED:

H.R. 3574.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. ELLISON:

H.J. Res. 92.

Congress has the power to enact this legislation pursuant to the following:

Article V

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 361: Mr. NUNNELEE, Mr. HECK, and Mr. POSEY.

H.R. 376: Mr. TOWNS and Mr. HANNA.

H.R. 389: Mr. POSEY.

H.R. 452: Mr. NUGENT, Mr. GIBBS, and Mr. COURTNEY.

H.R. 459: Mr. PAULSEN.

H.R. 507: Mr. DOLD and Ms. CASTOR of Florida.

H.R. 721: Mrs. ELLMERS, Mr. MEEHAN, Mr. RIBBLE, Mr. DIAZ-BALART, Mr. FITZPATRICK, Mr. BERMAN, Mr. GARDNER, and Mr. OLSON.

H.R. 835: Mr. MURPHY of Connecticut and Mr. PALLONE.

H.R. 860: Mr. DUFFY, Mr. FLAKE, Mr. KIND, Mr. CLARKE of Michigan, Mr. SCOTT of Virginia, Ms. HAHN, Mr. PITTS, Mr. CARSON of Indiana, Mr. RIBBLE, Mr. WOMACK, Mr. ALTMIRE, Mr. RIVERA, Mr. LUJÁN, and Mr. THOMPSON of California.

H.R. 873: Mr. NADLER.

H.R. 998: Ms. HAHN and Mr. DINGELL.

H.R. 1148: Mr. COSTA, Ms. SCHAKOWSKY, Ms. HAHN, Mr. LEWIS of Georgia, Mr. ALEXANDER, Ms. RICHARDSON, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. CAPUANO, Mr. CUELLAR, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. WELCH, Mr. FORTENBERRY, Ms. WATERS, Ms. DELAURO, Mr. HINOJOSA, Mr. ROTHMAN of New Jersey, Mr. POSEY, Mr. FRELINGHUYSEN, Mr. COBLE, Mr. WITTMAN, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mr. FLAKE, Mr. PLATTS, and Mr. CARTER.

H.R. 1159: Mr. BURTON of Indiana.

H.R. 1171: Mr. WAXMAN, Mr. BILBRAY, and Mr. STARK.

H.R. 1179: Mr. BARLETTA.

H.R. 1191: Mr. PAUL.

H.R. 1206: Mr. OLSON.

H.R. 1221: Mr. NUNNELEE.

H.R. 1350: Mr. JOHNSON of Georgia.

H.R. 1370: Mrs. LUMMIS and Mr. BARLETTA.

H.R. 1386: Ms. HAHN, Mr. DIAZ-BALART, Mr. KEATING, Ms. MATSUI, and Mr. HASTINGS of Florida.

H.R. 1477: Mr. DEUTCH.

H.R. 1505: Mr. McCALL.

H.R. 1579: Mr. RYAN of Ohio.

H.R. 1581: Mrs. ADAMS.

H.R. 1633: Mr. PENCE.

H.R. 1639: Mr. ALTMIRE and Mr. ROTHMAN of New Jersey.

H.R. 1648: Mr. HAHN, Mr. HINOJOSA, Mrs. LOWEY, Mr. FARR, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1704: Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. DOLD, and Mrs. CAPPS.

H.R. 1744: Mr. CONAWAY.

H.R. 1755: Mr. COURTNEY and Mr. PALLONE.

H.R. 1834: Mr. QUAYLE.

H.R. 1903: Mr. HINOJOSA and Ms. SCHAKOWSKY.

H.R. 1968: Mr. COURTNEY.

- H.R. 2016: Mr. LOEBSACK.
H.R. 2028: Ms. BASS of California.
H.R. 2047: Mr. TURNER of New York, Mr. FALEOMAVAEGA, Mr. HIGGINS, Mr. MILLER of Florida, and Mr. CHABOT.
H.R. 2051: Mr. RANGEL.
H.R. 2069: Mr. TOWNS.
H.R. 2093: Mr. FILNER and Ms. WOOLSEY.
H.R. 2108: Mr. DEUTCH.
H.R. 2123: Mr. DENT.
H.R. 2144: Mr. CAPUANO.
H.R. 2151: Mr. THOMPSON of Mississippi.
H.R. 2152: Mr. HINOJOSA.
H.R. 2159: Mr. BISHOP of New York.
H.R. 2194: Mr. DAVID SCOTT of Georgia.
H.R. 2210: Mr. GRIJALVA.
H.R. 2304: Mr. WILSON of South Carolina.
H.R. 2315: Mr. GRIJALVA.
H.R. 2376: Ms. SLAUGHTER.
H.R. 2412: Mrs. LOWEY.
H.R. 2446: Mr. GRIMM.
H.R. 2461: Mr. PIERLUISI and Mr. LOEBSACK.
H.R. 2485: Mr. ROE of Tennessee.
H.R. 2489: Mr. DINGELL, Mr. MCGOVERN, Mr. ISRAEL, and Mr. LANCE.
H.R. 2499: Mr. SMITH of New Jersey.
H.R. 2536: Mr. CARSON of Indiana and Ms. CASTOR of Florida.
H.R. 2541: Mr. DENHAM.
H.R. 2595: Mr. COHEN.
H.R. 2599: Mr. MCNERNEY, Mr. KINZINGER of Illinois, and Mr. HASTINGS of Florida.
H.R. 2607: Ms. HAHN.
H.R. 2617: Mr. HINOJOSA.
H.R. 2672: Ms. JENKINS.
H.R. 2697: Mr. RANGEL, Mr. KLINE, and Mr. YODER.
H.R. 2706: Mr. SOUTHERLAND.
H.R. 2735: Mr. CROWLEY.
H.R. 2742: Ms. LEE of California.
H.R. 2746: Mrs. MALONEY, Mr. RANGEL, and Mr. POLIS.
H.R. 2751: Ms. SLAUGHTER, Mr. POLIS, Mr. RUPPERSBERGER, and Mr. JONES.
H.R. 2866: Mrs. MCCARTHY of New York.
H.R. 2885: Mr. BASS of New Hampshire and Mr. DUNCAN of Tennessee.
H.R. 2898: Mr. LUCAS.
H.R. 2918: Mr. HULTGREN and Mr. POE of Texas.
H.R. 2948: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. BOSWELL.
H.R. 2966: Mr. RUSH, Ms. ESHOO, Ms. SLAUGHTER, and Mr. PALLONE.
H.R. 3000: Mr. HUIZENGA of Michigan.
H.R. 3059: Ms. MCCOLLUM, Mr. BURTON of Indiana, and Mr. MULVANEY.
H.R. 3061: Mr. TIERNEY and Mr. CRENSHAW.
H.R. 3088: Mr. DOGETT and Ms. SLAUGHTER.
H.R. 3151: Ms. CHU.
H.R. 3185: Mr. BERG.
H.R. 3192: Mr. LATHAM.
H.R. 3245: Mr. GARAMENDI and Mr. ROTHMAN of New Jersey.
H.R. 3269: Mr. SULLIVAN, Mr. BENISHEK, Mr. BILBRAY, Mr. POMPEO, Mr. FLORES, and Mr. NUNNELEE.
H.R. 3334: Ms. MCCOLLUM.
H.R. 3362: Mr. ISSA.
H.R. 3393: Mr. ROSS of Florida and Mr. SOUTHERLAND.
H.R. 3394: Mr. HINCHEY.
H.R. 3400: Mr. LAMBORN, Mrs. BLACKBURN, Mr. ROSS of Florida, Mr. CAMPBELL, and Mr. POMPEO.
H.R. 3421: Mr. KIND, Mr. KEATING, Mrs. LOWEY, Mr. PASCRELL, Ms. MCCOLLUM, Mr. MCHENRY, Mr. PETRI, Mrs. BONO MACK, Mr. LAMBORN, Mr. BILBRAY, Mr. MEEKS, Mr. GIBSON, Mr. HERGER, Mr. WAXMAN, Mr. POMPEO, Mr. ALEXANDER, Mr. CAMPBELL, Mr. CANSECO, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, Mr. RIVERA, Mr. HARPER, Mr. BISHOP of Utah, Mr. HALL, Mr. DAVIS of Kentucky, Mr. WALBERG, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. OLSON, Mr. MACK, Mr. DESJARLAIS, Mr. CARTER, Mr. NUNNELEE, Mrs. MALONEY, Mr. JORDAN, Mr. LEWIS of California, Ms. BUERKLE, and Mr. WEBSTER.
H.R. 3423: Mr. CALVERT, Mr. MORAN, Mr. LYNCH, Ms. BROWN of Florida, Mr. BENISHEK, Mr. AKIN, Mr. SMITH of New Jersey, Mr. FORTENBERRY, Mr. SIRES, and Mr. DAVID SCOTT of Georgia.
H.R. 3425: Ms. RICHARDSON and Mr. FILNER.
H.R. 3432: Mr. CONNOLLY of Virginia.
H.R. 3441: Mr. LONG.
H.R. 3449: Mr. MICHAUD.
H.R. 3454: Mrs. HARTZLER.
H.R. 3480: Mr. WALSH of Illinois, Ms. JENKINS, and Mrs. ROBY.
H.R. 3483: Mr. JOHNSON of Illinois, Mr. TOWNS, and Mr. KISSELL.
H.R. 3519: Ms. CHU.
H.R. 3521: Mr. PAULSEN.
H.R. 3541: Mr. CRAVAACK, Mr. CANSECO, Mr. KELLY, and Mr. KING of Iowa.
H.R. 3548: Mr. COBLE.
H.R. 3550: Mr. ROYCE, Mr. LOEBSACK, and Mr. HUIZENGA of Michigan.
H.R. 3551: Mr. HUIZENGA of Michigan.
H.R. 3556: Mr. CONYERS.
H.J. Res. 69: Mr. DENT.
H.J. Res. 78: Ms. HIRONO.
H.J. Res. 88: Mr. DEFazio.
H. Con. Res. 72: Mr. ANDREWS.
H. Con. Res. 77: Mr. POE of Texas.
H. Con. Res. 85: Mr. DEFazio and Mr. RUSH.
H. Res. 25: Mr. OWENS.
H. Res. 111: Mr. CARNAHAN, Mr. SOUTHERLAND, and Mr. LARSON of Connecticut.
H. Res. 184: Mr. NUGENT.
H. Res. 282: Mr. DANIEL E. LUNGREN of California.
H. Res. 460: Mr. RANGEL and Mr. NUGENT.
H. Res. 475: Mr. GOODLATTE, Mr. CANSECO, Mrs. ROBY, and Mr. KING of Iowa.
H. Res. 480: Mr. FITZPATRICK, Mr. ROYCE, Mr. LANKFORD, and Mr. OLSON.
H. Res. 481: Mr. SMITH of Washington.

EXTENSIONS OF REMARKS

CONGRATULATING CALEB
WILFONG

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Caleb Wilfong of the Rock Bridge High School Bruins Boys Cross Country team for winning the individual Class 4 Missouri State Championship.

Mr. Wilfong should be commended for all of his hard work throughout the regular season and bringing home the individual state title to his school, family and community. At the State Cross Country Championships in Jefferson City, Caleb won the individual state title with a time of 15 minutes 54.13 seconds. He holds Rock Bridge's school record for a 3.1-mile race and is the school's second individual cross country champion.

I ask that you join me in recognizing Caleb Wilfong for a job well done.

IN HONOR OF DR. BOB CURRY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the long and distinguished career of Dr. Robert Curry. Dr. Curry, a prominent professor of hydrology and geology at both the University of California at Santa Cruz and California State University at Monterey Bay, has spent his entire professional life teaching generations of students how human activity can change the earth's surface. He has also spent countless hours, many without pay, working for conservation organizations on issues ranging from soil conservation, wetland preservation, water quality, to endangered species protection. Dr. Curry is truly a modern renaissance man. He has mastered many disciplines, including hydrology, geology, fluvial geomorphology, climatic history, wetland delineation, forest ecology, and geologic hazard evaluation. It is important we honor his vision, dedication, and tenacity in doing as much as humanly possible to protect the natural environment from unnecessary harm.

Dr. Curry is a native Californian, raised in the Sierra Nevada area of eastern California where both sets of grandparents instilled in him a love of natural history, hiking and camping. Dr. Curry and his three younger siblings, Barbara, Judy, and Joe as well as aunts, uncles and many cousins have deep roots in the land. He ultimately completed his doctoral dissertation on the climatic history of the Sierra Nevada and his parents are now buried at

high elevation in what is now a Wilderness Area.

Dr. Curry studied at the undergraduate and masters level at the University of Colorado. He later earned a Ph.D in Geology and Geophysics at UC Berkeley, where he helped draft California's Forest Practices Act. Dr. Curry subsequently taught for over 45 years, beginning at UC Santa Barbara. He later served as Provost and professor at UC Santa Cruz before joining the California State University Monterey Bay faculty where he created the Watershed Science curriculum.

Perhaps his most significant contribution was the cooperative authorship of Section 102(2)(c) of the National Environmental Policy Act. In 1969, Dr. Curry served as the initial science advisor to the U.S. Senate Public Works Committee following its review of the Santa Barbara Oil Spill. Working with Senator Ed Muskie, chairman of the Air and Water Pollution Subcommittee who was drafting the National Environmental Policy Act, Dr. Curry's work led to the clause that says if public funds are used to develop information about projects of national interest that could guide public policy, the information must be released to the public. This became the basis for the Environmental Impact Statement, which has served the public by bringing transparency to the policy process.

Mr. Speaker, I know I speak for the whole House in honoring the career of this remarkable scientist and conservation leader. California, and indeed the world, are better for his efforts.

HONORING THE LIFE OF SHERIDAN
FIRE CHIEF JEFFREY D.
ROBERTS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to commemorate the death and celebrate the life of Sheridan Fire Chief Jeffrey D. Roberts.

Chief Roberts had served as an officer in the 45-member volunteer fire department for the past six years, and two years ago was elected chief. In addition to his fire service, Chief Roberts served Chautauqua County taxpayers as a member of the Chautauqua County Department of Public Works.

A devoted husband and father, Chief Roberts leaves behind his wife Katie and children, Alexis and Berkley. A tremendously well-liked and well-respected leader in our volunteer fire corps in Western New York, Chief Roberts' untimely passing is indeed a tragedy, and the entire Western New York community joins with Katie, Alexis and Berkley in mourning the Chief's death.

Mr. Speaker, it is with profound sadness, but also with pride that I ask you, and all of

the members of the House, to join with me in celebrating the life of Chief Jeffrey Roberts, and to join with his family in remembering him as a dedicated and fearless public servant, and a proud member of our Western New York community.

RECOGNIZING LAWRENCE A.
SOLBERG, MD, PhD, FOR HIS
SERVICE TO THE FIELD OF HE-
MATOLOGY AND PRACTICE OF
MEDICINE

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. CRENSHAW. Mr. Speaker, I rise today to recognize the achievements of Dr. Lawrence A. Solberg, a Floridian who has dedicated his professional life to biomedical research and medicine.

Having published numerous articles in various publications and scientific journals and received professional recognition and honors from a number of organizations, Dr. Solberg has accomplished an extraordinary number of professional milestones and achievements.

Dr. Solberg is a hematologist currently in the Division of Hematology-Oncology at the Mayo Clinic in Jacksonville, Florida. He also serves as Vice-Chair of the Research Operations Management Team and Chair of the Clinical Research Subcommittee of the Mayo Clinic in Florida. Dr. Solberg previously served as Director of the Blood and Marrow Transplantation Program of the Mayo Clinic in Florida. As Professor of Medicine in the Mayo Clinic College of Medicine, Dr. Solberg has shown great commitment to educating our next generation of physicians and researchers, while continuing treatment of patients and his own research.

Service to the greater community is another attribute of Dr. Solberg's career. This is reflected in his service as Chair of the Board of Directors of Community Hospice of Northeast Florida for six years. Community Hospice of Northeast Florida is one of the largest non-profit hospices in the United States operating in 5 counties and serving up to 1000 patients, including 100 children, every day.

For the past four years, Dr. Solberg has chaired the Committee on Practice of the American Society of Hematology and has led the Society's efforts to educate Members of Congress about hematology and issues of concern to practitioners, such as Medicare physician payment, reimbursement of chemotherapy drugs, and the importance of clinical trials. In this capacity, Dr. Solberg has visited with me and my staff to educate us about the critical issues facing hematologists and patients in Florida and throughout the United States. Dr. Solberg has advised the Food &

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Drug Administration about how to address the current shortages of life-saving drugs; and has served on both public and private sector panels addressing how to improve the quality of care for patients.

Dr. Solberg is a superb advocate for his patients and his profession and his work has helped enhance the health and wellbeing of Floridians and all Americans. I am grateful for his lifetime contribution to field and practice of hematology.

RECOGNIZING LIEUTENANT COMMANDER JASON M. WOOD,
UNITED STATES NAVY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. WITTMAN. Mr. Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Commander Jason M. Wood, United States Navy.

For the past year, Lieutenant Commander Wood served on my staff as a Congressional Defense Fellow. During his assignment, he served as a senior member of my staff responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Commander Wood executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Furthermore, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Subcommittee Chairman and the Co-Chair of the Congressional Shipbuilding Caucus.

Lieutenant Commander Wood directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In addition to his efforts on behalf of the First District, Lieutenant Commander Wood took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government.

Lieutenant Commander Wood's work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Commander Wood and his beautiful young family for the service and sacrifice they make for our nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the 1st District of Virginia. After spending eight of the last ten years stationed in Hawaii, which

included three combat deployments to Afghanistan and a 12 month deployment to Bahrain, Lieutenant Commander Wood is headed to the N88 staff at the Pentagon. After that tour Lieutenant Commander Wood will return to the sky and to leading Sailors as he goes back in to harm's way to execute his trade as Naval Aviator. I have no doubt that Lieutenant Commander Wood will continue to serve the United States Navy honorably and with distinction.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Commander Jason Wood are members of our all-volunteer force and they stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

Lieutenant Commander Wood, thank you. Best of luck to you and God bless you, your family, and your fellow men and women in uniform.

RECOGNIZING THE CITY OF
OWENSVILLE ON ITS CENTENNIAL ANNIVERSARY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the City of Owensville, located in Gasconade County in Missouri, as the community celebrates its centennial anniversary this year.

What is now the City of Owensville began as an early trail called the Potosi to Boonslick Trail. Spurs from this main trail went to the current city, creating a crossroads that later became the St. Louis to Springfield Road and the St. James to Hermann Road called the "Iron Road."

The city was originally laid out in 1886 by the Owensville Improvement Company, whose owner, Francis Owen, is the town's namesake. Owensville was named from the horseshoe contest in 1847 by Francis Owen and Edward Luster. The contest was won by Mr. Luster, but he did not want the town named Lusterville, and, therefore, it was named "Owen'sville" in honor of his friend. Later it was condensed to Owensville. Owensville residents believe their city is the only place named as a result of a horseshoe pitching contest. Owensville was incorporated as a fourth-class city on May 27, 1911.

Over the past century, industries such as a corn cob pipe factory, a tomato cannery, shoe factories and clay mining supported the town. Today, the RR Donnelly printing company and Emhart Glass Manufacturing are located there. Owensville is a thriving town and a proud community of more than 2,500 residents.

In closing, I ask all my colleagues to join me in wishing the residents of the City of Owensville congratulations on their centennial anniversary.

THE 40TH ANNIVERSARY OF THE
CASE OF LOUIS R. HARPER, ET.
AL. V. MAYOR AND CITY OF
BALTIMORE, ET. AL.

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the occasion of the 40th Anniversary of the case of Louis R. Harper, et. al. v. Mayor and City of Baltimore, et. al. This lawsuit, filed on December 6, 1971, to address discrimination within the Baltimore City Fire Department, BCFD, was the first federal lawsuit to combat discriminatory practices in hiring and promotion decisions in the public safety profession.

The BCFD hired its first African American fire fighters on October 15, 1953, from a group of 41 men found eligible for appointment after the opportunity for them to take the entrance exam was opened in the summer of 1952. Almost 20 years later, one of those pioneering men became the architect behind the scenes of the legal action filed in 1971.

Mr. Charles R. Thomas was the founding president of the Vulcan Blazers Incorporated, the Baltimore City Chapter of the International Association of Black Professional Fire Fighters. Mr. Thomas approached Kenneth L. Johnson of the Johnson & Smith law firm asking if he would take on this monumental case. After hearing the facts of the case, Mr. Johnson and his law partner, Mr. Gerald A. Smith, agreed to take the case.

The named plaintiff in the case was Mr. Louis R. Harper, Jr. It was his bravery and selflessness that led the team of plaintiffs, including Mr. Thomas G. Deshields, Mr. Carl E. McDonald, and Mr. Alphonso Thornton. These BCFD members put their careers at risk to demand that the BCFD treat all employees equally.

This case addressed discrimination in the BCFD entrance examination and promotional practices. At the time of the lawsuit, the names of fully qualified African American candidates were marked in red by the civil service commission before being sent to the BCFD. The lawsuit also dealt with disparity in the Department's practices for disciplining African American fire fighters.

Upon the filing of the case, an injunction was issued to halt promotions into 44 newly created battalion chief positions. Finally, in the spring of 1973, Baltimore City was found guilty of discrimination in the management of the BCFD. Federal District Court Judge Joseph H. Young ordered a complete revamping of the Department's entrance examination and promotional procedures.

Since this lawsuit was concluded, the BCFD has appointed an African American Fire Chief and promoted several officers to all ranks as high as assistant chief.

Critically, the BCFD case win was just the beginning of Mr. Johnson and Mr. Smith's mission to eradicate discrimination from the public safety profession all along the east coast. This team went on to win fire department cases in Philadelphia, PA and Richmond, VA. They also won cases for African American Baltimore City Police Officers and workers at Bethlehem Steel.

As I close, I also celebrate the remarkable careers of those involved in this groundbreaking case.

The named plaintiff in the case, Mr. Louis R. Harper, Jr., became the first African American to be promoted to Captain in the Baltimore City Fire Department. The other named plaintiffs all retired with the rank of Captain with the exception of Mr. Carl McDonald, who retired as Assistant Chief.

Mr. Kenneth Johnson has retired from the position of Judge on Baltimore's Supreme Bench. Mr. Gerald A. Smith still practices law from his office in the Baltimore area.

These men are true heroes who opened the doors of opportunity to subsequent generations. I thank them for their service to Baltimore and to our nation—and for their willingness to lead the fight against injustice.

IN RECOGNITION OF THE RETIREMENT OF DR. DAVID L. GOETSCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Dr. David L. Goetsch upon his retirement as Vice President of Northwest Florida State College.

Throughout his career in Northwest Florida, Dr. Goetsch has epitomized professionalism and excellence in education. A Distinguished Alumnus of the University of West Florida, Dr. Goetsch was named as one of the school's top 40 alumni during its first 40 years. He has published more than 70 books on topics ranging from management, leadership and professional development to economic development and political science, and several of his best-sellers have been published in foreign languages.

In addition to his extraordinary academic portfolio, Dr. Goetsch has been recognized by many organizations for his excellence in the classroom. In 1984, Dr. Goetsch was named "America's Outstanding Technical Educator of the Year," and in 1986, he was named Florida's "Outstanding Technical Educator of the Year." He has also received numerous awards as "Instructor of the Year" from the University of West Florida, as well as Okaloosa Walton Junior College.

As an expert in Management and Leadership, Dr. Goetsch has applied his extensive knowledge to help businesses in Northwest Florida thrive and expand. Dr. Goetsch is the co-founder, and current Chairman of the Board, of the Economic Development Council serving Okaloosa County and its Technology Coast Manufacturing and Engineering Network (TeCMEN). He is a founding board member of the Walton Economic Development Alliance

and has served as president of the Fort Walton Beach Chamber of Commerce, president of the Niceville-Valparaiso Chamber of Commerce, board member of the Crestview Chamber of Commerce, and board member of the Walton Chamber of Commerce.

Dr. Goetsch also calls on his patriotism and service as a United States Marine to support local military installations, missions and defense contractors. He currently serves on the three-county Defense Support Initiative in an ex officio position, and this year he was appointed by State Senator Mike Haridopolos to utilize his expertise as a member of Governor Rick Scott's Florida Defense Support Task Force.

Dr. Goetsch also spends valuable time serving throughout the community and has been recognized at both the local, state and national level. In 2005, Dr. Goetsch was awarded the "James Campbell Community Service Award" from the Niceville-Valparaiso-Bay Area Chamber of Commerce, and he also received the "Spirit of Freedom Award" from the Northwest Florida Daily News. In 2009, the Carnegie Foundation recognized Dr. Goetsch for "Outstanding Community Engagement."

Mr. Speaker, I am pleased to recognize the career and accomplishments of Dr. David L. Goetsch. His service to the academic and business communities in Northwest Florida is laudable. His expertise has helped small businesses, large corporations, cities, counties and non-profits thrive, and his books have helped provide students worldwide with the tools to succeed. My wife Vicki and I wish him, his wife Deborah and daughter Savannah all the best.

HONORING THE LIFE AND ACHIEVEMENTS OF MR. DAVID J. COHN

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Mr. David J. Cohn, a small business owner and philanthropist from Forrest City, Arkansas who passed away on November 26. Mr. Cohn was a proud member of Temple Israel in Memphis, whose compassion and devotion to helping the less fortunate was well-known to those who knew him.

Mr. Cohn was born September 30, 1955, in Memphis, Tennessee. He was the proud owner and operator of Forest City Grocery Company and Tobacco Superstore, until illness forced him to spend less time at work. He was also a member of the Arkansas Oil Marketers Association, Retail Tobacco Dealers of America, the Associated Wholesale Grocers and served as President of the Forrest City Country Club. Despite his obligations to his business and to his organizations, Mr. Cohn found time to give back to his community through charity and supporting local universities' athletic programs.

Mr. Cohn was a philanthropist and gave to many causes in Forrest City. He established endowments with the St. Francis Community Foundation including the David Cohn "Wish-

es" Endowment which grants wishes to those most in need as well as many nonprofits. This endowment was set up by his wife Marsha and their children as a birthday gift because they knew how important giving back to the community was to David. Mr. Cohn was a proud supporter of the University of Arkansas Razorbacks and was an ambassador for the University of Memphis Athletic Department.

David Cohn passed away at the young age of 56 years of age. David Cohn is survived by his wife of 26 years, Marsha, one son, Perry Partain, three daughters, Hannah Reeves, Emily Cohn and Kelli Cohn, as well as his mother, Suzanne Cohn, two sisters, a brother and a host of nephews and a caretaker. Mr. Cohn's commitments to his family and community will be missed. His was a life well lived.

CONGRATULATING KALEB WILSON

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Kaleb Wilson of the Linn High School Wildcats Boys Cross Country team for winning the individual Class 1 Missouri State Championship.

Mr. Wilson should be commended for all of his hard work throughout the regular season and bringing home the individual state title to his school, family and community. At the State Cross Country Championships in Jefferson City, Kaleb completed the race with a time of 17 minutes 1.32 seconds. The victory led to his team's overall win, but it has also provided additional support and comfort to his family. Kaleb has dedicated this season, including his final championship race, to his cousin who is still in the hospital following a car accident in early September.

I ask that you join me in recognizing Kaleb Wilson for a job well done.

HONORING THE SERVICE OF ROBERT G. MAHONY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. HOYER. Mr. Speaker, I rise to speak about an outstanding public servant who will soon be retiring after nearly forty-eight years of service to our nation.

Robert G. Mahony was born and raised in Chicago, Illinois, and attended the University of Notre Dame. When he graduated, in 1961, Bob was commissioned a 2nd Lieutenant in the United States Army. He attended law school at Loyola University Chicago and earned his J.D. in 1965. For the following two years, Bob served on active duty, including a combat tour in Vietnam. After returning home, he became a member of the Army Reserves and transferred to the Judge Advocate General Corps.

Service in the military was only the beginning for Bob. In 1967, he began work as a trial

attorney for the Criminal Division of the Department of Justice here in Washington. After nine years there, he spent a year in private practice and was subsequently appointed as an Administrative Law Judge at the Department of Labor, serving in that capacity for twenty years. Since 1997, Bob has been an Administrative Law Judge at the Securities and Exchange Commission.

Throughout his civilian career, Bob remained in the Army Reserves, serving with distinction as the Commander of the 10th Military Law Center and later as Staff Judge Advocate for the 97th Army Reserve Command at Fort Meade. He retired as a Colonel in 1991 and received the Legion of Merit for exceptionally meritorious conduct in the performance of outstanding services and achievements. Bob is also a holder of the Vietnam Service Medal, the National Defense Service Medal, and the Vietnam Campaign Medal from the former South Vietnamese government.

Bob's commitment to public service extends as well to involvement in the community. He has served for over three decades as an official of the Northern Virginia Swimming League and for over twenty-five years as a basketball coach with the Braddock Road Youth Club, Saint Mary's Academy in Alexandria, the Holy Spirit Catholic Church in Annandale, and the Holy Trinity School in Washington.

Bob and his wife, Margaret, have been married for forty-four years and instilled in their four children a love of public service. I have borne witness to this, since their daughter, Gina, used to work on my staff.

Bob Mahony will retire from government service on January 3 after forty-seven years, eleven months, and twelve days. I join in thanking him for his dedicated service to our country and wishing him all the best in his retirement. Like all of our public servants, he can look back on his career and know he made a real difference in the lives of many Americans and the life of our nation.

CONGRATULATING MARLENE
BLUM FOR RECEIVING THE 2011
LAWRENCE V. FOWLER AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to congratulate Marlene Blum on receiving the Lawrence V. Fowler Award. The Fairfax County, Virginia government gives the Fowler award annually to a citizen volunteer who has served on a County board, authority or commission and who has demonstrated exceptional service to the community.

Marlene has committed herself to volunteer service on the often-overlooked advisory boards and commissions that are nonetheless so vital to the functioning of a caring community. She has, through mastery of areas like health care and human services, given us a model of how a single person can affect policy and programs that improve the lives of our entire community. Her wisdom and counsel continue to be indispensable in everything Fairfax County does in health and human services.

I have been privileged to call Marlene a friend for many years now, and I have worked very closely with her on countless issues. Her dedication and hard work have been inspirational. Marlene has been a truly transformative figure, leading by deed and example, improving the lives of the very youngest to the very oldest.

Over the years, Marlene has served in a number of different roles on a number of different boards and committees, generously giving of her time and expertise. She was President of the Fairfax County Council of Parent Teacher Student Association and promoted student needs. As Chairman of the Fairfax County School Health Task Force, Marlene led the effort to place public health nurses in every school. She led the effort to create the Community Health Care Network which provides primary health care to uninsured and underinsured individuals. Marlene helped create the County's HIV/AIDS Task Force in 1989 providing prevention and education assistance. She served on the Planning Committee to End Homelessness, providing blueprint recommendations. Marlene was instrumental in the creation of the Medically Fragile Respite Program in 2006, providing medically needy homeless individuals with critically needed care. Marlene served as the first Chairman of the Consolidated Community Funding Pool Advisory Committee, providing funding allocation recommendations for the County's various human services needs and helping to establish a professional, nonpartisan procedure for allocating human services funding.

One cannot overstate the profound impact Marlene Blum has had on the daily lives of Fairfax County residents over her more than 20 years of service, and she is an indispensable resource for our community. She truly represents a living example that one determined citizen does make a difference. I ask my colleagues to join me in congratulating Marlene Blum for receiving the 2011 Lawrence V. Fowler award and to take this opportunity to recognize all of our tireless citizen volunteers who give of themselves to better our communities.

RECOGNIZING MRS. AUDREY
QUARLES ANDERSON FOR HER
CONTRIBUTIONS TO EDUCATION
AND SERVICE IN HOLMES COUN-
TY, MISSISSIPPI

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mrs. Audrey Quarles Anderson of Lexington, Mississippi. Mrs. Anderson is the wife of Mr. Matt Anderson, mother to Shakita Quarles and Shakemia Anderson and grandmother to Cason Hughes. Mrs. Anderson is an active member of the Durant Church of Christ where she serves as Sunday school teacher and coordinator for several of the church's special events and projects.

Mrs. Anderson has devoted a great deal of her life to supporting and encouraging the

youth of her community. She was named Mississippi's Second Congressional District Parent of the Year in recognition of her many contributions to protect the welfare of the children of her community.

She is co-founder of Coats for Kids, a program that provides coats to children who are in need within the Holmes County area. She is an adult volunteer with the Girl Scouts, area cheerleading squads, and the Community Students Learning Center After-School Tutorial program.

Mrs. Anderson is a 1989 graduate of Jacob J. McClain High School and is a strong proponent of education. She stands firmly on her beliefs in regard to education and is not afraid to vocalize it. Mrs. Anderson is not only a wife, parent, and grandparent, but she is also a very valuable asset to the Holmes County community.

Mr. Speaker, I ask that you and our colleagues join me in expressing my appreciation to Mrs. Audrey Quarles Anderson of Lexington, Mississippi for her commitment and servitude to the cause of education.

HONORING MARIE CLARKE ARTURI
AND HER DAUGHTER, DANIELLA
MARIA ARTURI

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to congratulate Mrs. Marie Clarke Arturi of Laurel, Suffolk County, New York, the recipient of the 2011 American Society of Hematology (ASH) Outstanding Service Award in recognition of her efforts over more than a decade to raise public awareness and increase scientific research for the rare bone marrow failure disorder, Diamond Blackfan Anemia (DBA).

Mrs. Arturi founded the Daniella Maria Arturi Foundation with her husband, Manny, in honor of their daughter Daniella's short but beautiful life, whose death from treatment complications of DBA on this day sixteen years ago, December 6, 1995. This marked the beginning of the Arturis' tireless efforts to improve the clinical care environment for those living with this disorder and to inspire a remarkable and growing field of researchers now dedicated to this field of science.

Mrs. Arturi's efforts have helped shine a light on the value of understanding rare diseases. By demonstrating DBA's complex link to red cell aplasia, birth defects, cancer predisposition, and the first human disease identified as a ribosomal protein defect disorder, her work has made DBA an important area of focus within the National Institutes of Health, the Centers for Disease Control and Prevention, and clinical and research communities worldwide. These efforts are now leading to improvements in care and research for patients with blood disorders like DBA, while also leading to advanced research initiatives that are yielding clues to other, more widespread disease populations.

The 2011 Outstanding Service Award will be presented to Mrs. Arturi during the 53rd American Society of Hematology Annual Meeting in San Diego, California, on December 11, 2011.

Mr. Speaker, I ask my colleagues to join me today in congratulating Mrs. Marie Clarke Arturi and her family for their outstanding public service to rare disease communities and those living with Diamond Blackfan Anemia in honor of Daniella Maria Arturi.

RECOGNIZING MR. DENNIS ROBERTS, RECIPIENT OF THE DYNACORP INTERNATIONAL CHAIRMAN'S PURPLE STAR AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize Mr. Dennis Roberts for being the recipient of the DynCorp International Chairman's Purple Star Award. This award recognizes Mr. Roberts' courage and sacrifice while working as a security coordinator in Afghanistan.

The Chairman's Purple Star Award is the highest honor given by DynCorp to its employees. It recognizes individuals who have been killed or wounded while supporting a customer's mission for their exceptional sacrifice.

In February of 2010, Mr. Roberts was supporting our Armed Forces at Kandahar Air Field, Afghanistan. During a sudden rocket attack that was launched upon the installation, Mr. Roberts was struck and severely injured by the motor that separated from the rocket. It penetrated a nearby vehicle before striking Mr. Roberts, who suffered severe injuries to his chest, hand, and shoulder.

In the time since the attack, Mr. Roberts has overcome great hardship, undergoing numerous surgeries and completing extensive physical rehabilitation to recover from his injuries. He is also working towards his bachelor's degree and upon his expected graduation next year, hopes to use his education and experience to continue working to support America's security.

Mr. Speaker, it is an honor to recognize Dennis Roberts for receiving this award and I ask that my colleagues in the House of Representatives please join me in congratulating him.

COMMEMORATING WORLD WIDE SIRES 40TH ANNIVERSARY

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. NUNES. Mr. Speaker, I rise today to extend my congratulations to World Wide Sires as they celebrate their 40th anniversary.

World Wide Sires was established in 1971 in Hanford, California, a small town in the San Joaquin Valley. From his home farm, founder Bill Clark recognized the benefits of genetic potential and its role in producing the most efficient and highest quality livestock. Today, World Wide Sires is the world's leading cattle genetics marketing organization with active markets in over 70 countries.

In 2001, World Wide Sires Inc. was purchased by Accelerated Genetics and Select Sires and became World Wide Sires Ltd. Still operating as a stand-alone company, World Wide Sires has continued to use the San Joaquin Valley as the hub for their growing international sales, maintaining headquarters in Visalia, California. During its 40 years, World Wide Sires has sold products in 108 countries, all from only a few miles away from founder Bill Clark's original home farm.

A leading exporter of US bovine genetic material, World Wide Sires remains committed to providing dairy and beef producers throughout the world with the highest quality genetics and services available. I applaud World Wide Sires for their hard work and dedication to the agricultural community, and I congratulate them on their 40th anniversary.

BURMA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. PITTS. Mr. Speaker, I am deeply concerned about the international community's recent trust in assurances that Burma is opening up to the world and becoming a true democracy in which the rights of all people in Burma are protected. There have been some positive steps taken recently by the dictators, however, until we see permanency in these changes, we would all do well to remain deeply cautious.

One important issue the Secretary of State addressed during her visit this week to Burma regarded the attacks by the dictatorship's troops against the ethnic minorities. It is vital, and I cannot emphasize this enough, that leaders of the various ethnic groups be included in any and all discussions, dialogue and decision about the future of Burma. I would call your attention to the call by the U.N. for a tri-partite dialogue—all three parties, the dictatorship, the democracy groups and the ethnic groups, must be included fully in all negotiations and agreements in order for true change to come to Burma. This is even more important when, during this visit and the recent ASEAN meetings, the dictatorship was violently attacking one or more ethnic groups.

A few years ago, I submitted a Statement for this RECORD describing the Advanced Light Helicopters that India sold to Burma. The dictators of Burma used these, plus other military hardware sold to them by a variety of nations against the ethnic minority civilian populations. The brutality of Burma's Generals against the ethnic minorities has not stopped, even during this time when they are allegedly making democratic reforms. Therefore, we as a democratic, free nation must be extremely careful of what the Generals are really up to—they haven't proven themselves trustworthy in the past.

I would like to submit for the RECORD, a short letter to the Secretary from Ms. Zipporah Sein, Secretary General of the Karen National Union.

I urge the Secretary of State, when engaging in further dialogues with the Burmese government, to proceed with the utmost caution.

OFFICE OF THE SUPREME HEAD-
QUARTERS, KAREN NATIONAL
UNION, KAWTHOOLEI,

November 25, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: Thank you for your constant support and encouragement for the people of Burma.

The leaders of the Karen National Union (KNU), welcome your engagement with the government of Burma and your leadership alongside Daw Aung San Suu Kyi to bring to the forefront the need to see an end to the ongoing conflicts in the ethnic states and an end to the oppression of all people inside Burma.

We the KNU would like to ask you to take the lead to recognize the desires of all the ethnic groups, both armed and unarmed, to be treated as equals in the effort to establish a genuine federal union: A union that recognizes the rule of law and recognizes the equality of all.

We invite you to meet with ethnic leaders from all of the ethnic organizations both armed and unarmed as we move forward to work toward a peaceful and stable nation where our citizens can truly be free from governmental oppression. We need your help and your engagement with all of us.

Sincerely,
ZIPPORAH SEIN,
General Secretary, Karen National Union.

CONGRATULATING THE ROCK BRIDGE HIGH SCHOOL BRUINS BOYS CROSS COUNTRY TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Rock Bridge High School Bruins Boys Cross Country team for winning the Class 4 Missouri State Championship.

The young men and their coaches should be commended for all of their hard work throughout the regular season and bringing home the state title to their school and community. At the State Cross Country Championships in Jefferson City, the Bruins won the state title with a score of 61, 28 points better than second place. They have made history for the school, as it is the Rock Bridge boys' first state title.

I ask that you join me in recognizing the Rock Bridge Bruins for a job well done!

HONORING LARENCE C. "LARRY" MAXWELL

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member Larence C. "Larry" Maxwell who served his country honorably from a very young age.

Larence C. "Larry" Maxwell entered the United States Army shortly after completing

high school and began a journey that would see him serve in multiple wars and conflicts for thirty-two years throughout the world culminating with promotion to Command Sergeant Major, the highest enlisted rank in the Army.

The son of Andrew and Addie Maxwell of Chowchilla, Larry was born in Madera on December 21, 1946. He was raised in Chowchilla, where he attended elementary school and attended Le Grand High School. In 1965, he entered the Job Corps. In 1966, he was drafted at age nineteen and subsequently enlisted in the Army. He completed basic training at Fort Ord, California and then Advanced Individual Training at Fort Leonard Wood, Missouri, where he was selected for training as an Army Engineer Heavy Equipment Operator. His first duty assignment was with C Company, 94th Engineer Battalion in Nillingen, Germany, where he assisted in the construction of facilities for ammunition and equipment when France resigned from NATO.

Vietnam was the next tour for the young Army combat engineer. He was assigned to the 92nd engineer Battalion in January 1968 as a heavy equipment operator and squad leader. The 92nd was known as the "Black Diamonds" and gained a reputation as the "can do" unit during combat operations, earning fourteen battle streamers in Vietnam and four Meritorious Unit Commendations and the Vietnamese Civil Action Honor Medal First Class. Maxwell participated in the Tet Offensive and four more major campaigns until his tour ended in January 1969. He was wounded by enemy mortar fire in May 1968 and was medevaced to the Army hospital at Bien Hoa and after recovery from his wounds he returned to the 92nd for duty.

He concluded his twelve-month tour and returned stateside. He took a brief break from the Army for two years before re-enlisting in 1971, and was stationed at Fort Bliss, Texas, with the 68th engineer Company as a squad leader and heavy equipment operator, where he worked on numerous projects including those for the Bureau of Indian Affairs on the Mescalero Indian Reservation. After Fort Bliss, he received orders to report to the 598th Supply and Service Company in Kaiserslautern, Germany, where he assumed duties as Class 3 Distribution Chief. He subsequently was promoted to Assistant Platoon Sergeant of the Equipment Platoon with the 370th engineer company. While serving in Germany, his unit was designated as the best engineer company in the U.S. Army.

In 1975, he reported to B Company, 43rd engineer battalion, Fort Benning, Georgia, where he served initially as a squad leader and promoted to platoon sergeant. With obvious leadership qualities, he was assigned to the 36th Engineer Group as an instructor in the Basic Leadership Course. His superiors selected him to attend the Engineer Advanced Course at Fort Belvoir, Virginia. Upon completion of the Advanced Course, he was selected for Drill Sergeant School at Fort Leonard Wood, Missouri. After graduation from Drill Sergeant School, he served as Drill Sergeant from June 1979 to October 1982.

He returned to Germany as First Sergeant with the 58th Combat Engineer Mechanized 11th Armored Cavalry Regiment at Downs Barracks, at Fulda, Germany. The unit was re-

sponsible for protecting the East/West German border. After completion of the tour with the 11th Armored, he found himself back at Fort Leonard Wood as First Sergeant of A Company, 6th Battalion, 10th Infantry Basic Training.

In June 1988, he was selected for the Sergeants Major Academy at Fort Bliss, Texas. After graduating from the Sergeants Major Academy in January 1989, he was assigned to Army forces at Camp Nimble in Korea as First Sergeant of B Company, 44th Engineer Battalion. The 44th had responsibilities for duties on the Demilitarized Zone (DMZ). In September 1989, he was promoted to Sergeant Major and served in the capacity in Korea at Camp Mercer.

After returning stateside, he assumed duties as Sergeant Major for the 535th Prime Power Detachment at Fort Monmouth, New Jersey. The 535th had teams stationed in Kentucky, Georgia, Virginia, New Jersey, Panama, and Germany.

At the beginning of the Gulf War, Maxwell was designated Command Sergeant Major. In the U.S. Army, the leadership position of Command Sergeant Major is the highest enlisted rank and acts as the senior enlisted advisor to the commanding officer and represents all the enlisted soldiers of the command.

Maxwell was made Battalion Sergeant Major of the 43rd Engineer Battalion and deployed to Saudi Arabia, where he became Command Sergeant Major of Task Force 43 assigned to echelons above corps during hostilities with Iraq.

After the Gulf War, he participated in disaster relief during Hurricane Andrew. He deployed to Somalia twice, first as Sergeant Major with Task Force 43, 10th Mountain Division, and the second time when his battalion was attached to United Nations' forces for the construction of Victory Base. He subsequently deployed to Panama and Costa Rica for civic action projects and construction of medical aid facilities. His last assignment was Command Sergeant Major of the 84th Engineer Battalion and Sergeant Major of the 45th Corps Support Group (Forward), with the Army's famed "Tropic Lightning" 25th Infantry Division at Schofield Barracks, Hawaii. While at Schofield, Maxwell deployed with units throughout the Philippines, and other areas. After thirty-two years of service to his country, he retired from the U.S. Army in 1998 and returned to Madera.

For his service, Command Sergeant Major Maxwell was awarded numerous decorations including: two awards of the Legion of Merit, the Bronze Star, Purple Heart, three awards of the Meritorious Service Medal, four awards of the Army Commendation Medal, three awards of the Army Medal, Vietnam Campaign Medal, Vietnam Service Medal with five campaign stars, Armed Forces Expeditionary Medal, two awards of the National Defense Service Medal, United Nations Medal, ten awards of the Good Conduct Medal, two awards of Humanitarian Service Medal, the Korean Defense Service Medal, the Presidential Unit Citation, the Republic of Vietnam Cross of Gallantry Unit Award with frame, the Southwest Asia Service Medal, Kuwait Liberation Medal, two awards of the Army Service Ribbon, four awards of the NCO Professional Development

Ribbon, the German Schutzenschnur, the Bronze and Silver de Fleury Medal, and the Drill Sergeant Badge. During his military career, Larry earned an Associate of Arts degree from Central Texas College.

After retirement from the Army, Larry worked as a Corrections Officer for the Madera County Probation Department, where he performed duties as an instructor in ceremony and physical drill at the boot camp. In 2000, his drill team won the Grand Prize at the Fresno Veterans Day Parade. He was promoted to sergeant in 2002 and continued to teach and counsel adolescents to become productive members of society until his retirement from the Probation Department in January 2010.

Larry is a life member of Chowchilla VFW Post 9896 and American Legion Post 148. He is a member of the Army Engineer Association, the Noncommissioned Officers Association, the Association of the United States Army, and the Armed Forces Association. He is a member of the Grace Community Church and is a volunteer with Food Bank.

Larry has two brothers, Charley Maxwell (deceased) of Idaho, First Sergeant (Ret.) Donnie Maxwell, Sr. of Madera, and three sisters, Donna Lea and Bonnie Bartley of Madera, and June Maxwell of Cleveland, Oklahoma. Larry married his first wife, Linda Swiley of Chowchilla and had three children, Garry Maxwell and his wife Tonya of Falmouth, Kentucky, and a daughter Samantha and husband Tim Richards of Chowchilla, and daughter Wendy and husband Chris Yowell of Chowchilla. Larry married Ronda Davis of Mulberry Indiana, who has two children, Jonathan Shambaugh and wife Melanie of West End, New Jersey, and Courtney Shambaugh and Andrew Watkins of Highland, New Jersey. Larry has thirteen wonderful and very active grandchildren.

Mr. Speaker, please join me in thanking Larence C. "Larry" Maxwell for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

HONORING MRS. DIANE McMANUS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the achievements of Diane McManus who will be retiring after 25 years of outstanding work in the field of commercial lending and finance.

Throughout her career, Diane has been a committed advocate on behalf of Maine's business community. As Vice President of Finance for Development Concepts Inc., she worked hand in hand with companies to locate new investment streams and further develop their business models. Diane brought this background with her to Northeast Bank where, as a loan officer, she continued to provide resources to help grow Maine enterprise. Her devotion to local commercial development, and the successes that followed, have earned her numerous promotions and professional accolades. As Regional Vice President and Senior Market Manager at Camden National bank,

Diane is leaving behind a thriving program that covers \$82 million in commercial loans.

Diane has not only excelled within the realm of business, but she has gone above and beyond expectations to serve her community as well. In 2002, she was awarded the Maine State Chamber Volunteer of the Year Award. In 2004, she earned the Chamber of Commerce Ken Additon Small Business Advocate Award, and most recently, Diane was recognized as the Number one U.S. Small Business Administration 504 Lender in the State of Maine by the Granite State Development Corp.

It is always with some lingering sadness that I pass along my best wishes for the retirement of an individual such as Ms. McManus. Though retirement is well-deserved and will begin a new and exciting chapter in her life, it also signifies that Maine is losing one of its most dedicated and valued employees. Diane's perpetual willingness to believe in Maine businesses has touched the lives of countless entrepreneurs throughout the state. I wish her the very best going forward as she takes this exciting next step.

Mr. Speaker, please join me in congratulating Diane McManus on her retirement and honoring her 25 years of impeccable commitment to her field and her community.

RECOGNIZING AMERICA'S MINERS
ON NATIONAL MINERS DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. RAHALL. Mr. Speaker, I submit the following.

Watching coal-miners at work, you realize momentarily what different universes people inhabit.—George Orwell.

George Orwell was humbled by coal miners—brave and earnest individuals who work hard hours, often in cramped, damp, lamp-lit corners far below the surface of the Earth. He was shocked by the living and working conditions he witnessed while he boarded in the coal mining communities of Northern England, accompanying the miners underground to see, first-hand, the hot, horrible conditions under which they labored.

"Down there," he wrote, "where coal is dug is a sort of world apart which one can quite easily go through life without ever hearing about. . . . It is so with all types of manual work; it keeps us alive, and we are oblivious of its existence. More than anyone else, perhaps, the miner can stand as the type of the manual worker, not only because his work is so exaggeratedly awful, but also because it is so vitally necessary and yet so remote from our experience, so invisible, as it were, that we are capable of forgetting it as we forget the blood in our veins."

Even now, in an age of Twitter and reality TV, when every aspect of life can be beamed around the world in an instant, it is too easy to forget about the miner and his daily digging chores, sequestered far from our view, though intimately connected to so many of our daily needs and desires.

Yet, from time to time, something happens to remind us of that separate world. Unfortunately, that something is, too often, a tragedy, like the explosion at Massey Energy's Upper Big Branch Mine in Southern West Virginia, on April 5, 2010, that took the lives, far too soon, of 29 hardworking men.

In the hours following that explosion, reporters from around the Nation flocked to the mine site, nestled in a rural mountain fold not far from my home. Every phase of the attempted rescue effort was captured and broadcast around the globe, and for many tense and worrisome hours, coal miners were very much on the minds of the world, holding its collective breath and hoping for a miracle—a miracle that was not be.

Now, after the passing of many months, it is clear that the loss of those 29 miners was not due to one unpreventable, fateful incident, but, instead, it was the result of a pervasive, long-running, callous corporate culture that put production and profit far above people.

It is no coincidence that, today, the Mine Safety and Health Administration is releasing its final report on the UBB disaster. This day, December 6th—the anniversary of the 1907 Monongah Mine disaster, the worst mining disaster in American history—is also the Congressionally designated "National Miners Day."

I am proud to have been the author of the House Resolution that sought to establish this date as a milestone of national recognition and remembrance of America's miners. It is a shameful truth that each advance in our Nation's mine safety system has come only after a mine disaster. But I hope that this day might alter that tradition and serve to bring the miner out from the dark of the mines into the national light for at least one day each year. It seems to me far preferable that our national conscience be kindled not by tragedy, but, instead, by celebration.

And so I urge that, at least on this one day each year, the Congress and all Americans will turn our attention to recognizing the contributions that miners have made to our Nation—its economic vitality and its military strength. And that we will take this annual opportunity to help ensure that these men and women are assured of safe, healthy, humane conditions in which to earn an honest living. America and American miners deserve no less.

HONORING LEWIS WILLIAMS

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Ms. CASTOR of Florida. Mr. Speaker, I rise today to honor and highlight the distinguished life and career of the Honorable Lew Williams, who passed away sadly on December 3rd, 2011. Mr. Williams was a member of the Pinellas County School Board and a local educator. His impact on our community will be felt for years to come. He leaves behind two children and his wife, Arthurene.

Mr. Williams was elected to the Pinellas County School Board in 2010. However, over

his lifetime, his impact was profound. Quiet and reserved, he chose his words carefully in a way that would be sure to have the most impact. His colleagues on the School Board have noted that he often had the ability to drive debates to a solution, while being one of the quietest individuals in the room. In his time on the Board, he was able to move the district in a different direction and was instrumental in leading the fight for changes in the district's superintendent position.

Lew Williams was born in Blakely, Georgia, but moved to Florida at a young age. Growing up in public housing, he saw education as a means to future success. Two educators saw his potential for achievement and helped pay his way for college. He graduated from Allen University with a bachelor's degree and South Carolina State College with a master's degree.

Mr. Williams was instilled with the same optimistic belief in those around him. He started out as a social studies teacher, but eventually went on to become a principal at five different Pinellas County schools. In 2010, Mr. Williams was elected to the School Board seat for District 7. Local educational leaders, such as the current head of the local teachers union, credit him for seeing leadership in them when he chose to hire them. His hard work, sacrifice and determination have truly impacted our community and continue to do so.

The Tampa Bay community mourns his loss and is so thankful for his many years of service to students and our community. I ask that you and all Americans remember such a remarkable educator for his ability to inspire success in others.

HONORING DR. CHARLES
GRINDSTAFF

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Dr. Charles Grindstaff, a great man, devoted educator, and public servant from Southwest Virginia. Dr. Grindstaff left us on December 2, 2011.

Born on September 3, 1947, in Bluefield, WV, Dr. Grindstaff was raised in the small town of Bishop, Va. He later earned degrees from Tazewell High School, East Tennessee State University, Radford University, and NOVA University. After God and family, Dr. Grindstaff's passion was education. Since 1969, Dr. Grindstaff—often known simply as "Dr. G"—served students as a teacher, administrator, and professor in Tazewell County Public Schools, Horry County, SC Schools, and at Concord University in Athens, WV. For over 15 years, Dr. Grindstaff also served the Town of Tazewell as a councilman and as mayor until the time of his death. He was an avid sportsman, enjoyed performing in local theatre, and sharing his musical talents. Dr. Grindstaff leaves behind his wife Suzanne, daughters Heather and Christina, and his son Andy, as well as three grandchildren.

Dr. Grindstaff, through both his work in the classroom and local government, impacted

countless lives. He was also my District Director Michelle Bostic Jenkins' principal at Jewell Ridge Elementary and taught with her mother for several years. After a flood on the Clinch River destroyed many of their belongings, Dr. Grindstaff was there willing to help. He was well known for his exceptional goodwill and dedication to the Tazewell community. I am honored to pay tribute to this great man's many contributions. His legacy and influence will be long remembered in Tazewell and throughout Southwest Virginia. He will be missed, but never forgotten.

CONGRATULATING THE MISSOURI
CATTLEMEN'S ASSOCIATION ON
ITS 100TH ANNIVERSARY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the Missouri Cattlemen's Association, which is celebrating its one hundredth anniversary this year.

The Missouri Cattlemen's Association began in 1911 as the Missouri Livestock Producers Association and adopted its current name in 1968. In the beginning, dues were only \$2, and were reduced to a quarter during the Depression.

Missouri ranks third in the Nation in the number of cows, and the Missouri Cattlemen's Association is the voice for the State's 60,000 beef producers, focusing on issues that affect beef production while also providing a safe, abundant, and nutritious source of food.

In closing, Mr. Speaker, I ask all my colleagues to join me in wishing the members of the Missouri Cattlemen's Association congratulations on reaching this significant milestone.

HONORING THE LIFE OF "J.
BLACKFOOT"—JOHN COLBERT

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to recognize and celebrate the life of John Colbert, better known as J. Blackfoot, a great soul singer and entertainer from the city of Memphis, Tennessee. J. Blackfoot was a special talent known for his unique vocal style. Born in Greenville, Mississippi, his family moved to Memphis when he was two. Colbert earned the nickname "Blackfoot" as a child because he would run barefoot through his neighborhood.

J. Blackfoot began his music career after meeting Johnny Bragg, founder of the 1950s-era music group "Prisonaires." Together they recorded a "behind-the-walls" hit for Sun Records, after which J. Blackfoot embarked on a solo venture under his birth name. Strongly pursuing his love for music, he eventually found himself at Stax Records under the tutelage of songwriter/producer, David Porter.

In the late 1960s, J. Blackfoot auditioned at Stax Records where David Porter and his song writing partner, Isaac Hayes, initially wrote many solo songs for him to perform. When the R&B duo Sam and Dave left Stax, Porter and Hayes decided to fill the stylistic void. They paired J. Blackfoot with Norman West, Anita Lewis and Shelbra Bennett to create the "Soul Children." They put out 7 albums over their decade long career and released 15 R&B hits.

In 1983, J. Blackfoot began a successful solo career, scoring many chart successes in both the U.S. and the U.K. He released several hit songs, including "Taxi" from the 1983 album City Slicker, which was perhaps his biggest solo career single. Over the last two decades, J. Blackfoot continued to record dozens of solo albums, performed at Stax-related events and reformed the "Soul Children."

J. Blackfoot passed away on November 30, 2011 at 65 years of age. Memphis, known for its rich musical heritage, mourns the loss of one of its unique voices. Mr. Speaker, I ask all of my colleagues to join me in honoring the contributions J. Blackfoot made to the music community. As an artist and music maker, his was a life well lived.

HONORING THE MEMORY OF SIS-
TER CATHERINE (MARY ISAAC)
COLBY, DOMINICAN SISTER OF
PEACE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. TIBERI. Mr. Speaker, I rise today to pay tribute to and honor the memory of Sister Catherine (Mary Isaac) Colby, O.P., Ed.D., of the Dominican Sisters of Peace in Columbus, Ohio, who passed away suddenly on December 2, 2011.

Sister Catherine Colby was a native New Yorker, and a graduate of St. Helena's Elementary School in the Bronx and Dominican Academy in Manhattan. She entered the Novitiate of the former Dominican Sisters of St. Mary of the Springs in 1960 and made her Profession of Vows in 1963. Sister Catherine earned a Doctorate in Education from Nova Southeastern University of Florida; an M.Ed. in Educational Administration from Xavier University of Cincinnati; an M.A. in Pastoral Ministry from St. Joseph's College of Connecticut; and a bachelor's degree in Education from the former College of St. Mary of the Springs, now Ohio Dominican University, in Columbus.

A lifelong educator, Sister Catherine was an outstanding administrator and a compassionate and perceptive preacher—the principle charism of the Dominican Order—as well as a division chair, faculty member, school principal and teacher in New York, Ohio, Pennsylvania and New Mexico. Additionally, she had been Vocation Director and Director of Candidates for her Dominican Congregation.

Sister Catherine was an Associate Professor of Education at Ohio Dominican for twenty-three years, and for seven of those she served as Chair of the Division of Education. The founder of the Center for Dominican Stud-

ies at ODU, Sister Catherine was also the University's first Vice President for Mission and Identity. In that capacity, she coordinated and facilitated the university-wide process of sustaining, enhancing, and promoting its distinct mission as a Catholic and Dominican university.

Her passing is a great loss not only for the Colby family, but for the Dominican Sisters of Peace, the entire campus community, the twelfth Congressional District of Ohio, and for Catholic education across this country.

Mr. Speaker, I would like to extend my deepest condolences to Sister Catherine's family, including her godson, John Colby, who serves with us here as a United States Capitol Police Officer, as well as to her Congregation, Ohio Dominican University, the Dominican Order, and her friends and colleagues during this most difficult time. Her legacy will stand as an exemplar for all Catholic educators and women religious, and she will be dearly missed.

HONORING 1LT IVAN D.
LECHOWICH

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life, sacrifice, and heroism of Army First Lieutenant Ivan Lechowich of Valrico, Florida.

1LT Lechowich, a combat engineer, was unfortunately killed while conducting combat operations for Operation Enduring Freedom on September 28, 2011, in Ghazni Province, Afghanistan.

U.S. Army combat engineers are greatly admired for their fearlessness and diligence in helping to tackle rough terrain in combat situations and for providing combat effectiveness to maneuver forces. 1LT Lechowich personified this bravery and dedication while he and his team worked to clear a roadway of explosive devices on the day of his death. During his Army career, he has been awarded a Sapper Tab, the Purple Heart, Bronze Star, Army Commendation Medal, and NATO medal.

Outside of the Army, Ivan was a loving husband and new father, whose daughter was born during his deployment. 1LT Lechowich enjoyed reading, studying history, and was an avid fan of the University of Florida's football team.

Mr. Speaker, though proud to have such a fine example from the Tampa Bay community, it is with great remorse that I rise to commemorate the life of 1LT Lechowich. I am in awe of the young men and women like Ivan Lechowich who choose to serve their countrymen in the armed forces. As professionals in all that they do, they exhibit honor, courage, and commitment in every pursuit. Their sacrifices, like that of 1LT Lechowich, will not be forgotten.

RECOGNIZING MRS. DONNIE POWELL FOR HER CONTRIBUTIONS TO EDUCATION AND COMMUNITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a true valued member of our society, Mrs. Donnie Powell. Mrs. Powell has dedicated a great deal of her life to championing causes relative to education and criminal justice.

Mrs. Powell received degrees in Criminal Justice from Coahoma Community College and Mississippi Valley State University; and has worked 25 years for the Mississippi Department of Corrections.

She is an active member of the Tallahatchie County Parent Teacher Association and was recruited to be a part of the parent-community ad hoc committee's nationwide search for a new Superintendent for the Tallahatchie School District in 2009. She has received Parent of the Month awards from local elementary and high schools in Tallahatchie County, and was most recently named the 2011 Tallahatchie School District Parent of the Year.

She volunteers her time and energy to her local Boys and Girls Club, in an effort to help educate and deter the youth from engaging in counterproductive activities such as joining gangs and committing violence in their schools and communities.

She works in conjunction with the Mississippi State Department of Health to organize speaking engagements and forums on gangs and violence in Tallahatchie, Panola, Quitman, Sunflower, and Coahoma counties.

Mrs. Powell believes that parents, teachers, and community members should work together and maintain strong lines of communication in an effort to ensure that the students of today receive adequate education and training to thrive in an ever changing world.

Mr. Speaker, I ask you and our colleagues join me in recognizing Mrs. Donnie Powell for her many contributions to education and serving her community.

HONORING SERGEANT-AT-ARMS
WILSON "BILL" LIVINGOOD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. HOYER. Mr. Speaker, next month this House will lose a dedicated public servant. Wilson "Bill" Livingood, our Sergeant at Arms, will retire after seventeen years keeping us safe. Since 1995, he has stood watch over the People's House and all of its members, staff, and visitors, overseeing the security of this chamber, the Capitol, and Congressional office buildings.

Under Bill's leadership, the House has adapted its security measures to meet new challenges faced since September 11. He has been a driving force in enhancing screening

procedures while ensuring that Americans can still easily visit the Capitol and meet with their representatives.

Bill Livingood's life has been spent in service to our nation and to protecting the institutions of our democracy. Before his long service as Sergeant at Arms, Bill was an agent of the U.S. Secret Service for thirty-three years, placing his life on the line to protect our commander-in-chief.

While I have no doubt that the strong voice with which Bill has welcomed U.S. presidents and foreign dignitaries into the House chamber has become iconic, I believe he will be remembered here most for his warmth and kind-spirit and for his deep love of country. I have been fortunate to call him a friend and can attest to the attention and respect he commands from all who have known him. It has been a pleasure serving with Bill throughout his tenure, and I wish him all the best in his retirement.

I join with my colleagues from both sides of the aisle in thanking Bill for his long career of distinguished service to the people of the United States and, in particular, to their House.

CONGRATULATING THE LINN HIGH
SCHOOL WILDCATS BOYS CROSS
COUNTRY TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Linn High School Wildcats Boys Cross Country team for winning the Class 1 Missouri State Championship.

The young men and their coaches should be commended for all their hard work throughout the regular season and bringing home the state cross country championship to their school and community. The boys have relied on each other throughout the season, providing one another with encouragement and displaying true team spirit. They won by a mere one point, proving that all seven boys were truly needed in securing the victory.

I ask that you join me in recognizing the Linn Wildcats for a hard fought victory and a job well done.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,068,133,903,969.13. We've added \$10,266,728,728,674.85 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING THE BIRTHDAY OF
KING BHUMIBOL ADULYADEJ OF
THAILAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to express my congratulations and best wishes to the world's longest serving monarch, King Bhumibol Adulyadej of Thailand, on the occasion of his 84th birthday this past Monday, December 5th. King Bhumibol is beloved by his people and esteemed for his great humility, compassion and proactive engagement with everyday Thais.

King Bhumibol has spent decades in virtually every corner of Thailand, engaging with the Thai people face-to-face, seeking new and improved ways to make their lives better. Since the early years of his now 65-year reign, he has been mindful of the livelihood of farmers and others dependent on agriculture. He made water management a key priority in royal development projects, with the first such project initiated in 1963. Taking a holistic approach, the King's projects also sought to ensure local residents understand the importance of proper water management to avoid flooding, droughts and pollution.

The King has also promoted sustainable agricultural practices along with soil resource management, to maximize economic success in rural areas and to help farmers become self-reliant. His economic advice based on the "Sufficiency Economy" philosophy, which calls on individuals and businesses to practice moderation and reasonableness, and seek self-immunity against external factors in their pursuit of growth, has been embraced by rural farmers and private businesses alike.

Agriculture, environmental conservation and sustainable development are among the many other areas of King Bhumibol's initiatives to contribute to the progress of Thailand and its people. During the 1960s and 1970s, the King developed an opium crop substitution program that encourages hilltribe people to grow cash crops so that they abandon the drug trade. His initiatives on health—started even earlier in the 1950s—helped Thailand's efforts to eradicate and combat diseases such as leprosy, cholera, tuberculosis and smallpox. These and the scholarship programs he created to support Thais to study medicine and medical advancement overseas have contributed to the development of the country's public health system—today one of the most advanced in Southeast Asia.

King Bhumibol's values, initiatives, and passion for improving life for all Thais have earned him the respect of the people of Thailand. He has also been recognized internationally for his unique leadership, which has uplifted the people of Thailand during difficult times.

Mr. Speaker, I am honored to join the people of Thailand—America's friend and oldest treaty ally in Asia—as they pay tribute to King Bhumibol and celebrate his 84th birthday this week.

HONORING MR. JEREMIAH JOSEPH O'KEEFE FOR HIS CONTRIBUTIONS AND SERVICE TO COMMUNITY AND COUNTRY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a World War II hero, entrepreneur, philanthropist and outstanding public servant, Mr. Jeremiah "Jerry" Joseph O'Keefe.

A native of Ocean Springs, Mississippi, Jeremiah Joseph O'Keefe was born July 12, 1923, in a gracious antebellum home constructed by his grandfather. When Jeremiah O'Keefe was 13 years old, the family lost their home during the Depression and relocated to Biloxi, Mississippi. In Biloxi, Mr. O'Keefe attended Sacred Heart Academy high school, where during his senior year he was co-captain of the school's football team.

Mr. O'Keefe was attending Soule Business College when the Japanese bombed Pearl Harbor in 1941 and he quickly offered to serve his country by enlisting in the United States Navy. He would join the Aviation Cadet Program of the United States Navy in June 1942, and was commissioned a 2nd Lieutenant in the United States Marine Corps and designated a Naval Aviator on June 16, 1943. In 1945, Mr. O'Keefe, then a 1st Lieutenant, and his 24-plane fighter squadron, "the Death Rattlers," deployed upon Okinawa where they would participate in his first aerial combat. Their assignment was to prevent repeated nightly Japanese aerial attacks in the harbor. An "ace" fighter pilot, Mr. O'Keefe was credited with shooting down a total of seven Japanese airplanes in the Battle of Okinawa, including five in one day. At the age of 21, Mr. O'Keefe became one of the youngest "Aces" in World War II. For his meritorious efforts, he was awarded the United States Navy Cross, Distinguished Flying Cross, the Air Medal, and the Gold Star.

Following World War II, Mr. O'Keefe obtained a degree in business administration from Loyola University and went to work with his father in the family funeral business. In 1958, he purchased Bradford Funeral Service and merged it with the O'Keefe family business to create Bradford-O'Keefe Funeral Home. That same year, Mr. O'Keefe founded Gulf National Life (GNL) Insurance Company. Over the course of several decades, GNL acquired a number of other smaller companies and became the largest insurer in Mississippi with over 200 affiliated funeral homes.

Deeply rooted in politics on the Gulf Coast, Mr. O'Keefe's grandfather was alderman-at-large in Ocean Springs. In 1935, Jerry O'Keefe's uncle, John O'Keefe served as Mayor of Biloxi for two years, before resigning to become an Adjutant General in the Mississippi National Guard. Jerry O'Keefe was elected to the Mississippi State Legislature seven years later in 1959 and served one four-year term. Mr. O'Keefe was elected Mayor of Biloxi in 1973 and served eight years. Known as an energetic and innovative mayor, he was awarded Biloxi's Citizen of the Year in 1976.

As mayor, Mr. O'Keefe was a strong proponent for civil rights and the advancement of the African-American community. While mayor of Biloxi, he confronted the Ku Klux Klan (KKK) by rescinding a permit they received to hold a parade in the town. When the KKK proceeded with the parade, he had them arrested. Mr. O'Keefe was guided by his moral compass and ethical disposition during a time when few stood up against the Ku Klux Klan for fear of retribution. Mr. O'Keefe received death threats and the KKK burned a cross in front of his house. Still, Jerry O'Keefe stood his ground.

After three decades of politics, Mr. O'Keefe shifted his focus to fundraising and philanthropy. He has been a supporter and donor to numerous organizations, schools, and museums. In 1967 and 1975, Mr. O'Keefe received awards from the United Fund Campaign for Distinguished Service to the people of Harrison County. He has been the recipient of the Pine Burr Area Boy Scouts of America's Lifetime Achievement Award. In 1995, he and his wife, Annette, founded The O'Keefe Foundation with an initial endowment of \$10 million. The foundation is the primary financial sponsor of The New Hope Center in Ocean Springs, a center for disabled youth. Additionally, the foundation supports numerous organizations throughout the state and the greater Gulf Coast region which includes the Coalition for Citizens with Disabilities, St. John's and Mercy Cross High Schools, Habitat for Humanity, Shaw University, Tougaloo College, St. Alphonsus Elementary School, YMCA, the St. Vincent Depaul Society, the Walter Anderson Museum, Boys and Girls Clubs, Christians United of Jackson County, and the City of Ocean Springs.

Mr. O'Keefe and his first wife, Annette Saxon O'Keefe, have 13 children. He and his later wife, Martha, have worked to reinforce family bonds through regular church attendance, Sunday dinners, and family vacations. Mr. O'Keefe is an active member in the Nativity B.V.M. Cathedral.

Mr. Speaker, I ask that my colleagues join me in expressing my sincere gratitude to Mr. Jeremiah "Jerry" Joseph O'Keefe of Ocean Springs, Mississippi for his service to the state of Mississippi and to this country.

SUPPORT OF H. RES. 440 CONGRATULATING RECIPIENTS OF 2010 WORLD PEACE PRIZE H.H. DORJE CHANG BUDDHA III AND THE HONORABLE BEN GILMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. ENGEL. Mr. Speaker, I rise today to express my strong support of H. Res. 440 which congratulates H.H. Dorje Chang Buddha III and the Honorable Ben Gilman for winning the 2010 World Peace Prize.

Recently, I introduced this resolution to highlight the awarding of the World Peace Prize to both H.H. Dorje Chang Buddha III and Congressman Gilman. The World Peace Prize is a very distinguished honor granted by the

World Peace Council in recognition of individuals who exemplify selflessness in their devotion to humanity.

I commend H.H. Dorje Chang Buddha III and the Honorable Ben Gilman for their multiple contributions to our society and urge my colleagues to support H. Res. 440.

THE CAMERAS IN THE COURTROOM ACT OF 2011

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, today I introduced the Cameras in the Court Act of 2011 to ensure transparency and accountability in the judicial branch by providing television coverage for open proceedings before the United States Supreme Court.

This is companion legislation to a bipartisan bill, S. 1945, introduced yesterday by Senator DICK DURBIN (D-IL), Assistant Senate Majority Leader, and Senator CHUCK GRASSLEY (R-IA), Ranking Member on the Senate Committee on the Judiciary. The Cameras in the Courtroom Act of 2011 respects the individual rights of the parties appearing before the Court, only applying to open proceedings. In addition, a majority of the Supreme Court justices may vote to exclude television coverage of a particular proceeding if they decide that such coverage would result in a violation of the due process rights of any of the specific parties before the Court.

This legislation would only apply to those Supreme Court proceedings currently open to the public. Individual Americans are welcome to observe these Court proceedings, but only in an extremely limited number. The Supreme Court has seating for several hundred, however they typically only allocate roughly 50 seats for the general public. And that is what is so troubling. Given the sweeping nature of recent Supreme Court decisions, this limited seating almost screams elitism, secrecy and contempt for the public by this third branch of our government.

I strongly believe that the separation of powers and our system of checks and balances is essential to the successful operation of a democratic society. However transparency and accountability are necessary to ensure that those checks and balances are properly applied, even in the judicial branch itself.

Regardless of the scope of the legislation, Congressional debates and votes on each and every bill are televised and available to Americans through CSPAN. It was not enough for reporters to pass along their accounts of what occurred, nor was it enough for the limited number of Americans who could directly observe from the House and Senate galleries. The entire American public—it was determined—was entitled to know what the Congress was undertaking in its name.

It strains any reasonable precept of transparency to assert that such momentous recent Supreme Court deliberations such as *Bush v. Gore*, *Kelo v. City of New London*, and *Citizens United v. Federal Election Commission* were available only to the 50 Americans who

were allowed and fortunate enough to be among the chosen few to wait in the queue for public seating.

Americans today live in a world where information is near instantaneous; where with a handheld cell phone they are able to communicate through live video conferencing with nearly anyone in the world. Today's technology allows us to bring events from across the globe to our fingertips in real time.

It is essential that the highest arbiter of the law of our land provide all Americans with the opportunity to observe United States Supreme Court proceedings in a manner that will enable them to form their own opinion through direct observation. Transparency and accountability are the windows through which everyday citizens may observe and protect democracy. Are there risks that some will play to the cameras? Yes, absolutely. Are those risks offset by the public's need, indeed right, to know? Absolutely yes. Sunshine—even in the Supreme Court—remains the best disinfectant against those who might feel that the black robe of life-tenure grants them permanent immunity from accountability for their words and opinions.

I urge my colleagues to support transparency and accountability in the United States Supreme Court and cosponsor the Cameras in the Courtroom Act of 2011.

CONGRATULATING MERAMEC ELECTRICAL PRODUCTS COMPANY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize Meramec Electrical Products Company in Cuba, MO, which was awarded the Make It in America Manufacturer of the Week for November 16–23, 2011.

Make It in America is an initiative supported by the U.S. Department of Commerce's Manufacturing Extension Partnership (MEP), which works with small and mid-sized U.S. manufacturers to help them create jobs, increase profits and save time and money. The nationwide network of manufacturers provides a variety of services and resources to aid American businesses in expanding into new markets, creating new products and building their clientele. For every one dollar of federal investment, MEP generates \$32 in new sales growth, which equates to \$3.6 billion in new sales annually.

Each week MEP features an American business that is boosting U.S.-based manufacturing and production. I am pleased to acknowledge Missouri's hardworking manufacturing industry and, specifically, Meramec Electrical Products Company. This midwest company is one of the largest manufacturers of instrument current transformers for the power generation, transmission and electrical distribution markets. Its products are used in generators, power transformers and high voltage circuit breakers, to name a few.

The company was founded in 1969 on the principles that quality people and teamwork will produce quality products. Those principles

have guided the business for the past four decades, leading to its success today. Meramec Electrical Products Company is the largest bushing transformer manufacturer in the Western Hemisphere and serves a global market. It uses an effective Quality Assurance System to ensure high quality products produced efficiently, effectively and on budget. This company is a true testament that hard work and dedication lead to success and greater opportunities.

In closing, Mr. Speaker, I ask all my colleagues to join me in congratulating Meramec Electrical Products Company and its employees for all their success and the well-deserved title of Make It in America Manufacturer of the Week.

RECOGNIZING MR. KENNETH COLEMAN FOR HIS DEDICATION TO SERVING OTHERS AND GIVING BACK TO THE COMMUNITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and an intrepid man; one who has served as a father figure to many of the children of Crystal Springs, Mississippi; Mr. Kenneth Coleman. Mr. Coleman, a lifelong resident of Crystal Springs, Mississippi is husband and devoted father to two biological sons. Mr. Coleman graduated from Crystal Springs High School in 1991 and received his Bachelors of Science Degree in Recreation from Alcorn State University in 1998.

Mr. Coleman serves as a volunteer coach for both Crystal Springs Middle and High School football and basketball teams. Mr. Coleman's commitment to the children of Crystal Springs is of no small consequence; under his direction the children learn a sense of sportsmanship, comradery and teamwork.

Mr. Coleman is employed as a conservation officer with the Mississippi Department of Wildlife and Fisheries, and Parks and is also a member of the Sanderson Masonic Lodge #22 in Crystal Springs. Mr. Coleman is a very active member of the Jerusalem Missionary Baptist Church, where he serves as chairman of the deacon board and is a member of the choir.

Mr. Speaker, I ask you and my colleagues to join me in commending Mr. Kenneth Coleman for serving as a role model and inspiration to the children of Crystal Springs, Mississippi.

HONORING MARIPOSA COUNTY HIGH SCHOOL GRIZZLY MARCH- ING BAND

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mariposa County

High School Grizzly Marching Band that was selected to perform in the 92nd Annual NYC Veterans Day Parade commemorating the 10th Anniversary Tribute to The World Trade Center, and The Band of Pride Tribute Mass Band Performance on November 10, 2011.

The selection committee consisted of The Mayor's Office of Veterans' Affairs, The Honorable Mayor Michael R. Bloomberg, The United War Veterans' Council and Melinda Marinoff, The NYC Veterans Day Parade's Official Marching Band and Youth Sponsor. They selected the band because of their incredible reputation for fostering personal growth and development through music, their style and talent, and their respect for the flag.

The band joined fewer than 20 other high school bands from the entire United States to participate with several international bands to form a "Band of Pride." They were the only high school band from California.

It was a great honor for the band members to be invited to participate in such a magnificent and touching tribute to all those who have served our country and to the victims of 9/11. Even more so, it had special meaning for the band director, Dr. Phillip M. Smith, a disabled decorated veteran who has served his country for over 35 years. In addition, he is a member of their local VFW Post 6042, and is a recently retired reservist. In his life-long spirit of service, Dr. Smith has donated his time for over the last ten years by directing our MCHS Grizzly Band. He has inspired, mentored, and been a staunch supporter of the last decade of band kids. The kids can count on him to love and accept them at all times.

In addition to the great honor of marching in the NYC Veterans Day Parade, the Mariposa County High School Grizzly Marching Band had the distinction of being selected as one of only 36 high school bands from across the United States to receive a GRAMMY Signature Schools Enterprise Award. In addition to this award, they have also amassed the following: 1st Place, Band and Drum Major—Selma Band Review; highest rating for Division D band in Northern California Band Association history, October 2011; Local Heroes Award presented by Mariposa Chamber of Commerce, October 2011; 3rd Place, Fresno Fair Band Review, October 2011; 1st Place, Oakhurst Heritage Days Parade, September 2011; Mariposa's Fair Parade was dedicated to MCHS Grizzly Band; Silver Medal, Forum Festivals Concert Band Contest, Spring 2011; 3rd in Division, Band and Color Guard, Merced CCB, November 2010; 1st place Band and Drum Major, Selma Marching Band Festival, October 2010; 4th, Southern California Forum Festivals Concert Band, Los Angeles, Spring 2010; Gold Medal, Forum Festivals Concert Band Contest, Spring 2009; and the Signature Schools Enterprise Award, June 2011.

Mr. Speaker, please join me in recognizing the Mariposa County High School Grizzly Marching Band for their hard work and in wishing them great success in their future endeavors.